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Rule: Responsibilities of staff

State: Alabama

PUBLIC UTILITY STATUTE

Section 37-1-12

Employees - Appointment or employment; salaries; special counsel.

The commission, under the provisions of the merit system, shall have the authority to appoint or employ attorneys, officers, and such accountants, engineers, experts, inspectors, clerks and other employees as are necessary or expedient to carry out the duties conferred by law upon the commission, and the salaries therefor shall be fixed according to the provisions of the merit system. The commission shall also, by and with the approval of the Governor, have authority to employ and discharge special counsel or attorneys as it may be deemed necessary for such purpose.

Section 37-1-12.1

Employees - Accountant, utility rates analyst, economist, etc.

The commission is hereby authorized and empowered to employ technically qualified personnel to serve as members of its staff and under its direction and supervision, including but not limited to an accountant, a utility rates analyst, an economist and such other experts as the commission may determine to be necessary in the proper discharge of the commission's duties as prescribed by law.

Section 37-1-12.2

Employees - Stenographic and other clerical assistants; special investigators.

The commission shall employ such stenographic and other clerical assistants, and special investigators, as it may require for the performance of its duties. Such assistants and investigators shall be employed subject to the provisions of the state merit system law.

State: Alaska

PUBLIC UTILITIES LAW

AS 42.04.040. Legal Counsel.

- (a) The Department of Law shall provide full-time legal counsel to the commission.
- (b) The commission may, subject to the approval of the attorney general, contract for the services of specialized legal counsel or legal consultants.

AS 42.04.050. Employment of Commission Personnel.

(a) The chair of the commission is responsible for directing the administrative functions of the commission and carrying out the policies as set by the commission. The commission chair may employ engineers, hearing examiners, administrative law judges, arbitrators, mediators, experts, clerks, accountants, and other agents and assistants considered necessary. Employees of the commission who are not in the exempt service under AS 39.25.110 or the partially exempt service under AS 39.25.120 are in the classified service under AS 39.25.100.

(b) The chair of the commission may enter into a contract for no more than \$5,000 to engage the services of a consultant or expert the chair considers necessary. The commission may contract for and engage the services of consultants and experts the commission considers necessary.

(c) At the request of the Alaska Oil and Gas Conservation Commission and to the extent workload permits, the Regulatory Commission of Alaska shall make available to the Alaska Oil and Gas Conservation Commission the services of a hearing examiner.

STATE GOVERNMENT STRUCTURE LAW

AS 44.23.020. Duties; and Powers; Waiver of Immunity.

- (a) The attorney general is the legal advisor of the governor and other state officers.
- ...
- (e) There is established within the Department of Law the function of public advocacy for regulatory affairs. The attorney general shall participate as a party in a matter that comes before the Regulatory Commission of Alaska when the attorney general determines that participation is in the public interest.

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State: Arizona

PUBLIC OFFICERS LAW

38-461. Appointment and recording of appointment

A. Every state officer, board or commission may appoint deputies and assistants when authorized by law, and may appoint clerks and employees for the prompt discharge of the duties of the office.

B. Deputies, assistants and subordinate officers whose appointments are not otherwise provided for by law shall be appointed by the officer or body to whom they are subordinate.

C. The appointment of deputies and assistants by state officers, boards or commissions shall be in writing and filed in the office of the secretary of state. The appointment of deputies, assistants or clerks by county officers or boards shall, except as otherwise provided, be in writing and recorded in the office of the county recorder.

38-462. Powers and duties of deputies

A. Unless otherwise provided, each deputy of a state or county officer possesses the powers and may perform the duties prescribed by law for the office of the principal.

B. When the official name of any principal officer is used in law conferring power, or imposing duties, liabilities or prohibitions, it includes the officer's deputies.

38-463. Liability of officer on bond for acts of deputies and assistants; bond of deputies and assistants; approval

A. Every officer is liable on his official bond for any official negligence or misconduct on the part of his deputies, clerks or assistants, and may require an official bond from a deputy appointed by him, in an amount not greater than that required of the officer and conditioned as required of the principal officer.

B. The bonds of deputies, clerks or employees, unless otherwise provided by law, shall be approved by the appointing power

PUBLIC UTILITY LAW

40-105. Executive director; appointment; powers and duties

A. The corporation commission shall appoint an executive director, who shall have the power to serve warrants and other process in any county of the state.

B. The executive director shall if directed by the commission:

1. Keep a record of all proceedings of the commission, issue necessary writs, warrants and notices, and perform other duties the commission prescribes.
2. Supervise and administer the overall activities of the commission divisions and employees.
3. Employ experts, engineers, statisticians, accountants, inspectors and employees necessary to perform the duties and exercise the powers of the commission.
4. Make and submit to the governor and legislature an annual report containing a complete account of the commission's transactions and proceedings for the preceding fiscal year, together with other facts, suggestions and recommendations of value to the people of this state.

C. The executive director may if directed by the commission:

1. Act as the authorized officer of the commission when performing duties necessary for processing rules adopted by the commission.
2. Contract for the services of outside advisers, consultants and aides reasonably necessary or desirable to enable the commission to adequately perform its duties.
3. Contract and incur obligations reasonably necessary or desirable within the scope of commission activities and operations to enable the commission to adequately perform its duties.
4. Use monies, facilities or services to provide matching contributions for other governmental programs which further the objectives and programs of the commission.
5. Employ attorneys to represent the commission and each commissioner as provided in section 40-106.
6. Establish accounts for the purpose of receiving and expending monies for educational and safety programs within the scope of the duties of the commission.

40-106. Legal services

A. The attorney general shall be attorney for the securities division of the commission and the commission for matters arising out of securities division activity. At the commission's discretion, the attorneys employed by the securities division may represent the commission in administrative and civil matters arising under title 44, chapter 12 or 13.

B. The executive director of the commission may employ attorneys to represent the commission and each commissioner, in regard to matters

in connection with the other powers and duties of the commission.

40-109. Salaries and expenses of corporation commissioners

A. Each member of the corporation commission shall receive an annual salary pursuant to section 41-1904.

B. Except as provided in section 40-408, all salaries and expenses of members of the corporation commission incurred pursuant to this article, including the actual and necessary traveling and other expenses and disbursements of the commissioners, their officers and their employees incurred while on business of the commission, are payable from the state general fund and other monies appropriated to the commission in the general appropriation bill.

40-110. Consumer services section

A consumer services section is established within the utilities division. The purpose of the section is to receive and investigate consumer complaints and to provide information concerning utility rates and regulatory proceedings of public service corporations regulated by the commission.

State: Arkansas

PUBLIC UTILITIES LAW
§ 23-2-105. Employment

The Arkansas Public Service Commission shall have power to employ during its pleasure such officers, examiners, experts, engineers, statisticians, accountants, attorneys, inspectors, clerks, and employees as it may deem necessary to carry out its proper function or to perform the duties and exercise the powers conferred by law upon the commission, as may be provided by appropriations of the General Assembly.

§ 23-2-106. General counsel, assistant

There is established in the Arkansas Public Service Commission the positions of two (2) assistant general counsel who shall be well-trained attorneys.

AS 42.04.040. Legal Counsel.

- (a) The Department of Law shall provide full-time legal counsel to the commission.
- (b) The commission may, subject to the approval of the attorney general, contract for the services of specialized legal

PUBLIC SERVICE COMMISSION RULES

Rule 1.04 Secretary

- (a) All orders and other actions of the Commission shall be authenticated or signed by the Secretary, an assistant secretary, or such other person as may be authorized by the Commission.
- (b) The Secretary or an assistant secretary shall issue all notices of hearings and other process as may be directed by the Commission. All notices of hearings shall show the time, day, and place of the hearing, and all hearings shall be open to the public. Provided, that in the event a protective order is issued pursuant to Arkansas Code Ann. Section 23-2-316, the hearing may be held in executive session. Unless otherwise provided by statute, rule, or Commission order, or unless requested by a party, the Secretary shall serve one copy of every order on each party of record. (See Rules 2.08.(a); 3.03.(a); 3.15.)
- (c) The Secretary or an assistant secretary shall assign to each formal proceeding a docket number and title descriptive of the subject matter, which number and title will be placed on all notices issued, orders made, and papers filed in such proceeding.
- (d) Pleadings and other papers to be filed with the Commission shall be filed in the office of the Secretary. All pleadings duly filed, including any and all exhibits and/or attachments thereto, shall constitute and be a part of the record in each case.
- (e) Requests for official information, copies of order of the Commission, or opportunities to inspect public records maintained by the Commission shall be made to the office of the Secretary. The Secretary is authorized to make a minimum charge for the reproduction of official information, copies of orders, and pamphlets of the Commission.
- (f) The Secretary shall compile and maintain official service lists in every formal proceeding, which shall contain the name and mailing address of every party upon whom service of pleadings and notices are required by these rules. The Secretary shall furnish, upon request, to any such party, a copy of the official service list.
- (g) The Secretary is hereby delegated authority to extend the time for filing by not more than five (5) days of any answer, response, brief, exhibit, testimony, deposition, or similar pleadings or documents, in the event all of the Commissioners are absent or otherwise unavailable, at the time the request for such extension of time is made. (See also Rule 2.10.)
- (h) The Commission may by administrative order from time to time delegate additional authority to the Secretary. Copies of said order(s) shall be served on the jurisdictional utilities.
- (i) The Secretary of the Commission shall maintain a list of each authorized telecommunications provider in the State of Arkansas. In conjunction with the name of each telecommunications provider, the list shall also contain the name and business address of the person designated by the carrier to receive all process and official correspondence from the Commission. It shall be the obligation of all telecommunications providers to ensure that the information maintained on this list is current and accurate.
- (j) See also the following rules for additional responsibilities of the Secretary of the Commission:

Rule 2.03 - Maintain service list

Rule 2.09 - Mail duplicate for return for setting orders, service of process pursuant to Ark. Code Ann. Section 23-2-405

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- Rule 2.10 - Extension of time to file for up to five days
- Rule 3.05 - Issuance of subpoena
- Rule 3.15 - Service of copies of decisions, orders
- Rule 7.04 - Customer releases
- Rule 7.05 - Telephone CCNs
- Rule 9.03 - Serve notice on Director of filing of rate applications
- Rule 10.04 - Serve copy of complaint on each respondent
- Rule 11.02 - Tariff filings
- Section 12. - Rules

Rule 1.05 Staff

All employees of the legal, engineering, rate, accounting, finance, pipeline safety, or other division or department of the Commission, other than the members of the Commission, who may participate in formal proceedings before the Commission, are defined as the Staff. The Staff shall be bound by and shall conform to the Commission Rules of Practice and Procedure as a party in any formal proceeding in which the Staff participates by cross-examination or the production of evidence.

Rule 3.12 Commission's Staff Evidence

The Commission Staff may, through its own experts or employees, or otherwise, secure and introduce such evidence as it may consider necessary or desirable in any proceeding in addition to the evidence presented by the parties. Any information on file with the Commission which the Commission, its Staff, or other party desires to use in evidence or rely upon must be specifically referred to during the hearing and all parties accorded an opportunity to examine the same and interrogate witnesses with respect thereto. (See also Rule 3.07.(b).)

Rule 9.11 Staff Assistance in Preparing a Filing

The Staff will, consistent with other workload requirements, be available to provide general guidance when needed to an applicant in preparing a filing. Utilities affected hereby are encouraged to inform the Commission of their intention to make a filing pursuant to this Section of the Rules at the earliest practicable date.

State: California

PUBLIC UTILITIES LAW

307. (a) The commission may appoint as attorney to the commission an attorney at law of this state, who shall hold office during the pleasure of the commission.

(b) The attorney shall represent and appear for the people of the State of California and the commission in all actions and proceedings involving any question under this part or under any order or act of the commission. If directed to do so by the president, except as otherwise directed by vote of the commission, the attorney shall intervene, if possible, in any action or proceeding in which any such question is involved.

(c) The attorney shall commence, prosecute, and expedite the final determination of all actions and proceedings directed or authorized by the president, except as otherwise directed or authorized by vote of the commission, advise the commission and each commissioner, when so requested, in regard to all matters in connection with the powers and duties of the commission and the members thereof, and generally perform all duties and services as attorney to the commission that the president, or vote of the commission, may require of him.

308. (a) The commission shall appoint an executive director, who shall hold office during its pleasure. The executive director shall be responsible for the commission's executive and administrative duties and shall organize, coordinate, supervise, and direct the operations and affairs of the commission and expedite all matters within the commission's jurisdiction.

(b) The executive director shall keep a full and true record of all proceedings of the commission, issue all necessary process, writs, warrants, and notices, and perform such other duties as the president, or vote of the commission, prescribes. The president may authorize the executive director to dismiss complaints or applications when all parties are in agreement thereto, in accordance with rules that the commission may prescribe.

(c) The commission may appoint assistant executive directors who may serve warrants and other process in any county or city and county of this state.

308.5. Persons employed as investigators and investigator supervisors of the Consumer Services Division or the Rail Safety and Carrier Division of the commission who are designated by the commission's executive director and approved by the commission have the authority of peace officers, as specified in paragraph (5) of subdivision (a) of Section 830.11 of the Penal Code, while engaged in exercising the powers granted to or performing the duties imposed upon them in investigating the laws administered by the commission or commencing directly or indirectly any criminal prosecution arising from any investigation conducted under these laws. All persons herein referred to shall be deemed to be acting within the scope of employment with respect to all acts and matters set forth in this section.

309. The executive director may employ such officers, administrative law judges, experts, engineers, statisticians, accountants, inspectors, clerks, and employees as the executive director deems necessary to carry out the provisions of this part or to perform the duties and exercise the powers conferred upon the commission by law. All officers and employees shall receive such compensation as is fixed by the commission.

309.1. (a) The Governor may appoint one adviser for each member of the commission upon the request of the commission member. Each adviser shall receive a salary fixed by the commission with the approval of the Department of Personnel Administration. The total number of advisers exempt from civil service may not exceed five.

(b) This section shall become operative on January 1, 2003.

State: Colorado

PUBLIC UTILITIES STATUTE

40-2-103. Director - duties.

The executive director of the department of regulatory agencies, pursuant to section 13 of article XII of the state constitution, and with the approval of the commission, shall appoint a director of the commission. The director of the agency shall manage the operations of the agency in order to carry out the public utilities law, to carry out and implement policies, procedures, and decisions made by the commission, as defined in section 40-2-101 (1), and to meet the requirements of the commission concerning any matters within the authority of an agency transferred by a type 1 transfer, as defined in section 24-1-105, C.R.S., and which are under the jurisdiction of the commission. The director shall have all the powers and responsibilities of the division director for this purpose, including the power to issue all necessary process, writs, warrants, and notices. The director shall have the requisite power to serve warrants and other process in any county or city and county of this state and to delegate such actions to duly authorized employees or agents of the agency as appropriate.

40-2-104. Assistants and employees.

(1) The director of the commission may appoint such experts, engineers, statisticians, accountants, investigative personnel, clerks, and other employees as are necessary to carry out the provisions of this title or to perform the duties and exercise the powers conferred by law upon the commission.

(2) (Deleted by amendment, L. 93, p. 2058, § 6, effective July 1, 1993.)

(3) The director of the commission shall hire and designate employees of the commission as administrative law judges who shall have the power to administer oaths, examine witnesses, receive evidence, and conduct hearings, investigations, and other proceedings on behalf of the commission.

PUBLIC UTILITIES STATUTE

40-6-123. Standards of conduct.

(1) Members and staff of the commission shall conduct themselves in such a manner as to ensure fairness in the discharge of the duties of the commission, to provide equitable treatment of the public, utilities, and other parties, to maintain public confidence in the integrity of the commission's actions, and to prevent the appearance of impropriety or of conflict of interest. The standards set forth in this section apply at all times to the commissioners, to their staff, including administrative law judges, and to parties under contract with the commission for state business.

(2) The commissioners, staff who act in an advisory capacity to the commissioners, and administrative law judges shall refrain from financial, business, and social dealings that adversely affect their impartiality or interfere with the proper performance of their official duties.

(3) Neither commissioners, staff members, parties under contract for state work, or members of the immediate families of such persons shall request or accept any gift, bequest, or loan from persons who appear before the commission; except that commissioners and staff members may participate in meetings, conferences, or educational programs which are open to other persons.

...

(6) Violation of this section by a commissioner shall be grounds for the immediate removal of such commissioner by the governor.

PUBLIC UTILITIES CODE

4 CODE OF COLORADO REGULATIONS (CCR) 723-1

1006. Director.

The Director shall be the appointing authority for the Commission staff and shall be responsible for all Commission staff functions, including providing and receiving all notices and service required of or by the Commission, and serving as custodian of the Commission's records.

1007. Commission Staff.

(a) When Commission staff intervenes in any docketed proceeding other than an administrative docket, rulemaking, or interpretive rulemaking, the entry of appearance by staff's counsel shall specify those Commission staff members assigned by the Director or the Director's designee to serve as trial advocacy and advisory staff.

(b) Trial advocacy staff shall, for purposes of the particular proceeding, be considered a party for purposes of rules 1100-1108. Once a member of Commission staff has been designated as trial advocacy staff, said staff member shall not function in any advisory capacity.

Advisory staff shall be available to provide advice and recommendations to the Commission, and shall be considered the Commission for purposes of rules 1100-1108.

State: Connecticut

PUBLIC UTILITIES STATUTE

Sec. 1-86e. Consultants and independent contractors. Prohibited activities. (a) No person hired by the state as a consultant or independent contractor shall:

(1) Use the authority provided to the person under the contract, or any confidential information acquired in the performance of the contract, to obtain financial gain for the person, an employee of the person or a member of the immediate family of any such person or employee;

(2) Accept another state contract which would impair the independent judgment of the person in the performance of the existing contract; or

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(3) Accept anything of value based on an understanding that the actions of the person on behalf of the state would be influenced.

(b) No person shall give anything of value to a person hired by the state as a consultant or independent contractor based on an understanding that the actions of the consultant or independent contractor on behalf of the state would be influenced.

PUBLIC UTILITIES STATUTE

Department of Public Utility Control

Sec. 16-2. Public Utilities Control Authority. Members, appointment, term, qualifications. Executive director. Staff. Ethics.

(a) There shall continue to be a Public Utilities Control Authority, which shall consist of five electors of this state, appointed by the Governor with the advice and consent of both houses of the General Assembly. Not more than three members of said authority in office at any one time shall be members of any one political party. On or before July 1, 1983, and quadrennially thereafter, the Governor shall appoint three members to the authority and on or before July 1, 1985, and quadrennially thereafter, the Governor shall appoint two members. All such members shall serve for a term of four years. The procedure prescribed by section 4-7 shall apply to such appointments, except that the Governor shall submit each nomination on or before May first, and both houses shall confirm or reject it before adjournment sine die. The commissioners shall be sworn to the faithful performance of their duties.

(b) The authority shall elect a chairperson and vice-chairperson each June for one-year terms starting on July first of the same year. The vice-chairperson shall perform the duties of the chairperson in his absence.

(c) Any matter coming before the authority may be assigned by the chairperson to a panel of three commissioners, not more than two of whom shall be members of the same political party. Except as otherwise provided by statute or regulation, the panel shall determine whether a public hearing shall be held on the matter, and may designate one or two of its members to conduct such hearing or appoint an examiner to ascertain the facts and report thereon to the panel. The decision of the panel, if unanimous, shall be the decision of the authority. If the decision of the panel is not unanimous, the matter shall be referred to the entire authority for decision.

(d) The commissioners of the authority shall serve full time and shall make full public disclosure of their assets, liabilities and income at the time of their appointment, and thereafter each member of the authority shall make such disclosure on or before July thirtieth of each year of such member's term, and shall file such disclosure with the office of the Secretary of the State. Each commissioner shall receive annually a salary equal to that established for management pay plan salary group seventy-five by the Commissioner of Administrative Services, except that the chairperson shall receive annually a salary equal to that established for management pay plan salary group seventy-seven.

(e) To insure the highest standard of public utility regulation, on and after October 1, 2007, any newly appointed commissioner of the authority shall have education or training and three or more years of experience in one or more of the following fields: Economics, engineering, law, accounting, finance, utility regulation, public or government administration, consumer advocacy, business management, and environmental management. On and after July 1, 1997, at least three of these fields shall be represented on the authority by individual commissioners at all times. Any time a commissioner is newly appointed, at least one of the commissioners shall have experience in utility customer advocacy.

(f) The chairperson of the authority, with the consent of two or more other members of the authority, shall appoint an executive director, who shall be the chief administrative officer of the Department of Public Utility Control. The executive director shall be supervised by the chairperson of the authority, serve for a term of four years and annually receive a salary equal to that established for management pay plan salary group seventy-two by the Commissioner of Administrative Services. The executive director (1) shall conduct comprehensive planning with respect to the functions of the department; (2) shall coordinate the activities of the department; (3) shall cause the administrative organization of the department to be examined with a view to promoting economy and efficiency; (4) shall, in concurrence with the chairperson of the authority, organize the department into such divisions, bureaus or other units as he deems necessary for the efficient conduct of the business of the department and may from time to time abolish, transfer or consolidate within the department, any division, bureau or other units as may be necessary for the efficient conduct of the business of the department, provided such organization shall include any division, bureau or other unit which is specifically required by the general statutes; (5) shall, for any proceeding on a proposed rate amendment in which staff of the department are to be made a party pursuant to section 16-19j, determine which staff shall appear and participate in the proceedings and which shall serve the members of the authority; (6) may enter into such contractual agreements, in accordance with established procedures, as may be necessary for the discharge of his duties; and (7) may, subject to the provisions of section 4-32, and unless otherwise provided by law, receive any money, revenue or services from the federal government, corporations, associations or individuals, including payments from the sale of printed matter or any other material or services. The executive director shall require the staff of the department to have expertise in public utility engineering and accounting, finance, economics, computers and rate design. Subject to the provisions of chapter 67 and within available funds in any fiscal year, the executive director may appoint a secretary, and may employ such accountants, clerical assistants, engineers, inspectors, experts, consultants and agents as the department may require.

Sec. 16-2a. Office of Consumer Counsel.

(a) There shall continue to be an independent Office of Consumer Counsel, within the Department of Public Utility Control for administrative purposes only, to act as the advocate for consumer interests in all matters which may affect Connecticut consumers with respect to public service companies, electric suppliers and certified telecommunications providers. The Office of Consumer Counsel is authorized to appear in and participate in any regulatory or judicial proceedings, federal or state, in which such interests of Connecticut consumers may be involved, or in which matters affecting utility services rendered or to be rendered in this state may be involved. The Office of Consumer Counsel shall be a party to each contested case before the Department of Public Utility Control and shall participate in such proceedings to the extent it deems necessary. Said Office of Consumer Counsel may appeal from a decision, order or authorization in any such state regulatory proceeding notwithstanding its failure to appear or participate in said proceeding.

(b) Except as prohibited by the provisions of section 4-181, the Office of Consumer Counsel shall have access to the records of the Public Utilities Control Authority and the Department of Public Utility Control, shall be entitled to call upon the assistance of the authority's and the department's experts, and shall have the benefit of all other facilities or information of the authority or department in carrying out the duties of the Office of Consumer Counsel, except for such internal documents, information or data as are not available to parties to the authority's proceedings. The department shall provide such space as necessary within the department's quarters for the operation of the Office of Consumer Counsel, and the department shall be empowered to set regulations providing for adequate compensation for the provision of such office space.

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(c) The Office of Consumer Counsel shall be under the direction of a Consumer Counsel, who shall be appointed by the Governor with the advice and consent of either house of the General Assembly. The Consumer Counsel shall be an elector of this state and shall have demonstrated a strong commitment and involvement in efforts to safeguard the rights of the public. The Consumer Counsel shall serve for a term of five years unless removed pursuant to section 16-5. The salary of the Consumer Counsel shall be equal to that established for management pay plan salary group seventy-one by the Commissioner of Administrative Services. No Consumer Counsel shall, for a period of one year following the termination of service as Consumer Counsel, accept employment by a public service company, a certified telecommunications provider or an electric supplier. No Consumer Counsel who is also an attorney shall in any capacity, appear or participate in any matter, or accept any compensation regarding a matter, before the Public Utilities Control Authority, for a period of one year following the termination of service as Consumer Counsel.

(d) The Consumer Counsel shall hire such staff as he deems necessary to perform the duties of said Office of Consumer Counsel and may employ from time to time outside consultants knowledgeable in the utility regulation field including, but not limited to, economists, capital cost experts and rate design experts. The salaries and qualifications of the individuals so hired shall be determined by the Commissioner of Administrative Services pursuant to section 4-40.

(e) Nothing in this section shall be construed to prevent any party interested in such proceeding or action from appearing in person or from being represented by counsel therein.

(f) As used in this section, "consumer" means any person, city, borough or town that receives service from any public service company, electric supplier or from any certified telecommunications provider in this state whether or not such person, city, borough or town is financially responsible for such service.

(g) The Office of Consumer Counsel shall not be required to post a bond as a condition to presenting an appeal from any state regulatory decision, order or authorization.

(h) The expenses of the Office of Consumer Counsel shall be assessed in accordance with the provisions of section 16-49.

Sec. 16-2c. Division of Adjudication.

There is established a Division of Adjudication within the Department of Public Utility Control. The staff of the division shall include but not be limited to, hearing examiners appointed pursuant to subsection (c) of section 16-2. The responsibilities of the division shall include, but not be limited to, hearing matters assigned under said subsection and advising the chairperson of the Public Utilities Control Authority concerning legal issues.

State: Delaware

PUBLIC UTILITIES STATUTE

Title 26, Public Utilities, Chapter 1. Public Service Commission

Subchapter I. General Provisions

§ 108. Personnel.

Subject to the provision of Title 29, Chapters 25 (Department of Justice) and 59 (Merit System of Personnel Administration), the Commission may appoint, fix the compensation and terms of service, and prescribe the duties and powers of an executive director, a secretary and such officers, accountants, attorneys, experts, engineers, inspectors, clerks and other persons, as it deems necessary for the proper conduct of the work of the Commission.

State: District of Columbia

PUBLIC UTILITY LAW

§ 34-803. Office of the General Counsel.

There is established within the Public Service Commission an Office of the General Counsel. The head of such Office shall be the General Counsel, who shall be appointed by and serve at the pleasure of the Commission. The Commission may, upon the recommendation of the General Counsel and within the limits of appropriations therefor, employ and fix the compensation of such other employees, including attorneys, in accordance with the provisions of subchapters VIII and IX of Chapter 6 of Title 1, as may be necessary to assist the General Counsel in carrying out his duties under this section. The duty of the General Counsel shall be, and he is authorized, to represent and appear for the Commission in all actions and proceedings under this section, or under or in reference to any act, order, or proceeding of the Commission, and, if directed to do so by the Commission, to intervene, if possible, in any action or proceeding in which any such question is involved; to commence and prosecute all actions and proceedings directed or authorized by the Commission, and to expedite, in every way possible, final and just determination of all such actions and proceedings; to advise the Commission and each commissioner, when so requested, in regard to all matters in connection with the powers and duties of the Commission and of the members thereof, and generally to perform all duties and services as attorney and counsel which the Commission may reasonably require. The Commission may enforce its orders to any case by legal or equitable remedy in any court of competent jurisdiction, and it shall be the duty of the General Counsel to represent the Commission in every such proceeding. Notwithstanding the foregoing, it shall not be the duty of the General Counsel, nor is he

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authorized, to prosecute any criminal case for the imposition of any penalty or punishment provided for in this section.

§ 34-806. Employees; expenses; expenditures.

(a) The Commission shall have the power in each and every instance to employ and to prescribe the duties of such officers, clerks, stenographers, typewriters, inspectors, experts, and employees as it may deem necessary to carry out the provisions of this subtitle. The Commission is hereby authorized, within the appropriation made by Congress, to incur and pay incidental expenses for postage, printing, blanks, books, law books, books of reference, and periodicals, stationery, binding, rebinding, repairing and preservation of records, desks, office furniture and supplies, traveling expenses of the Commission, the commissioners, and every officer, agent, and employee thereof, and all other general expenses reasonably necessary to be incurred in carrying out the purposes of this subtitle. All payments and disbursements, as provided in this subtitle, shall be made by the Disbursing Officer of the District of Columbia upon proper vouchers, certified as required by the Commission; and the Commission is hereby also granted power and authority to designate and appoint during its pleasure such officers, clerks, inspectors, and employees of the District of Columbia and members of the Metropolitan Police force of the District of Columbia to perform any of the duties which the Commission may from time to time, respectively, assign to them, and to employ any assistance within the limits of the appropriations for its use made by act of Congress.

(a-1) Notwithstanding the provisions of Unit A of Chapter 14 of Title 2, each qualified District resident applicant shall receive an additional 10-point preference over a qualified non-District resident applicant for all positions within the Commission unless the applicant declines the preference. This 10-point preference shall be in addition to, and not instead of, qualifications established for the position. All persons hired after February 6, 2008, shall submit proof of residency upon employment in a manner determined by the Commission. An applicant claiming the hiring preference under this section shall agree in writing to maintain bona fide District residency for a period of 7 consecutive years from the effective date of hire and shall provide proof of such residency annually to the director of personnel for the Commission for the first 7 years of employment. Failure to maintain District residency for the consecutive 7-year period shall result in forfeiture of employment.

(b) The Commission is authorized to enter into contracts with the District government, the United States government, and other public and private entities for goods and services, as needed, to achieve its purposes in carrying out its statutory duties.

STATE ETHICS LAW

DC Personnel Regulations, Chapter 18, Part I

1807 Indebtedness

1807.1 An employee shall pay each just financial obligation in a proper and timely manner.

1807.2 For the purpose of these regulations a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court or one imposed by law, and "in a proper and timely manner" means in a manner which the agency determines does not, under the circumstances, reflect adversely on the District government as an employer. In the event of dispute between an employee and an alleged creditor, these regulations do not require an agency to determine the validity or amount of the disputed debt.

COMMISSION RULES

DC Municipal Regulations

Title 15: Public Utilities and Cable Television

Chapter 1: Public Service Commission Rules of Practice and Procedure

109 COMMISSION STAFF'S ROLE IN PROCEEDINGS

109.1 Unless otherwise provided by Chapter 1 or 2 of this title, any person or participant in any proceeding is encouraged to confer on an informal basis with the Staff of the Public Service Commission with respect to any matters within the Commission's authority to regulate.

109.2 No person, participant, or Staff personnel shall be bound by any statement made during the course of any informal consultations, and the Commission shall not be bound by statements or positions of Staff without its expressed consent.

109.3 Neither the Staff of the Commission nor any consultant hired by the Commission shall appear as a party to, advocate, or intervenor in any Commission proceeding.

109.4 Individual staff members and consultants may comment or participate in any proceeding as expert witnesses only when directed to do so by the Commission. Individual Staff members and consultants may present testimony on selected issues after the Commission makes a finding of the issues to be decided in the proceeding and a determination that testimony in addition to that presented by the parties or intervenors is required by the Commission to develop a complete record. This provision shall apply to any tariff changes, investigations, financing or rulemakings, as well as base rate proceedings.

109.5 The appearance of individual Staff members and consultants shall be in accordance with Article VII of the Federal Rules of Evidence.

109.6 The Commission may appoint its general counsel or the General Counsel's designee to assist the Staff members and consultants testifying pursuant to Section 109.4.

109.7 The General Counsel or the General Counsel's designee may cross-examine all witnesses, including those testifying pursuant to Section 109.4, in any proceeding before the Commission.

109.8 Testimony file or presented pursuant to Section 109.4 shall reflect the witnesses' views on the issues. The statement of a view on an issue may include the following: (a) An analysis of how that view differs from the views of other witnesses in the proceeding (b) An analysis of prior Commission decision; and (c) An analysis of how such decisions relate to the views of the testifying witnesses and the other witnesses in the proceeding.

109.9 Staff members and consultants presenting testimony pursuant to Section 109.4 may file rebuttal testimony.

109.10 Neither prehearing nor post-hearing briefs shall be filed by Staff in any Commission proceeding, unless otherwise directed.

State: Florida

PUBLIC UTILITY LAW

TITLE XXVII RAILROADS AND OTHER REGULATED UTILITIES

Chapter 350 Florida Public Service Commission

350.012 Committee on Public Counsel Oversight; creation; membership; powers and duties.--

(1) There is created a standing joint committee of the Legislature, designated the Committee on Public Counsel Oversight, and composed of 12 members appointed as follows: six members of the Senate appointed by the President of the Senate, two of whom must be members of the minority party; and six members of the House of Representatives appointed by the Speaker of the House of Representatives, two of whom must be members of the minority party. The terms of members shall be for 2 years and shall run from the organization of one Legislature to the organization of the next Legislature. The President shall appoint the chair of the committee in even-numbered years and the vice chair in odd-numbered years, and the Speaker of the House of Representatives shall appoint the chair of the committee in odd-numbered years and the vice chair in even-numbered years, from among the committee membership. Vacancies shall be filled in the same manner as the original appointment. Members shall serve without additional compensation, but shall be reimbursed for expenses.

(2) The committee shall appoint a Public Counsel as provided by general law.

(3) The committee is authorized to file a complaint with the Commission on Ethics alleging a violation of this chapter by a commissioner, former commissioner, former commission employee, or member of the Public Service Commission Nominating Council.

(4) The committee will not have a permanent staff, but the President of the Senate and the Speaker of the House of Representatives shall select staff members from among existing legislative staff, when and as needed.

350.06 Place of meeting; expenditures; employment of personnel; records availability and fees.--

...

(3) The commissioners may employ clerical, technical, and professional personnel reasonably necessary for the performance of their duties and may also employ one or more persons capable of stenographic court reporting, to be known as the official reporters of the commission.

(4) When needed, the commission may engage supplementary qualified reporters at their usual rate of compensation; however, the supplementary reporters shall furnish the commission the original certified transcripts of testimony taken by them.

(5) The commission shall make available to the public counsel the original copy of all transcripts for use and study in the commission offices. If the commission makes any copies of transcripts for internal use and if the public counsel has so requested in writing to the clerk of the commission, the commission shall supply the public counsel with a copy of the transcript at no charge.

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350.125 Administrative law judges.--Any provision of law to the contrary notwithstanding, the commission shall utilize administrative law judges of the Division of Administrative Hearings of the Department of Management Services to conduct hearings of the commission not assigned to members of the commission.

State: Georgia

PUBLIC UTILITIES LAW

Title 46: Public Utilities and Public Transportation

Chapter 2. Public Service Commission

Article 1. Organization and Members

§ 46-2-7. Employees and officials; compensation

The commission shall have power to employ such officers, experts, engineers, statisticians, accountants, inspectors, clerks, and other employees as it may deem necessary to perform the duties and exercise the powers conferred by law upon the commission. The compensation of such employees shall be fixed by the commission at such sums as it may deem reasonable and proper.

§ 46-2-7.1. Director of utilities

(a) On or before July 1, 1981, the commission shall employ a director of utilities, who shall serve at the pleasure of the commission and whose salary shall be set by the commission.

(b) The director of utilities shall:

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- (1) Direct the activities of the utility divisions and sections;
- (2) Manage and coordinate the commission's preparation of rate cases;
- (3) Schedule and coordinate all in-house, reactive, regular, and engineering audits;
- (4) Direct all utility personnel and the preparation of that section of the commission's budget; and
- (5) Perform such other duties as the commission may establish by order.

§ 46-2-7.2. Public information officer

(a) On or before September 1, 1981, the commission shall employ a public information officer, who shall serve at the pleasure of the commission.

(b) The public information officer shall:

- (1) Report directly to the executive secretary;
- (2) Maintain the commission's public information files;
- (3) Coordinate official commission press releases and media relations; and
- (4) Perform such other duties as the executive secretary may establish.

State: Hawaii

PUBLIC UTILITIES LAW

§ 269-3. Employment of assistants

(a) The chairperson of the public utilities commission may appoint and employ clerks, stenographers, agents, engineers, accountants, and other assistants for the public utilities commission as the chairperson finds necessary for the performance of the commission's functions and define their powers and duties. The chairperson may appoint and, at pleasure, dismiss a chief administrator and hearings officers as may be necessary. Notwithstanding section 103D-209, the chairperson shall ap-point one or more attorneys independent of the attorney general who shall act as attorneys for the commission and define their powers and duties and fix their com-pensation. The chief administrator, chief of policy and research, chief of admin-istrative support, chief of consumer affairs and compliance, utility analysts, and attorneys shall be exempt from chapter 76. Research assistants, economists, legal secretaries, legal assistants, and enforcement officers may be appointed with or without regard to chapter 76. Other employees shall be appointed as may be needed by the chairperson in accordance with chapter 76.

(b) Notwithstanding section 91-13, the commission may consult with its assistants appointed under authority of this section in any contested case or agency hearing concerning any issue of facts. Neither the commission nor any of its assistants shall in such proceeding consult with any other person or party except upon notice and an opportunity for all parties to participate, save to the extent required for the disposition of ex parte matters authorized by law.

State: Idaho

PUBLIC UTILITIES COMMISSION RULES OF PROCEDURE

014. COMMISSION SECRETARY – COMMUNICATIONS WITH COMMISSION (Rule 14).

The Commission Secretary is the custodian of all public files of the Commission and is responsible for service of all orders and notices of the Commission and of all complaints filed with the Commission. Unless otherwise directed by order, the Commission Secretary issues all official notices of the Commission. All written communications and documents that are intended to be part of an official Commission record (other than a hearing record) must be filed with the Commission Secretary. Unless otherwise provided by statutes, these rules, order or notice, documents are considered filed when received by the Commission Secretary, not when mailed or otherwise transmitted. Information concerning proceedings before the Commission or the status of any matter before the Commission is available from the Commission Secretary.

PUBLIC UTILITIES LAW

§ 61-204. Attorney general attorney of commission

It shall be the right and the duty of the attorney general to represent and appear for the people of the state of Idaho and the commission in all actions and proceedings involving any question under this act or under any order or act of the commission and, if directed to do so by the commission, to intervene, if possible, in any action or proceeding in which any such question is involved; to commence, prosecute, and expedite the final determination of all actions and proceedings directed or authorized by the commission; to advise the commission and each commissioner, when so requested, in regard to all matters connected with the powers and duties of the commission and the members thereof; and generally to perform all duties and service as attorney to the commission which the commission may require of him.

§ 61-205. Secretary--Appointment--Duties

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The commission shall appoint a secretary, who shall hold office during its pleasure. It shall be the duty of the secretary to keep a full and true record of all proceedings of the commission, to issue all necessary process, writs, warrants and notices, and to perform such other duties as the commission may prescribe.

§ 61-206. Employees

(1) The commission shall have power to employ, during its pleasure, such officers, experts, engineers, statisticians, accountants, inspectors, clerks and employees as it may deem necessary to carry out the provisions of this act or to perform the duties and exercise the powers conferred by law upon the commission.

(2) In addition to the number of nonclassified employees provided by other provisions of law, the commission shall have the authority to employ not more than three (3) nonclassified employees as regulatory policy strategists reporting directly to the commission and one (1) nonclassified pipeline safety specialist.

State: Illinois

PUBLIC UTILITIES LAW
Chapter 220. Utilities
Act 5. Public Utilities Act
Article I. Title and Purpose

5/2-102. Commissioners and officers; oath of office; bond; disqualified persons; prohibited activities

§ 2-102. (a) Each commissioner and each person appointed to office by the Commission shall before entering upon the duties of his office take and subscribe the constitutional oath of office.

Before entering upon the duties of his office each commissioner shall give bond, with security to be approved by the Governor, in the sum of \$20,000, conditioned for the faithful performance of his duty as such commissioner. Every person appointed or employed by the Commission, may, in the discretion of the Commission, before entering upon the duties of his office, be required to give bond for the faithful discharge of his duties, in such sum as the Commission may designate, which bond shall be approved by the Commission.

All bonds required to be filed pursuant to this section shall be filed in the office of the Secretary of State.

(b) No person in the employ of or holding any official relation to any corporation or person subject in whole or in part to regulation by the Commission, and no person holding stock or bonds in any such corporation, or who is in any other manner pecuniarily interested therein, directly or indirectly, shall be appointed to or hold the office of commissioner or be appointed or employed by the Commission; and if any such person shall voluntarily become so interested his office or employment shall ipso facto become vacant. If any person become so interested otherwise than voluntarily he shall within a reasonable time divest himself of such interest, and if he fails to do so his office or employment shall become vacant.

No commissioner or person appointed or employed by the Commission shall solicit or accept any gift, gratuity, emolument or employment from any person or corporation subject to the supervision of the Commission, or from any officer, agent or employee thereof; nor solicit, request from or recommend, directly or indirectly, to any such person or corporation, or to any officer, agent or employee thereof the appointment of any person to any place or position. Every such corporation and person, and every officer, agent or employee thereof, is hereby forbidden to offer to any commissioner or to any person appointed or employed by the Commission any gift, gratuity, emolument or employment. If any commissioner or any person appointed or employed by the Commission shall violate any provisions of this paragraph he shall be removed from the office or employment held by him. Every person violating the provisions of this paragraph shall be guilty of a Class A misdemeanor.

(c) Each commissioner shall devote his entire time to the duties of his office, and shall hold no other office or position of profit, or engage in any other business, employment or vocation.

PUBLIC UTILITIES LAW
Chapter 220. Utilities Act 5. Public Utilities Act
§ 2-105. Organization; executive director; assistants to Commissioners.

(a) In order that the Commission may perform the duties and exercise the powers granted to it and assume its re-sponsibilities under this Act and any and all other statutes of this State, the Commission, acting jointly, shall hire an executive director who shall be responsible to the Commission and shall serve subject only to removal by the Commission for good cause. The executive director shall be responsible for the supervision and direction of the Commission staff and for the necessary administrative activities of the Commission, subject only to Commission direction and approval. In furtherance thereof, the executive director may organize the Commission staff into such departments, bureaus, sections, or divisions as he may deem necessary or appropriate. In connection therewith, the executive director may delegate and assign to one or more staff member or members the supervision and direction of any such department, bureau, section, or division.

(b) The executive director shall obtain, subject to the provisions of the Personnel Code, [FN1] such accountants, engineers, experts, inspectors, clerks, and employees as may be necessary to carry out the provisions of this Act or to perform the duties and exercise the powers conferred by law upon the Commission. All accountants, engineers, experts, inspectors, clerks, and employees of the Commission shall receive the compensation fixed by the Executive Director, subject only to Commission approval. Notwithstanding these provisions, each commissioner shall have the authority to retain up to 2 full-time assistants, subject to the provisions of the Personnel Code, who shall be

super-vised by the commissioner and whose compensation shall be fixed by the commissioner.

(c) The commissioners, executive director, hearing examiners, accountants, engineers, clerks, inspectors, experts, and other employees shall have reimbursed to them all actual and necessary traveling and other expenses and dis-bursements necessarily incurred or made by them in the discharge of their official duties. The Commission and ex-ecutive director may also incur necessary expenses for office furniture, stationery, printing, and other incidental ex-penses.

(d) A copy of any contract executed between the Commission and the executive director which establishes or pro-vides for the expenditure of public funds shall be filed with the State Comptroller within 15 days of execution and shall be available for public inspection. Any cancellation or modification of any such contract shall be filed with the State Comptroller within 15 days of execution and shall be available for public inspection. When a contract or modi-fication required to be filed under this subsection has not been filed within 30 days of execution, the State Comptrol-ler shall refuse to issue any warrant for payment thereunder until the Commission files the contract or modification with the State Comptroller.

5/2-106. Hearing examiners; chief hearing examiner; performance review

§ 2-106. (a) The executive director shall employ hearing examiners to make valuations of public utility properties, or to estimate proper rates of service of public utilities, or to examine other questions coming before the Commission, by taking testimony or by independent investigation. The executive director shall designate one hearing examiner to serve as chief hearing examiner who shall be responsible for supervising and directing the activities of all hearing examiners, subject to the approval of the executive director. Hearing examiners shall, under the direction of the chief hearing examiner, take testimony of witnesses, examine accounts, records, books, papers and physical properties, either by holding hearings or making independent investigations, in any matter referred to them by the chief hearing examiner; and make report thereof to the chief hearing examiner, and attend at hearings before the Commission when so directed by the chief hearing examiner, for the purpose of explaining their investigations and the result thereof to the Commission and the parties interested; and perform such other duties as the chief hearing examiner may direct.

(b) All hearing examiners employed by the Commission shall be thoroughly familiar with applicable rules of evi-dence, procedure and administrative law. At least every two years after a hearing examiner is employed by the Commission, the executive director and chief hearing examiner shall review the performance of such hearing exam-iner based on whether the examiner:

(i) is, and is perceived to be, fair to all parties;

(ii) has a judicious and considerate temperament;

(iii) is capable of comprehending and properly conducting proceedings and other duties to which he is assigned;

(iv) is capable of understanding and rendering rulings on legal and evidentiary issues;

(v) is capable of independently evaluating the evidentiary record and drafting a proposed final order which reflects careful, impartial and competent analysis; and

(vi) meets any other qualifications deemed relevant or necessary by the executive director or chief hearing examiner.

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER a: ADMINISTRATIVE REGULATIONS
PART 100 STANDARDS OF BEHAVIOR FOR COMMISSIONERS AND COMMISSION EMPLOYEES

Section 100.10 Authority

This Part is adopted pursuant to the Public Utilities Act, and more specifically in addition to and furtherance of Section 4 thereof, in order to assure that the business of the Illinois Commerce Commission is conducted effectively, objectively and without improper outside influence or appearance thereof. All Commissioners and Commission employees must observe the highest standards of behavior and integrity

Section 100.20 Maintenance of High Standards

a) The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Illinois Commerce Commission members and employees is essential to assure the proper performance of the Government business and the maintenance of confidence by citizens in their Government. In a regulatory agency such as the Illinois Commerce Commission, whose actions affect the interest of every citizen of the state, it is particularly important that every employee be completely impartial, honest, and above suspicion while adhering strictly to the highest standard of ethical conduct in all their social, business, political and other off-the-job activities, relationships and interests as well as in their official actions. All Commission employees shall exercise their informed judgment to avoid situations that might result in actual or apparent misconduct or conflicts of interest.

b) A Commissioner or an employee should avoid any action that might result in, or create the appearance of:

- 1) Using public office for private gain;
- 2) Giving preferential treatment to any interested party;
- 3) Impeding Government efficiency or economy;

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- 4) Losing complete independence or impartiality;
- 5) Discussing impending Commission decisions outside office channels;
- 6) Affecting adversely the confidence of the public in the integrity of the Commission.

c) Commissioners or employees of the Commission will not solicit nor accept any gift, gratuity, favor, entertainment, loan or any other thing of monetary value, either directly or indirectly from or on behalf of an interested party. A gift, gratuity, favor, entertainment, etc., includes any tangible item, intangible benefits, discounts, tickets, passes, transportation, and accommodations given or extended to or on behalf of the recipient. An "interested party" is any person, firm, corporation, or other entity that:

- 1) Is engaged in or is endeavoring to engage in any activity or transaction of any sort with the Commission;
- 2) Conducts operations or activities that are regulated by the Commission;
- 3) Has interests that may be substantially affected by the performance or nonperformance of the official duties of the Commissioners or employees of the Commission;
- 4) Is a party to any proceeding before the Commission;
- 5) Are Attorneys for and representatives of any of the foregoing.

d) Gifts, gratuities, favors, entertainment, etc., bestowed upon members of the immediate families of Commissioners or Commission personnel are viewed in the same light as those bestowed on Commissioners or Commission employees.

Section 100.30 Instances Where Restrictions Do Not Apply

The restrictions do not apply to the following:

- a) Instances in which the interests of the Commission and the people of Illinois are served by participation of Commissioners or Commission personnel in widely attended luncheon meetings, dinner meetings and similar gatherings sponsored by industrial, technical, and professional associations for the discussion of matters of mutual interest of the Commission and in the performance of its duties;
- b) Specialty advertising items of nominal intrinsic value;
- c) Customary exchange of social amenities between personal friends and relatives when motivated by such relationship and extended on a personal basis;
- d) Things available impersonally to the general public, such as a free exhibition by an interested party at a national or regional meeting open to the public;
- e) Trophies, entertainment, rewards, prizes given to competitors in contests which are open to the public;
- f) Transportation provided by an interested party in connection with the performance of the Commission's official business and when alternate arrangements are clearly impracticable;
- g) Participation in civic and community activities by Commissioners and Commission employees when the relationship with the interested party can reasonably be characterized as a normal public or civic relationship;
- h) The acceptance of accommodations, subsistence or services furnished in kind in connection with official travel, when authorized by the Chairman as in the overall interest of the Commission and the Government of Illinois. Commissioners and Commission personnel may not accept personal reimbursement from a private source for expenses incident to official travel, unless authorized by the Chairman. In no case shall Commissioners or Commission employees accept, in kind or on a reimbursable basis benefits which, under prudent standards, are extravagant or excessive in nature.
- i) Situations not specifically covered herein, but where in the judgment of the individual concerned, participation by Commissioners or Commission personnel will serve the interests of the Commission and the people of Illinois, and for which the Chairman has granted prior approval.

Section 100.40 Disciplinary Action

Failure to adhere to the requirements of the Public Utilities Act and this Part will constitute cause for disciplinary action.

 State: Indiana

STATE UTILITIES STATUTE
 IC 8 TITLE 8. UTILITIES AND TRANSPORTATION
 IC 8-1 ARTICLE 1. UTILITIES GENERALLY
 IC 8-1-1-2 Creation of commission; membership; term of office; chairman
 Sec. 2. ...

(f) A member of the commission or any person appointed to any position or employed in any capacity to serve the commission, may not have any official or professional relationship or connection with, or hold any stock or securities or have any pecuniary interest in any public utility operating in Indiana.

IC 8-1-1-3 Organization of commission; administrative law judges; investigation and hearing; bond; powers and duties
 Sec. 3. (a) The members of the commission shall meet and organize the commission. The commission may, subject to the approval of the governor, appoint a secretary of the commission.

(b) The salaries of the members and secretary of the commission shall be fixed by the governor, subject to the approval of the budget agency; however, the salaries of the chairman and the members shall not be less than the following annual minimum amounts:

- (1) For the chairman, sixty-five thousand dollars (\$65,000).
- (2) For the members, sixty thousand dollars (\$60,000) each.

(c) The commission may appoint one (1) or more administrative law judges who shall be responsible to and serve at the will and pleasure of

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the commission. While serving, the administrative law judges shall devote full time to the duties of the commission and shall not be actively engaged in any other occupation, profession, or business that constitutes a conflict of interest or otherwise interferes with carrying out their duties as administrative law judges. The salary of each administrative law judge shall be fixed by the commission subject to the approval of the budget agency but may not be less than the following annual amounts:

- (1) For the chief administrative law judge, forty-five thousand dollars (\$45,000).
- (2) For all other administrative law judges, forty thousand dollars (\$40,000).

(d) A majority of the commission members shall constitute a quorum.

(e) On order of the commission any one (1) member of the commission, or an administrative law judge, may conduct a hearing, or investigation, and take evidence therein, and report the same to the commission for its consideration and action; however, a hearing concerning a request for a general increase in the basic rates and charges of a utility in an amount exceeding twenty million dollars (\$20,000,000) may only be conducted by one (1) or more commission members.

(f) Each member of the commission shall give bond in the sum of ten thousand dollars (\$10,000) for the faithful performance of his duties. Such bond shall be filed with the secretary of state.

(g) The commission shall formulate rules necessary or appropriate to carry out the provisions of this chapter, and shall perform the duties imposed by law upon them.

(h) The commission may:

(1) employ, with the approval of the governor and the state budget agency, sufficient professional staff, including but not limited to specialists, technicians, and analysts, who are exempt from the job classifications and compensation schedules established under IC 4-15; and

(2) purchase, lease, or otherwise acquire for its internal use sufficient technical equipment necessary for the commission to carry out its statutory duties.

IC 8-1-1-5

Impartiality of commission; evidence; record; utility consumer counselor; ex parte communications; executive sessions; violations
Sec. 5. (a) The commission shall in all controversial proceedings heard by it be an impartial fact-finding body and shall make its orders in such cases upon the facts impartially found by it. The commission shall in no such proceeding, during the hearing, act in the role either of a proponent or opponent on any issue to be decided by it. All evidence given in any such proceeding shall be offered on behalf of the respective parties to, or appearing in, the proceeding and not in the name or behalf of the commission itself.

(b) Any report, audit, examination, or analysis prepared by the commission staff at the request or direction of the commission may be made a part of the record of the proceeding, subject to cross-examination by any party of the person who performed or directed the preparation of the report, audit, examination, or analysis.

(c) If in any such proceeding the public interest is not otherwise adequately represented by counsel, in the opinion of the commission, it shall be the duty of the utility consumer counselor, if requested by the commission, to make adequate preparation for the presentation of the interests of the public in such proceeding and the utility consumer counselor shall at the hearing represent the public interests therein involved.

(d) However, nothing in this section prevents the commission from instituting, prosecuting, hearing, or determining any investigation or proceeding which it is authorized to do, or make, on its own motion by any law with the administration of which it is charged.

(e) Except as otherwise provided in this chapter, no member or employee of the commission assigned to make findings of fact and conclusions of law in a formally docketed evidentiary proceeding may communicate in connection with any issue of fact or law disputed in that proceeding with any party or any party's representative, except on notice and with opportunity for all parties to participate.

(f) In addition to holding an executive session in the instances described in IC 5-14-1.5-6.1(b), the commission may hold an executive session to deliberate on a proposed order if all the following are satisfied:

- (1) All evidence on the matter has been received by the commission.
- (2) The deliberations are preparatory to taking final action on an order subject to judicial review.
- (3) Only the following are permitted to participate in the executive session:

(A) Commission members.

(B) Commission employees who are formally assigned to advise or assist in preparing the order, including the commission's technical staff and attorneys.

IC 5-14-1.5-5, IC 5-14-1.5-6.1, and IC 5-14-1.5-7 apply to an executive session held under this subsection.

(g) A person who violates this section commits a Class C infraction.

IC 8-1-1-11

Staff of commission

Sec. 11. The commission is authorized to employ such counsel or attorneys, engineers, administrative law judges, experts, clerks, accountants and other assistants as it may deem necessary, at such rates of compensation as it may determine upon, subject, however, to the approval of the governor.

State: Iowa

PUBLIC UTILITIES STATUTE

Chapter 476. Public Utility Regulation
Regulation Authority

476.2. Board powers and rules--utility's Iowa office

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1. The board shall have broad general powers to effect the purposes of this chapter notwithstanding the fact that cer-tain specific powers are hereinafter set forth. The board shall have authority to issue subpoenas and to pay the same fees and mileage as are payable to witnesses in the courts of record of general jurisdiction and shall establish all needful, just and reasonable rules, not inconsistent with law, to govern the exercise of its powers and duties, the practice and procedure before it, and to govern the form, contents and filing of reports, documents and other papers provided for in this chapter or in the board's rules. In the establishment, amendment, alteration or repeal of any of such rules, the board shall be subject to the provisions of chapter 17A.

2. The board shall employ at rates of compensation consistent with current standards in industry such professionally trained engineers, accountants, attorneys, and skilled examiners and inspectors, secretaries, clerks, and other em-ployees as it may find necessary for the full and efficient discharge of its duties and responsibilities as required by this chapter.

...

Iowa Code Annotated Currentness
Title XI. Natural Resources [Chs. 455-485]
Subtitle 5. Public Utilities [Chs. 474-480A]
Chapter 474. Utilities Division
474.10. General counsel

The board shall employ a competent attorney to serve as its general counsel, and assistants to the general counsel as it finds necessary for the full and efficient discharge of its duties. The general counsel is the attorney for, and legal advisor of, the board and is exempt from the merit system provisions of chapter 8A, subchapter IV. Assistants to the general counsel are subject to the merit system provisions of chapter 8A, subchapter IV. The general counsel or an assistant to the general counsel shall provide the necessary legal advice to the board in all matters and represent the board in all actions instituted in a state or federal court challenging the validity of a rule or order of the board. The existence of a fact which disqualifies a person from election or from acting as a utilities board member disqualifies the person from employment as general counsel or assistant general counsel. The general counsel shall devote full time to the duties of the office. During employment the counsel shall not be a member of a political committee, con-tribute to a political campaign fund other than through the income tax checkoff for contributions to the Iowa election campaign fund and the presidential election campaign fund, participate in a political campaign, or be a candidate for a political office.

State: Kansas

STATE UTILITIES STATUTE

West's Kansas Statutes Annotated Currentness
Chapter 74. State Boards, Commissions and Authorities
Article 6. State Corporation Commission

74-605. Corporation commission; qualifications and oaths of members, secretary and attorney; extra employees

No person owning any bonds, stock or property in any railroad company or other common carrier or public utility, or who is in the employment of, or who is in any way or manner pecuniarily interested in, any railroad company or other common carrier or public utility, shall be eligible, except as hereinafter provided, to the office of commis-sioner, attorney or secretary of said commission, nor shall such commissioner, attorney or secretary hold any office of profit or any position under any committee of any political party, or hold any other position of honor, profit or trust under or by virtue of any of the laws of the United States or of the state of Kansas. Said commissioners shall be qualified electors of the state, and shall not while such commissioners engage in any occupation or business incon-sistent with their duties as such commissioners. And if any member of the commission, at the time of his appointment, shall own any bonds, stock or property in any railroad company or other common carrier or public utility, or is in the employment of, or is in any way or manner pecuniarily interested in any railroad company or any common carrier or public utility, such commissioner or other appointee shall within thirty (30) days divest himself of such interest or employment, and upon his failing to do so he shall forfeit his office, and the governor shall remove such commissioner and shall appoint his successor, who shall hold until a successor is appointed and qualified.

Each of said commissioners, attorney and secretary shall be sworn, before entering upon the discharge of the same, to faithfully perform the duties of the respective offices. Said commission is authorized and empowered to employ, subject to the approval of the governor, such extra accountants, engineers, experts and special assistants as in its judgment may be necessary and proper to carry the provisions of this act into effect, and to fix their compensation; and such employees shall hold their office during the pleasure of said commission: Provided, That no person related by blood or marriage to any member of such commission shall be appointed or employed by said commission.

State: Kentucky

PUBLIC UTILITIES STATUTE

278.100 Executive director.

The commission shall appoint an executive director, who shall hold office during its pleasure and shall devote his entire time to the duties of his office. The executive director shall be selected on the basis of experience and training demonstrating capacity to deal with the problems of management and governmental regulation and knowledge relatable to utility regulation. The executive director shall be the chief administrative officer for the commission and shall be responsible for implementing the programs, directing the staff, and maintaining the official records of commission proceedings, including all approved orders.

278.110 Additional employees.

The commission acting through the executive director may employ such clerks, stenographers, rate experts, agents, special agents,

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engineers, accountants, auditors, inspectors, lawyers, hearing examiners, experts and other classified service employees and the commission may contract for services of persons in a professional or scientific capacity to make or conduct a hearing or a temporary or special inquiry, investigation or examination as it deems necessary to carry out the provisions of this chapter, or to perform the duties and exercise the powers conferred by law upon the commission.

278.115 Commission to establish internal organization of its offices.

The commission shall establish the internal organization of its offices and shall divide the commission into such offices or divisions as the commission may deem necessary to perform the functions, powers and duties of the commission, subject to the provisions of KRS Chapter 12.

278.120 Compensation and expenses of commissioners, executive director, and employees.

(1) The chairman and the other two (2) members of the commission shall be paid a salary fixed under KRS 64.640 to be paid monthly.

(2) The executive director of the commission shall be paid a salary to be fixed by the commission, with the approval of the Governor.

(3) The commissioners, the executive director, and employees of the commission are entitled to all expenses, including hotel bills, incurred in traveling on business of the commission.

(4) The salaries and expenses provided for by this section, and all other expenses of the commission incurred in the administration of this chapter, shall be paid out of appropriations as provided by law out of the general expenditure fund.

State: Louisiana

PUBLIC UTILITIES STATUTE

§ 1163.3. Economics and rate analysis division and hearing examiners division

A. In order to assist the commission in making an examination of the affairs of any person doing a public service or public utilities business in Louisiana concerning matters affecting services and rates charged Louisiana consumers by such public service or public utility business, or for representing the Public Service Commission in matters affecting services and rates charged by public utilities to Louisiana consumers or the judicial review thereof, there are hereby established an economics and rate analysis division and a hearing examiners division of the Public Service Commission. Said divisions shall consist of, but shall not be limited to, persons with training in auditing, economics, finance, engineering, and accounting, as well as at-torneys licensed to practice in the state of Louisiana, all of whom shall be full-time employees of the commission, and such other support staff and clerical assistants as may be necessary to make such examinations and to carry out such responsibilities.

B. If the staff of the economics and rate analysis division is unable or insufficient to assist the commission in evaluating, re-viewing, and representing the commission in matters affecting services and rates charged by public utilities to Louisiana consumers or the judicial review thereof, the commission is empowered to retain other attorneys, engineers, consultants, accountants, or support staff and clerical assistants to assist the economics and rate analysis division.

C. Prior to the beginning of the 1994 Regular Session and the 1995 Regular Session, the commission shall advise the president of the Senate and the speaker of the House of Representatives as to the effectiveness of the economics and rate analysis division and the hearing examiners division.

State: Maine

PUBLIC UTILITIES STATUTE

TITLE 35-A, Chapter 1, Part 1

§106. Chairman of the Public Utilities Commission

The following provisions apply to the chairman of the Public Utilities Commission. \

1. Appointment. The Governor shall designate one member of the commission as chairman.

2. General duties. The chairman shall:

A. Be the principal executive officer of the commission in carrying out its policies;

B. Preside at meetings of the commission; and

C. Be responsible for the expedient organization of the commission's work.

3. Hearings. For any particular hearing or series of hearings before the commission, the chairman may assign himself or another commissioner to attend.

4. Acting chairman. When absent one working day or more, the chairman shall name another commissioner to act as chairman.

§107. The Public Utilities Commission staff

The following provisions shall apply to the commission's staff.

1. Appointment. The commission shall appoint:

A. An administrative director, a director of finance, a director of technical analysis, a director of energy programs and a director of consumer

assistance;

B. With the approval of the Attorney General, a general counsel; and

C. An assistant administrative director.

2. Salary and conditions of employment. Salaries and conditions of employment of employees of the commission shall be as follows.

A. The general counsel, the administrative director, the assistant administrative director, the director of finance, the director of technical analysis, the director of energy programs and the director of consumer assistance serve at the pleasure of the commission and their salaries must be set by the commission within the ranges established by Title 2, section 6-A.

B. The compensation of the staff attorney and utility analyst positions are fixed by the commission with the approval of the Governor, but the compensation may not in the aggregate exceed the total amount appropriated or allocated in the commission's budget.

C. The salaries of the other subordinate officials and employees of the commission, other than those of the general counsel, the administrative director, the assistant administrative director, the director of finance, the director of technical analysis, the director of energy programs, the director of consumer assistance and the staff attorney and utility analyst positions, are subject to the Civil Service Law.

D.

E. The commissioners and all employees shall receive actual expenses when traveling on official business.

3. Commission's access to staff. Each commissioner may have access to the Public Utilities Commission staff and to any information available to the commission, subject to the Maine Administrative Procedure Act, Title 5, section 9055.

4. Delegation of powers and duties to the staff. The commission may delegate to its staff such powers and duties as the commission finds proper. All delegations existing as of the effective date of this section are valid.

5. Administrative director's duties. The administrative director:

A. Shall keep a record of the proceedings of the commission which shall be open to inspection at all times; and

B. May certify all official acts of the commission, administer oaths and issue subpoenas, processes, notices, orders and other documents necessary to the performance of the commission's duties.

6. Assistant administrative director's duties. The assistant administrative director shall assist the director in the performance of his duties and in the absence of the director shall have the same power as the director.

7. Commission counsel. The commission may employ counsel in any proceeding, investigation or trial.

8. Dismissal. After successful completion of a probationary period, the employees occupying the positions of staff attorney and utility analyst may be dismissed, suspended or otherwise disciplined only for cause.

65-407 PUBLIC UTILITIES COMMISSION

Chapter 110: Rules of Practice and Procedure

Maine Public Utilities Commission

753 Bias of Presiding Officer, Advisory Staff or Commission Member

Proceedings shall be conducted in an impartial manner. Upon the filing in good faith by a party of a timely charge of bias or of personal or financial interest, direct or indirect, of a presiding officer, advisory staff member, or Commissioner in the proceeding, requesting that the person disqualify him or herself, the person whose disqualification is sought shall determine the matter as a part of the record.

State: Maryland

PUBLIC UTILITIES STATUTE
Title 2, Public Service Commission and People's Counsel
Subtitle 1 Public Service Commission

§ 2-104. Executive Secretary

- (a) The Commission shall appoint an Executive Secretary.
- (b) The Executive Secretary serves at the pleasure of the Commission.
- (c) The Executive Secretary shall:

- (1) keep the records of the Commission, including a record of proceedings, all documents required to be filed with the Commission, all orders, regulations, and decisions of the Commission, and all dockets and files;
- (2) certify true copies of those materials;
- (3) designate an employee of the Commission to perform the duties of Executive Secretary when the Executive Secretary is absent; and
- (4) perform the other duties that the Commission prescribes.

(d) With the approval of the Commission and in conformity with Title 10, Subtitle 6, Part V of the State Government Article, the Executive Secretary may destroy any record or document that the Commission possesses, including a record or document required by law to be filed with the Commission, if:

Staff Responsibilities.txt

- (1) the record or document has been on file for at least 3 years; and
- (2) the Executive Secretary considers the document to be obsolete.

§ 2-105. Executive Director

- (a) The Commission shall appoint an Executive Director.
- (b) The Executive Director serves at the pleasure of the Commission.
- (c) The Executive Director shall:

- (1) direct and coordinate the technical staff, except hearing examiners, of the Commission; and
- (2) perform the other duties that the Commission prescribes.

§ 2-106. General Counsel

- (a) The Commission shall appoint a General Counsel.
- (b) The General Counsel shall have been admitted to practice law in the State.
- (c) The General Counsel serves at the pleasure of the Commission.
- (d) As the Commission directs, the General Counsel shall:

- (1) represent the Commission in a proceeding if the Commission is a party to or desires to intervene in the proceeding, if the proceeding involves a question under this article, or if the proceeding involves an act or order of the Commission;
- (2) advise the Commission, on request, on any legal question that requires interpretation of a provision of law about the jurisdiction, rights, duties, or powers of the Commission; and
- (3) act as attorney to the Commission as the Commission reasonably requires.

- (e) The Commission may substitute any other agent for the General Counsel.

§ 2-107. Compensation

- (a) Each commissioner, the Chairman of the Commission, the General Counsel, the Executive Secretary, and the Executive Director are entitled to compensation as provided in the State budget.
- (b)(1) The salary of the Chairman of the Commission shall be at least \$40,000 a year.
- (2) The salary of each commissioner shall be at least \$35,000 a year.
- (c) A commissioner and other Commission personnel are entitled to reimbursement for expenses under the Standard State Travel Regulations, [FN1] as provided in the State budget.

[FN1] COMAR 23.02.01.01 et seq.

§ 2-108. Office; meetings; seal; staff

- (a)(1) The principal office of the Commission shall be in Baltimore City at the place that the Commission selects.
- (2) Except for legal holidays, the offices of the Commission shall be open for business during regular business hours from Monday through Friday and at other times as the Commission considers necessary.
- (b) The Commission shall meet at the times and places in the State as the Commission considers necessary.
- (c) The Commission shall have a seal.
- (d)(1) The State budget shall provide sufficient money for the Commission to hire, develop, and organize a staff to perform the functions of the Commission, including analyzing data submitted to the Commission and participating in proceedings as provided in § 3-104 of this article.
- (2)(i) As the Commission considers necessary, the Commission shall hire experts including economists, cost of capital experts, rate design experts, accountants, engineers, transportation specialists, and lawyers.
- (ii) To assist in the regulation of intrastate hazardous liquid pipelines under Title 11, Subtitle 2 of this article, the Commission shall include on its staff at least one engineer who specializes in the storage of and the transportation of hazardous liquid materials by pipeline.
- (3) The Commission may retain on a case by case basis additional experts as required for a particular matter.
- (4) The lawyers who represent the Commission staff in proceedings before the Commission shall be appointed by the Commission and shall be organized and operate independently of the office of General Counsel.
- (5)(i) As required, the Commission shall hire hearing examiners.
- (ii) Hearing examiners are a separate organizational unit and shall report directly to the Commission.
- (6) The Commission shall hire personal staff members for each commissioner as required to provide advice, draft proposed orders and rulings, and perform other personal staff functions.
- (7) Subject to § 3-104 of this article, the Commission may delegate to a commissioner or personnel the authority to perform an administrative function necessary to carry out a duty of the Commission.

Staff Responsibilities.txt

(8)(i) Except as provided in subparagraph (ii) of this paragraph or otherwise by law, all personnel of the Commission are subject to the provisions of the State Personnel and Pensions Article.

(ii) The following are in the executive service, management service, or are special appointments in the State Personnel Management System:

1. each commissioner of the Commission;
2. the Executive Director;
3. the General Counsel and each assistant general counsel;
4. the Executive Secretary;
5. the commissioners' personal staff members;
6. the chief hearing examiner; and
7. each license hearing officer.

(e) The compensation of the following personnel shall be determined by the Commission and, if possible, in accordance with the State pay plan:

- (1) the Executive Director;
- (2) the General Counsel;
- (3) the special appointment attorneys in the office of General Counsel;
- (4) the Executive Secretary;
- (5) the chief hearing examiner;
- (6) each license hearing officer; and
- (7) all Commission personnel in positions in:

(i) the management service; and

(ii) professional and technical classifications unique to the Commission.

(f)(1) At least 45 days before the effective date of the change, the Commission shall submit to the Secretary of Budget and Management each change to salary plans that involves increases or decreases in salary ranges other than those associated with routine reclassifications and promotions or general salary increases approved by the General Assembly.

(2) Reportable changes include creation or abolition of classes, regrading the classes from one established range to another, changes in salary guidelines to administer the pay schedules, or creation of new pay schedules or ranges.

(3) The Secretary of Budget and Management shall:

(i) review the proposed changes; and

(ii) at least 15 days before the effective date of the proposed changes, advise the Commission whether the changes would have an adverse effect on comparable State jobs.

(4) Failure of the Secretary to respond in a timely manner is not considered a statement of adverse effect.

(g) On or before January 31 of each year, the Commission shall report to the Secretary of Budget and Management and, subject to § 2-1246 of the State Government Article, to the General Assembly setting forth all personnel positions, classifications, and salaries in the Commission as of the end of the preceding calendar year.

GOVERNMENT ETHICS STATUTE

West's Annotated Code of Maryland Currentness
State Government, Title 15. Public Ethics, Part I. General Provisions
Subtitle 6. Financial Disclosure

§ 15-611. Disclosure by other personnel and appointees

In general

(a) Additional individuals, other than officials, shall disclose information annually if designated pursuant to subsection (b) of this section.

Designation

(b) For disclosure under this section:

(1) the Governor, by executive order, may designate:

- (i) an employee of an executive unit; or
- (ii) a noncompensated appointee of the Governor;

(2) the Chief Judge of the Court of Appeals, by order, may designate:

- (i) an employee of the Judicial Branch; or

(ii) a noncompensated appointee of the Court of Appeals or the Chief Judge; and

(3) the presiding officers of the General Assembly, by order, may designate:

- (i) an employee of the Legislative Branch; or
- (ii) a noncompensated appointee of either or both of the presiding officers.

Statements

(c) A statement filed under this section is a public record and shall contain the relevant information concerning the financial affairs of the individual submitting the statement that is considered necessary by the applicable designating authority.

Required designations

(d)(1) In complying with subsection (b)(1) of this section, the Governor, by executive order, shall designate any employee of an executive unit who is:

- (i) a home inspector or licensed home inspector, under § 16-101 of the Business Occupations and Professions Article;
- (ii) a building code enforcement official employed by the State;
- (iii) an accredited inspector of lead for the Department of the Environment under § 6-818 of the Environment Article; or
- (iv) an environmental sanitarian under Title 11 of the Environment Article.

(2) An employee under paragraph (1) of this subsection shall file a statement in accordance with § 15-601 of this subtitle, that:

- (i) discloses any interest the employee may have in any real property in the State; and
- (ii) discloses any other information the Ethics Commission considers a conflict of interest related to the employment of the employee.

State: Massachusetts

PUBLIC UTILITIES STATUTE

General Laws of Massachusetts

CHAPTER 25. DEPARTMENT OF PUBLIC UTILITIES

Chapter 25: Section 7. Duties relative to common carriers; employees; division of railroad track inspection

Section 7. For the performance of the department's duties relative to common carriers the commission may appoint or employ and remove such engineers, accountants, statisticians, bureau chiefs and division heads, assistants, inspectors, clerks and other subordinates as are required therefor, and may appoint on such terms as it deems advisable a counsel and attorneys who, in the conduct of litigation and court proceedings, shall act under the direction of the attorney general. Accountants shall be skilled in the methods of railroad accounting and under the direction of the commission shall supervise the method by which the accounts of corporations operating railroads or street railways are kept. The commission shall appoint one or more competent experts to examine the reports required by section eighty-three of chapter one hundred and fifty-nine, and may, whenever in its opinion public interest requires, in connection with any proposed issue of stock or bonds by a railroad corporation or street railway company, employ competent experts to investigate the character, cost and value for railroad or railway purposes of the property of such corporation or company.

There shall be in the department a division of railroad track inspection which shall be charged with inspecting and reporting the condition and safety factor of all railroad track in the commonwealth. Said division shall maintain a continuous up to date cumulative record of all such inspections which shall be available to the public.

Chapter 25: Section 8. Duties relative to common carriers; expenditures

Section 8. For the performance of the department's duties relative to common carriers the commission may expend annually such sums to procure opinions, advice, plans, surveys, appraisals, audits, examinations, statistics, information, apparatus, instruments, books, tables, maps, drawings, supplies, sundries, and for travel within or without the commonwealth and expense incidental thereto, as it may from time to time deem requisite in the performance of its duties. It may from time to time cause to be made a compilation with annotations of the statutes of this commonwealth relating to common carriers.

Chapter 25: Section 9. Duties relative to water, gas and electric companies; expenditures; employees

Section 9. For the performance of the department's duties relative to water, gas and electric companies the commission may expend annually for necessary statistics, books, stationery and contingent expenses, and for clerical and other assistance, such sums as the general court shall annually appropriate, and may appoint or employ, subject to the approval of the governor and council, such expert assistance as it may deem advisable, on such terms of office or employment as it may deem proper, and may expend therefor and for the performance of the duties imposed upon it by law such sums as the general court shall annually appropriate.

Chapter 25: Section 10. Officers and employees; supervision and control

Section 10. The commission may assign to all officers and employees appointed or employed under the three preceding sections such duties as it shall from time to time deem advisable, but all acts of such officers and employees shall be done under the supervision and control of,

and subject to revision by, the commission.

State: Michigan

PUBLIC UTILITY STATUTE

Act 3 of 1939 - Michigan Public Service Commission

460.3 Public service commission; salary and expenses of members; appointment of secretary, deputies, clerks, assistants, inspectors, heads of divisions, and employees; payment of salaries and expenses; employment and compensation of engineers and experts; actual and necessary expenses; duties.

Sec. 3.

The salary of the chairman of the commission and of each of the other members and the schedule for reimbursement of expenses shall be established annually by the legislature. The commission may appoint a secretary and the deputies, clerks, assistants, inspectors, heads of divisions, and employees necessary for the proper exercise of the powers and duties of the commission. All salaries and other expenses incurred by the commission shall be paid out of funds appropriated by the legislature. All fees and other moneys received by the commission shall be paid over at the end of each month to the state treasurer, taking a receipt therefor. The commission may employ engineers and experts in public utilities and public service matters and fix their compensation for services, which may be paid out of the appropriation provided by the legislature. The engineers, inspectors, and employees shall be entitled to their actual and necessary expenses incurred in the performance of the work of the commission pursuant to the schedule established by the legislature. Each deputy, clerk, assistant, engineer, inspector, or expert shall perform the duties required by the commission. Each member of the commission shall devote his entire time to the performance of the duties of his office.

PUBLIC SERVICE COMMISSION PRACTICE AND PROCEDURE RULE

R 460.17307 Participation by staff.

Rule 307. The staff may enter an appearance in any proceeding before the commission and present testimony as to the results of its accounting, engineering, and economic investigations, studies, inspections, enforcement activities, or other technical investigations or studies. The staff may enter an appearance in any proceeding and file briefs, cross-examine witnesses, and state its position, policy, or recommendations based upon the evidence.

State: Minnesota

PUBLIC UTILITIES STATUTE

CHAPTER 216A PUBLIC UTILITIES

216A.03 PUBLIC UTILITIES COMMISSION.

216A.04 EXECUTIVE SECRETARY; COMMISSION EMPLOYEES.

Subdivision 1. Selection of executive secretary. The commission shall appoint an executive secretary, not a member, who shall be in the unclassified service of the state and shall serve at the pleasure of the commission. The executive secretary shall take, subscribe, and file an oath similar to that required of the commissioners, and shall be subject to the same disqualifications as commissioners.

Subd. 1a. Powers and duties of executive secretary. The executive secretary shall:

- (1) cause to be kept full and correct records of all transactions and proceedings of the commission;
- (2) appoint, subject to chapter 43A and the approval of the commission, all other classified employees of the commission and supervise and direct their activities;
- (3) have custody of the seal of the commission;
- (4) serve as the administrative officer of the commission with responsibility for personnel, budget and other administrative details related to the work of the commission or as required by state law;
- (5) prepare orders, reports, and other materials as assigned by the commission and recommend to the commission such measures as may be appropriate to achieve the objectives of the commission;
- (6) advise the commission of its financial position and recommend a budget for its approval; and
- (7) perform other duties as the commission directs.

Subd. 2. Acting secretary. The commission may designate any responsible employee to serve as acting secretary in the absence of the secretary.

Staff Responsibilities.txt

Subd. 3. Officers and employees. The commission may establish other positions in the unclassified service if the positions meet the criteria of section 43A.08, subdivision 1a, clauses (1) to (7). The commission may employ other persons as may be necessary to carry out its functions.

Subd. 4. Transcripts of proceedings. Hearing reporters may provide transcripts of proceedings before the commission to persons requesting transcripts who pay a reasonable charge therefor to the reporter. The amount of the charge shall be fixed by the commission and retained by the reporter, any other law to the contrary notwithstanding.

216A.035 CONFLICT OF INTEREST.

(a) No person, while a member of the Public Utilities Commission, while acting as executive secretary of the commission, or while employed in a professional capacity by the commission, shall receive any income, other than dividends or other earnings from a mutual fund or trust if these earnings do not constitute a significant portion of the person's income, directly or indirectly from any public utility or other organization subject to regulation by the commission.

(b) No person is eligible to be appointed as a member of the commission if the person has been employed with an entity, or an affiliated company of an entity, that is subject to rate regulation by the commission within one year from the date when the person's term on the commission will begin.

(c) No person who is an employee of the Department of Commerce shall participate in any manner in any decision or action of the commission where that person has a direct or indirect financial interest. Each commissioner or employee of the department who is in the general professional, supervisory, or technical units established in section 179A.10 or who is a professional, supervisory, or technical employee defined as confidential in section 179A.03, subdivision 4, or who is a management classification employee and whose duties are related to public utility, telephone company, or telecommunications company regulation shall report to the Campaign Finance and Public Disclosure Board annually before April 15 any interest in an industry or business regulated by the commission. Each commissioner shall file a statement of economic interest as required by section 10A.09 with the Campaign Finance and Public Disclosure Board and the Public Utilities Commission before taking office. The statement of economic interest must state any interest that the commissioner has in an industry or business regulated by the commission.

(d) A professional employee of the commission or department must immediately disclose to the commission or to the commissioner of the department, respectively, any communication, direct or indirect, with a person who is a party to a pending proceeding before the commission regarding future benefits, compensation, or employment to be received from that person.

216A.036 EMPLOYMENT RESTRICTIONS; CIVIL PENALTY.

(a) A person who serves as (1) a commissioner of the Public Utilities Commission, (2) commissioner of commerce, or (3) deputy commissioner of commerce, shall not, while employed with or within one year after leaving the commission or department, accept employment with, receive compensation directly or indirectly from, or enter into a contractual relationship with an entity, or an affiliated company of an entity, that is subject to rate regulation by the commission.

(b) An entity or an affiliated company of an entity that is subject to rate regulation by the commission, or a person acting on behalf of the entity, shall not negotiate or offer to employ or compensate a commissioner of the Public Utilities Commission, the commissioner of commerce, or the deputy commissioner of commerce, while the person is so employed or within one year after the person leaves that employment.

(c) For the purposes of this section, "affiliated company" means a company that controls, is controlled by, or is under common control with an entity subject to rate regulation by the commission.

(d) A person who violates this section is subject to a civil penalty not to exceed \$10,000 for each violation. The attorney general may bring an action in district court to collect the penalties provided in this section.

MINNESOTA ADMINISTRATIVE RULES CHAPTER 7845, COMMISSION CONDUCT; COMMUNICATION

7845.0400 CONFLICT OF INTEREST; IMPROPRIETY.

Subpart 1. General behavior. A commissioner or employee shall respect and comply with the law and shall behave in a manner that promotes public confidence in the integrity and impartiality of the commission's decision making process.

Subp. 2. Actions prohibited. Commissioners and employees shall avoid any action that might result in or create a conflict of interest or the appearance of impropriety, including:

- A. using public office for private gain;
- B. giving preferential treatment to an interested person or entity;
- C. impeding the efficiency or economy of commission decision making;
- D. losing independence or impartiality of action;
- E. making a commission decision outside official channels; and
- F. affecting adversely the confidence of the public in the integrity of the commission.

7845.0500 QUASI-JUDICIAL RESPONSIBILITIES.

Subpart 1. Inappropriate influences. Commissioners shall not be swayed by partisan interests, public clamor, or fear of criticism.

Staff Responsibilities.txt

Subp. 2. Orderly proceedings, behavior. Commissioners shall maintain order and decorum in proceedings before the commission. In their official capacity, commissioners must be patient, dignified, and courteous to litigants, witnesses, lawyers, commission staff, and others appearing before them. Commissioners shall require similar conduct from persons appearing before them.

7845.0600 DISQUALIFICATION.

Subpart 1. Disqualifying factors. Commissioners and employees shall disqualify themselves if they:

- A. have a personal bias or prejudice concerning a party;
- B. before employment with the commission, served or participated as a lawyer or material witness in the pending proceeding; or
- C. have an interest, other than that of the general public, that could be substantially affected by the outcome of the proceeding.

Subp. 2. Written disclosure; withdrawal. The commissioner or employee shall disclose in writing within 48 hours to the commission the disqualifying interest and withdraw, taking no part in the pending proceeding.

7845.0700 PROHIBITED ACTIVITIES.

Subpart 1. In general; exceptions. A commissioner or employee shall not directly or indirectly solicit or accept for the commissioner or employee, or for another person, any compensation, gift, gratuity, favor, entertainment, meal, beverage, loan, or other thing of monetary value from a public utility, telephone company, or party, that exceeds nominal value. This prohibition does not apply to:

- A. books or printed materials that are relevant to the official responsibilities of the commission; or
- B. an educational program devoted to improving the regulatory process or the administration of the commission that is open to other interested groups or state agencies under the same terms and conditions. Meals associated with the program must be paid for by a commissioner or employee who attends the program.

Subp. 2. Outside income. A commissioner or professional employee shall not receive personal income, directly or indirectly, from a public utility or telephone company subject to regulation by the commission. A commissioner or professional employee may receive dividends or other earnings from a mutual fund or trust so long as the mutual fund or trust does not hold a significant portion of its investments in public utilities or telephone companies subject to regulation by the commission.

Subp. 3. Interests in utilities. A commissioner or professional employee shall not invest in a public utility or telephone company, acquire a legal or equitable interest in it, however small, become its director or advisor, or actively participate in its affairs. This prohibition does not apply to:

- A. ownership in a mutual fund or trust that holds securities in a telephone company or public utility unless the commissioner or professional employee participates in the management of the fund;
- B. holding office or title in an educational, religious, charitable, fraternal, or civic organization that owns securities in a telephone company or public utility;
- C. purchasing services from a telephone company or public utility on the same terms and conditions as a member of the general public; or
- D. holding membership in a cooperative association under the same terms and conditions as other members of the cooperative.

Subp. 4. Outside employment. A commissioner or employee shall not negotiate for or accept outside employment or other involvement in a business or activity that will impair the person's independence of judgment in the exercise of official duties.

Subp. 5. Insider information. A commissioner or employee shall not directly or indirectly use, or permit others to use, information not made available to the general public, to advance a private interest.

7845.0800 FUTURE EMPLOYMENT.

Subpart 1. One-year restriction. While employed with the commission or within one year after leaving it, a commissioner shall not accept employment with, receive compensation directly or indirectly from, or enter into a contractual relationship with a public utility or telephone company subject to rate regulation by the commission.

Subp. 2. Commissioner communication with parties. A commissioner shall not communicate, directly or indirectly, with a party to a pending proceeding before the commission regarding past or future benefits or compensation to be received from that party. The commissioner shall disclose in writing to the commission any communication regarding past or future benefits or compensation within 48 hours after the communication is made. The commission may dismiss a proceeding if an applicant, petitioner, or complainant violates this subpart.

Subp. 3. Employee communication with parties. A professional employee shall disclose in writing to the commission any communication regarding future benefits, compensation, or employment with a party to a pending proceeding before the commission within 48 hours after the communication is made. Reprisals must not be taken against a professional employee who complies with this subpart.

7845.0900 POST EMPLOYMENT REPRESENTATION.

Subpart 1. By commissioner. A commissioner shall not represent a public utility or telephone company subject to rate regulation by the commission, formally or informally, before the commission for one year after leaving the commission. At no time shall a commissioner represent a party on a proceeding that was pending before the commission during that commissioner's term in office.

Subp. 2.By employee.For one year after leaving the commission, an employee shall not represent a public utility or telephone company subject to rate regulation by the commission, before the commission on a proceeding that the employee participated in during that employment with the commission.

7845.1000 SANCTIONS.

Subpart 1.Against commissioner.A commissioner who intentionally fails to comply with this code is subject to disciplinary action under Minnesota Statutes, sections 15.0575 and 216A.036, and in accordance with Minnesota Statutes, section 43A.33.

Subp. 2.Against employee.An employee who intentionally fails to comply with this code is subject to disciplinary action under the applicable collective bargaining agreement, commissioner's or manager's plan, or in accordance with Minnesota Statutes, section 43A.33.

State: Mississippi

PUBLIC UTILITY STATUTE
Title 77: Public Utilities and Carriers
Chapter 1: Public Service Commission
§ 77-1-15. Executive secretary; duties

(1) There shall be an executive secretary of the commission, hereinafter referred to in this chapter as the secretary, to be appointed by the commission, by and with the advice and consent of the Senate, for the term of the commission-ers. The secretary must have the same qualifications as the commissioners and shall be subject to the same disquali-fications and to like penalties, except that he shall not be liable to impeachment. He shall receive a salary fixed by the Legislature. He shall take the oath of office and shall be removable at the pleasure of the commission, which may fill any vacancy until the Senate confirms a successor. The secretary shall make bond as provided for other state officers, in the sum of Ten Thousand Dollars (\$10,000.00), conditioned upon the faithful performance of the duties of his office.

(2) The secretary shall collect all fees and penalties collected by or paid to the commission, and shall cover the same into the State Treasury; and all fees and penalties collected under the Mississippi Motor Carrier Regulatory Law of 1938 shall be covered into the Public Service Commission Regulation Fund.

(3) The secretary of the commission shall be the custodian of all records, documents, and the seal of the commis-sion. He shall issue all citations, subpoenas and other rightful orders and documents, and perform all other duties usually required of such officer, and as required by the commission.

(4) It shall be the duty and responsibility of the secretary to supervise and manage the offices and staff of the Public Service Commission and formulate written policies and procedures for the effective and efficient operation of the office and present these policies and procedures to the board for promulgation.

§ 77-1-17. Rate expert and assistant; duties

The commission is hereby authorized to employ for the term of the commissioners a competent rate expert at a sal-ary fixed by the commission, and an assistant rate expert at a salary fixed by the commission, for the collection of data and evidence for the use of the state in protecting the interest of the state involving duties and obligations of all common carriers, all common carriers by motor vehicle, all restricted common carriers by motor vehicle, and all contract carriers by motor vehicle, and for the establishment of proof in litigation now pending or which may hereaf-ter be instituted.

The rate expert and his assistant shall make all needed investigations affecting rates and rate making and shall per-form such other duties as the commission may find necessary for them to do in the interest of the state.

Said duties shall also include the checking and investigating of the filing of rate schedules with the commission, and making of reports to the commission respecting tariffs filed by any of the above-mentioned carriers with the com-mission involving the increase of any rates for movements within the State of Mississippi, and the general checking and reports to the commission affecting any rates increased from points without the State of Mississippi to points within the State of Mississippi, and from points in the State of Mississippi to points without the State of Mississippi. Said rate experts may be discharged by the commission for incompetency or other good cause, but they shall have notice and an opportunity to be heard in respect to any charge for removal.

§ 77-1-19. Enforcement; additional employees

The commission is authorized to employ the following additional employees to carry out and enforce the provisions of the Motor Carrier Regulatory Law of 1938:

- (a) An assistant secretary and two (2) stenographer-clerks;
- (b) One (1) combined bookkeeper and stenographer;
- (c) One (1) stenographer competent to serve as a reporter of evidence taken before the commission; and
- (d) Twelve (12) additional employees, which includes seven (7) employees to be transferred from the utility de-partment to the motor carrier department to perform the duties of the commission imposed upon it by the provi-sions of said Motor Carrier Regulatory Law.

PUBLIC UTILITY STATUTE

Title 77: Public Utilities and Carriers

Chapter 2: Public Utilities Staff

§ 77-2-1. Establishment of Public Utilities Staff

There is hereby established a Public Utilities Staff, which shall be completely separate and independent from the Public Service Commission and the Public Service Commission staff. Such staff shall consist of the personnel positions of the executive director, the economic and planning division, legal division, engineering division and accounting division with a State Personnel Board organizational code of twenty thousand (20,000) or larger which were formerly authorized and appropriated under the provisions of Section 77-3-8, Mississippi Code of 1972. The executive director shall establish the organizational structure of the staff, and shall have the authority to create units as deemed appropriate to carry out the responsibilities of the staff. The Public Utilities Staff shall represent the broad interests of the State of Mississippi by balancing the respective concerns of the residential, commercial or industrial ratepayers, and the state and its agencies and departments, and the public utilities. The staff shall consist of a sufficient number of professional, administrative, technical, clerical and other personnel as may be necessary for the staff to perform its duties and responsibilities as hereinafter provided. All such personnel shall be competitively appointed by the executive director and shall be dismissed only for cause in accordance with the rules and regulations of the State Personnel Board. All equipment, supplies, records and any funds appropriated by the Legislature to the Public Service Commission for and on behalf of the Public Utilities Staff shall be transferred to such staff on September 1, 1990. The Public Utilities Staff shall be funded separately from the Mississippi Public Service Commission. Any appropriated funds to the Public Utilities Staff shall be maintained in an account separate from any funds of the Public Service Commission and shall never be commingled therewith.

Notwithstanding any provision of this chapter to the contrary, the personnel positions of the data processing division and the gas pipeline safety division of the Public Utilities Staff shall be the Public Service Commission staff positions authorized under Section 77-3-8, and shall be under the control and supervision of the Public Service Commission from and after March 15, 1991. However, the Public Service Commission staff shall continue to provide at no cost administrative support in the nature of data processing and bookkeeping to the Public Utilities Staff in order to avoid duplication of services.

§ 77-2-3. Rights and powers of staff

(1) The public utilities staff created pursuant to Section 77-2-1 and the Public Service Commission and commission staff shall have and possess all of the rights and powers to perform all of the duties vested by this chapter.

(2) The functions of the commission, with the aid and assistance of its staff, shall be regulatory and quasi-judicial in nature. It may make such investigations and determinations, hold such hearings, prescribe such rules and issue such orders with respect to the control and conduct of the businesses coming within its jurisdiction. It may adjudicate all proceedings brought before it in which the violation of any law or rule administered by the commission is alleged.

(3) The primary functions of the public utilities staff shall be investigative and advisory in nature.

§ 77-2-5. Definitions

For purposes of this chapter, the terms defined in this section shall have the meaning ascribed as follows:

(a) "Regulatory function" means all duties and procedures concerning the execution and enforcement of the laws, rules, orders, directives, duties and obligations imposed for the control and government of the persons or businesses regulated, together with investigative activities incident thereto and procedures inherently administrative or executive in character.

(b) "Quasi-judicial function" means the promulgation of all orders and directives of particular applicability governing the conduct of the regulated persons or businesses, together with procedures inherently judicial.

(c) "Commission" means the Mississippi Public Service Commission.

(d) "Public utilities staff" means those persons employed by the public utilities staff established in Section 77-2-1.

(e) "Public service commission staff" means those persons employed by the Public Service Commission pursuant to Section 77-3-8, Mississippi Code of 1972.

§ 77-2-7. Executive director of public utilities staff

(1) An executive director of the public utilities staff shall be appointed, on or before July 1, 1990, by the Governor, from recommended candidates to be selected by the Public Service Commission, with the advice and consent of the Senate, to serve for a term of six (6) years. On or before May 15, 1990, the Public Service Commission shall submit to the Governor a list of not less than three (3) and no more than six (6) qualified candidates for the position of executive director. The Governor shall appoint the executive director from the list of qualified candidates nominated. Within sixty (60) days prior to the expiration of the term of the executive director, the Public Service Commission shall submit the names of candidates to the Governor in the manner provided herein. Whenever any vacancy shall occur in the position of executive director the Public Service Commission shall nominate and the Governor shall appoint an executive director, as provided herein, to fill the unexpired term. The executive director shall serve at the will and pleasure of the Governor.

(2) The executive director of the public utilities staff shall hold at least a bachelors degree and shall have extensive managerial experience with a thorough knowledge of public utility economics and the principles of utility service and rate construction. The executive director of the public

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utilities staff shall possess the ability to analyze quantitative and qualitative data and to develop and adjust regulatory strategies or policies to attain commission objectives. The salary of the executive director shall be set by the Personnel Board and shall be such that it is comparable to salaries of those holding similar positions in other state and federal agencies and commensurate with the duties and responsibilities imposed on this official position which affects the broad interests of the State of Mississippi. Nothing herein shall be construed to prevent reappointment of the executive director for consecutive terms.

§ 77-2-9. Responsibilities of executive director

(1) The executive director shall have general charge of the operations and administration of the public utilities staff. It shall be the duty and responsibility of the executive director to supervise and manage the offices and personnel on the public utilities staff and formulate written policies and procedures for the effective and efficient operation thereof. The executive director shall be responsible for hiring persons on the staff who meet established qualifications for comparable positions of duty and responsibility. The public utilities staff as formerly created in Section 77-3-8, Mississippi Code of 1972, which consists of the Economic and Planning Division, Legal Division, Engineering Division, Accounting Division and Administrative Services Division, and has a State Personnel Board organizational code of twenty thousand (20,000) or larger, is abolished from and after August 31, 1990. All such former employees shall be eligible to be rehired by the executive director for positions on the public utilities staff created pursuant to Section 77-2-1. Such former employees shall not by virtue of abolishing such staff, lose any vacation or sick leave benefits previously accrued and, if rehired, shall continue vacation and sick leave as if they had not been terminated. For a period of one (1) year after July 1, 1990, the personnel actions of the public utilities staff shall be exempt from State Personnel Board procedures in order to give the public utilities staff flexibility in making an orderly, effective and timely transition to the mandated reorganization.

(2) The following personnel and members of the public utilities staff shall be competitively appointed by the executive director and shall have at least the knowledge, skills and abilities set forth herein. These requirements shall not be waived, and possession thereof shall be certified by the State Personnel Board:

(a) A chief engineer who is a graduate licensed engineer and who has a thorough knowledge of engineering principles as applied to the design, construction, operation, maintenance and expansion of utility facilities and rate structure determination. The chief engineer shall possess a thorough knowledge of techniques and practices of public utility service and regulation and shall have the ability to evaluate same and to formulate accurate conclusions therefrom.

(b) A certified public accountant who possesses a thorough knowledge of standard accounting procedures, techniques and systems with specific reference to the utility industry. Such accountant shall be experienced in public utility accounting and shall have a thorough knowledge of the financial and organizational structure of public utility companies to include knowledge of the methods by which financing of major additions and extensions to utility operations is acquired.

(c) A director of economics and planning who holds at least a bachelors degree in economics and possesses a thorough knowledge of the principles and techniques of economic and financial research and statistical analysis. The director of economics and planning shall have a thorough knowledge of the sources of economic, financial and statistical information and the methods of utilizing these sources, as well as considerable knowledge of capital markets with specific reference to utility financing. This employee shall be experienced in conducting analyses of the utility industry, the economy, cost of money, availability and cost of fuel and energy and other related matters within the authority of the commission.

(d) A communications engineer who is a graduate licensed engineer and who has a knowledge of engineering principles as applied to the design, construction, extension and expansion of complex public communications systems with extensive experience in the operation and maintenance of the same, in the application of communications regulations and in the determination of communications rates. The communications engineer shall possess a knowledge of techniques and practices for communications rate analysis and shall have the ability to evaluate same and to formulate accurate conclusions therefrom.

(e) Supportive technical personnel consisting of rate analysts, accountants, inspectors and statisticians as authorized and appropriated by the Legislature.

(f) A general counsel, who shall be a member of the Mississippi State Bar, shall have practiced law for a minimum of five (5) years and who shall possess considerable knowledge of utility regulation generally and of the case law, statutory law and the common law relating thereto.

(3) It shall be the duty and responsibility of the public utilities staff by and through the executive director to:

(a) In uncontested matters review, investigate and make appropriate written recommendations to the commission with respect to the reasonableness of rates charged or proposed to be charged by any public utility and with respect to the consistency of such rates with the public policy of assuring an energy supply adequate to protect the public health and safety and to promote the general welfare;

(b) Review, investigate and make appropriate written recommendations to the commission with respect to the service furnished or proposed to be furnished by any utility;

(c) When deemed necessary by the executive director, in the broad public interest of the State of Mississippi, the using and consuming public, and the public utilities, make written recommendations and reports to the commission regarding all commission proceedings affecting the rates or service of any public utility;

(d) When deemed necessary by the executive director, in the broad public interest of the State of Mississippi, the using and consuming public, and the public utilities, petition the commission to initiate proceedings to review, investigate and take appropriate action with respect to the rates or service of public utilities. Receipt of such petition shall be spread on the minutes of the Public Service Commission. The commission

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shall, within thirty (30) days of receipt of such petition, spread upon its minutes and forward to the executive director of the public utilities staff a response detailing actions taken or proposed to be taken;

(e) When deemed necessary by the executive director, in the broad public interest of the State of Mississippi, the using and consuming public, and the public utilities, make written recommendations and reports to the commission regarding all certificate applications filed and provide assistance to the commission in making the analysis and plans required;

(f) When deemed necessary by the executive director, in the broad public interest of the State of Mississippi, the using and consuming public, and the public utilities, make written recommendations and reports to the commission regarding all proceedings wherein any public utility proposes to reduce or abandon service to the public;

(g) Make studies with respect to standards, regulations, practices or service of any public utility; however, the public utilities staff shall have no duty, responsibility or authority with respect to the enforcement of natural gas pipeline safety law, or the federal railroad safety laws, rules or regulations;

(h) When deemed necessary by the executive director, in the broad public interest of the State of Mississippi, the using and consuming public, and the public utilities, make written recommendations and reports to the commission regarding all commission proceedings with respect to transfers of franchises, mergers, consolidation and combination of public utilities;

(i) When deemed necessary by the executive director, in the broad public interest of the State of Mississippi, the using and consuming public and the public utilities, review and investigate contracts of public utilities with affiliates or subsidiaries;

(j) When deemed necessary by the executive director, in the broad public interest of the State of Mississippi, the using and consuming public, and the public utilities, advise the commission with respect to regulations and transactions;

(k) When deemed necessary by the executive director, in the broad public interest of the State of Mississippi, the using and consuming public and the public utilities, review and make recommendations to the commission on all miscellaneous uncontested filings;

(l) Advise the Public Service Commission in writing as to the broad public interest of the State of Mississippi, the using and consuming public, and the public utilities in all major rate cases and automatic adjustment clauses;

(m) When deemed necessary by the executive director, in the broad public interest of the State of Mississippi, the using and consuming public, and the public utilities, review and investigate the justness and reasonableness, to both the public and the public utility, of rates charged or proposed to be charged by any public utility, the rates of which are subject to regulation under the provisions of this chapter; and

(n) Accumulate evidence and other information from public utilities and other sources as required or as may be requested by the Public Service Commission.

(4) The executive director of the public utilities staff shall employ the resources of the staff to furnish to the commission, in a timely and expeditious manner, such information and reports or conduct such investigations and provide such other assistance as may be required in order to enforce the laws providing for the regulation of public utilities.

(5) All written recommendations and reports provided to the Public Service Commission from the public utilities staff shall bear the signature of the executive director, who shall maintain a record thereof, including the date such recommendation or report was submitted to the commission.

(6) In no event shall the duties and responsibilities of the public utilities staff be exercised with regard to matters not within the jurisdiction and powers of the Public Service Commission.

PUBLIC UTILITY STATUTE

Title 77: Public Utilities and Carriers

Chapter 3: Regulation of Public Utilities

§ 77-3-8. Public service commission staff

(1) There is established in the commission a public service commission staff, which staff shall be a unit, remain as a unit therein, and be responsive to the commission. The public service commission staff shall consist of a sufficient number of professional, administrative, technical, clerical and other personnel as may be necessary for the staff to perform its duties and responsibilities as hereinafter provided. All such personnel of the public service commission staff shall be recommended by the executive secretary and hired or rejected by the commission. Personnel shall be dismissed only for cause in accordance with the rules and regulations of the State Personnel Board. The personnel of the public service commission staff shall be compensated and reimbursed for their actual and necessary expenses, including food, lodging and travel, by the commission from the Public Service Commission Regulation Fund established by Section 77-1-6, and as authorized by Section 25-3-41. The public service commission staff shall be responsible for gathering and analyzing information relating to all matters within the authority of the commission.

(2) The State Personnel Board shall establish and maintain entry-level salaries sufficiently competitive to attract competent, qualified applicants for the specialized skills and positions required by this section without regard to the salaries paid the commissioners and notwithstanding any other provisions of law to the contrary. The State Personnel Board shall authorize, where necessary, a range of salaries within which salary negotiations may be conducted for those positions for which specific knowledge, skills and abilities are set forth herein.

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(3) The public service commission staff shall perform such duties as are assigned to them by the commission.

§ 77-3-9. Public service commission counsel

The Public Service Commission shall appoint an attorney who shall assist and advise the commission in all matters affecting its powers and duties and to perform such duties and services in connection with this chapter and the enforcement thereof as the commission may require. Such attorney shall be a member of the Mississippi State Bar, shall have practiced law for a minimum of five (5) years and who shall possess considerable knowledge of utility regulation generally and of the case law, statutory law and the common law relating thereto. The attorney for the commission shall, upon request of the commission, aid in any investigation or hearing held under the provisions of this chapter. His salary shall be set by the commission, and his salary and expenses shall be paid in the same manner and from the same funds as the salary and expenses of the commissioners.

§ 77-2-13. Issues in contested proceedings; communication; exceptions; violations; punishment

(1) A public service commissioner, commission or public utilities staff employee, or consultant assisting the commission in investigating, compiling, evaluating and analyzing the record shall not communicate, directly or indirectly, regarding any issue in a contested proceeding other than communications necessary to procedural aspects of maintaining an orderly process, with any commission employee or consultant who has participated in the proceeding in a public advocacy or prosecutorial capacity, any party, his agent or other person acting on his behalf who has a direct or indirect pecuniary interest in the outcome of the proceeding, without notice and opportunity for all parties to participate.

(2) A commission or public utilities staff employee, or consultant who has participated in investigating, compiling, evaluating and analyzing the record in a public advocacy or prosecutorial capacity; any party, his agent or other person acting on his behalf who has a direct or indirect pecuniary interest shall not communicate, directly or indirectly, regarding any issue in a contested proceeding other than communications necessary to procedural aspects of maintaining an orderly process, with any commissioner, employee or consultant assisting the commissioners in investigating, compiling, evaluating and analyzing the record, or any person who is or may reasonably be expected to be involved in the decisional process of the proceeding, without notice and opportunity for all parties to participate.

(3) The provisions of this section shall not apply to the following:

(a) Commissioners may communicate with one another regarding any proceeding;

(b) Commissioners, either individually or as a group, may receive aid in investigating, compiling, evaluating and analyzing the record from legal counsel, other employees or consultants of the commission or public utilities staff who have not participated in the proceeding in a public advocacy or prosecutorial capacity; and

(c) Commissioners may communicate, either individually or as a group, with the general public about matters not regarding a contested proceeding.

(4) The commission shall, in the event of a violation of this section, take whatever action is necessary to ensure that such violation does not prejudice any party or adversely affect the fairness of the proceedings to include but is not limited to the following:

(a) A public service commissioner, consultant, or employee of the commission or public utilities staff who is or may reasonably be expected to be involved in the investigation, compilation, evaluation, analysis or decisional process of a contested proceeding who receives an ex parte communication in violation of this section shall place on the public record of the pending matter all written communications received, all written responses to the communications, and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the ex parte communication was received. The chairman of the commission shall advise all parties that these matters have been placed on the record. Upon request made within ten (10) days after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a written rebuttal statement on the record. Portions of the record pertaining to ex parte communications or rebuttal statements do not constitute evidence of any fact at issue in the matter unless a party moves the admission of that portion of the record for purposes of establishing a fact at issue and that portion of the record is so admitted.

(b) If necessary to eliminate the effect of an ex parte communication received in violation of this section, a commissioner who receives the communication may be disqualified, and the portions of the record pertaining to the communication may be sealed by protective order.

(c) The commission may, in its discretion, require, to the extent consistent with the interests of justice and the policy of underlying statutes, the communicator to show cause why his claim in the contested case should not be dismissed, denied, disregarded or otherwise adversely affected as a result of such violation.

(d) Any person found guilty of violating any provision of this section shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed six (6) months or a fine not to exceed One Thousand Dollars (\$1,000.00), or both.

(5) A proceeding shall be considered contested in the following:

(a) Upon the initiation of any proceedings requiring a party to show cause why any action by the commission should not be taken;

(b) In a rate change proceeding when a rate filing is suspended; and

(c) In any adversarial proceeding, when any objection or contest is filed by any party.

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A contested proceeding remains pending until the commission has issued its final order, and the time to petition for reconsideration has expired or the commission has issued an order finally disposing of an application for re-consideration, whichever is later.

§ 77-3-7. Bonding of commission employees

(1) The commission may require such bonds to be carried on its employees as the commission may deem necessary, the cost thereof to be paid by the commission. Insofar as possible to do so, personnel of the commission shall be retained on a full-time basis and shall have no other employment of any kind. As to any part-time or specially employed person, the minutes of the commission shall recite the necessity for deviation from full-time employment.

(2) Nothing in this section should be interpreted to prevent the commission from utilizing the services of these additional personnel herein provided in rendering assistance to the commission in its other duties where such assignment does not interfere with duties in administering the provisions of this chapter.

State: Missouri

PUBLIC UTILITY STATUTE

General counsel authorized, qualifications, duties.

386.071. The public service commission may appoint and fix the compensation of a general counsel to serve at the pleasure of the commission. He shall be an attorney at law and shall have resided in this state prior to his* appointment. It shall be the duty of the general counsel for the commission to represent and appear for the commission in all actions and proceedings involving any question under this or any other law, or under or in reference to any act, order, decision or proceeding of the commission, and if directed to do so by the commission, to intervene, if possible, in** any action or proceeding in which any such question is involved; to commence and prosecute in the name of the state all actions and proceedings, authorized by law and directed or authorized by the commission, and to expedite in every way possible, to final determination all such actions and proceedings; to advise the commission and each commissioner, when so requested, in regard to all matters in connection with the powers and duties of the commission and the members thereof, and generally to perform all duties and services as attorney and counsel to the commission which the commission may reasonably require of him.

Secretary to the commission--duties.

386.090. The commission may appoint a secretary who shall serve during the pleasure of the commission. It shall be the duty of the secretary to keep a full and true record of all the proceedings of the commission, of all books, maps, documents and papers ordered filed by the commission, and of all orders made by each of the commissioners, and of all orders made by the commission or approved and confirmed by it and ordered filed, and he shall be responsible to it for the safe custody and preservation of all such documents at its office. Under the direction of the commission the secretary shall have general charge of its office, superintend its clerical business and perform such other duties as the commission may prescribe. He shall have power and authority to administer oaths in all parts of the state, so far as the exercise of such authority is properly incidental to the performance of his duties or that of the commission. The secretary shall designate from time to time one of the clerks appointed by the commission to perform the duties of secretary during his absence, and during such time the clerk so designated shall, at the office, possess the powers of the secretary of the commission.

Independent technical staff for commission authorized, qualifications--personal advisors permitted--corresponding elimination of positions required--duties of technical staff.

386.135. 1. The commission shall have an independent technical advisory staff of up to six full-time employees. The advisory staff shall have expertise in accounting, economics, finance, engineering/utility operations, law, or public policy.

2. In addition, each commissioner shall also have the authority to retain one personal advisor, who shall be deemed a member of the technical advisory staff. The personal advisors will serve at the pleasure of the individual commissioner whom they serve and shall possess expertise in one or more of the following fields: accounting, economics, finance, engineering/utility operations, law, or public policy.

3. The commission shall only hire technical advisory staff pursuant to subsections 1 and 2 of this section if there is a corresponding elimination in comparable staff positions for commission staff to offset the hiring of such technical advisory staff on a cost-neutral basis. Such technical advisory staff shall be hired on or before July 1, 2005.

4. It shall be the duty of the technical advisory staff to render advice and assistance to the commissioners and the commission's administrative law judges on technical matters within their respective areas of expertise that may arise during the course of proceedings before the commission.

5. The technical advisory staff shall also update the commission and the commission's administrative law judges periodically on developments and trends in public utility regulation, including updates comparing the use, nature, and effect of various regulatory practices and procedures as employed by the commission and public utility commissions in other jurisdictions.

6. Each member of the technical advisory staff shall be subject to any applicable ex parte or conflict of interest requirements in the same manner and to the same degree as any commissioner, provided that neither any person regulated by, appearing before, or employed by the commission shall be permitted to offer such member a different appointment or position during that member's tenure on the technical advisory staff.

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7. No employee of a company or corporation regulated by the public service commission, no employee of the office of public counsel or the public counsel, and no staff members of either the utility operations division or utility services division who were an employee or staff member on, during the two years immediately preceding, or anytime after August 28, 2003, may be a member of the commission's technical advisory staff for two years following the termination of their employment with the corporation, office of public counsel or commission staff member.
8. The technical advisory staff shall never be a party to any case before the commission.

Executive Order 92-04

CODE OF CONDUCT

1. Executive branch employees shall conduct the business of state government in a manner which inspires public confidence and trust.
 - A. Employees shall avoid any interest or activity which improperly influences, or gives the appearance of improperly influencing, the conduct of their official duties.
 - B. Employees shall act impartially and neither dispense nor accept special favors or privileges which might be construed to improperly influence the performance of their official duties.
 - C. Employees shall not allow political participation or affiliation to improperly influence the performance of their duties to the public.
 - D. Employees shall not engage in business with state government, hold financial interests, or engage in outside employment when such actions are inconsistent with the conscientious performance of their official duties.
 - E. Employees shall not use or improperly possess an illegal controlled substance or alcohol in the workplace or during working hours.
 - F. Employees of the State are expected to comply with the statutes of Missouri at all times.
2. Executive branch employees shall conduct themselves in scrupulous compliance with applicable federal, state and local law.
 - A. Employees shall observe all conflict of interest provisions in law applicable to their agencies and positions of employment.
 - B. Employees shall adhere to all laws providing equal opportunity to all citizens.
 - C. Employees shall perform their responsibilities as they are specified in law or other authority establishing those responsibilities.
3. Financial compensation of state employment consists of only authorized salaries and fringe benefits.
 - A. Employees shall not use their public positions in a manner designed to create personal gain.
 - B. Employees shall not disclose confidential information gained by reason of their public positions, nor shall employees use such information for personal gain or benefit.
 - C. Employees shall not directly or indirectly attempt to influence agency decisions in matters relating to prospective employers with whom employment has been accepted or is being negotiated.
4. Executive branch employees owe the public the diligent application of their knowledge, skills and abilities for which they are compensated.
 - A. Employees shall not perform outside employment or other activities not appropriate during hours compensated for state employment and will use leave and other benefits provided by the State only for the purposes intended.
 - B. Employees shall carry out all lawful instructions of designated supervisors, and will report instructions not consistent with law to the proper authorities.
5. Equipment, material and supplies purchased with public funds are intended for the performance of public purposes only.
 - A. Employees shall use and maintain state equipment, materials and supplies in an efficient manner which will conserve future usefulness.
 - B. Employees shall use state equipment, materials and supplies solely for purposes related to the performance of state business.
6. The work of state government will be conducted with respect, concern and courtesy toward clients, co-workers and the general public.
 - A. Employees shall approach their duties with a positive attitude and constructively support open communication, dedication and compassion.
 - B. Employees shall conduct their duties with courtesy toward clients, co-workers, patients, inmates and the general public, recognizing the diverse background, characteristics and beliefs of all those with whom they conduct state business.
 - C. Employees shall not engage in any form of illegal harassment or discrimination in the workplace, including on the basis of race, color, religion, national origin, ancestry, sex, age or disability.
 - D. Employees, in connection with the performance of their duties, shall not seek sexual favors from a client, co-worker, patient, inmate or member of the public.
7. This code shall provide guidance to the officials and employees of the executive branch of Missouri state government in matters of employment related conduct.
 - A. When questions arise in the application of this code, the public interest will receive primary consideration in any resolution.
 - B. This code is not intended to fully prescribe the proper conduct of employees and the failure to prohibit an employee action in this code does not constitute approval of the action.
 - C. This code is intended as a supplement to the provisions in law which govern employee conduct, and in no instance does it decrease the requirements in law.
 - D. Agency heads are responsible for promoting and enforcing this code of conduct among the employees of their agencies in accordance with their respective agency procedures, and shall supplement it with additional provisions to meet the needs of their agencies.
 - E. This code is intended to provide guidance for employment related conduct and is not intended to create any right or benefit enforceable by law.
 - F. No state agency or appointing authority shall discharge, threaten or otherwise retaliate against an employee for reporting in good faith any violation of this code.
 - G. In applying this code to specific situations, the standard to be used is that of a reasonable person having knowledge of the pertinent

circumstances.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 4—Standards of Conduct
4 CSR 240-4.010 Gratuities

PURPOSE: The commission is obligated to promote the public interest and maintain public confidence in its integrity and impartiality. This rule prescribes measures to prohibit practices that possess a potential of wrongdoing.

(1) Each member of the commission and all of its employees are directed to read and comply with this rule and with Executive Order 92-04 dated January 31, 1992 following, which sets forth a standard of conduct for appointed officials and state employees. The commission shall be responsible for the enforcement of applicable statutes, the provisions of the Executive Order and this rule by the suspension or discharge of employees violating the same.

(2) All companies, corporations or individuals and any representative subject to the jurisdiction of the commission shall be prohibited from offering and all members and employees of the commission shall not accept, directly or indirectly, any gifts, meals, gratuities, goods, services or travel, regardless of value, except meals to a commissioner or an employee of the commission when given in connection with a speaking engagement or when the individual is a guest at a conference, convention or association meeting.

(3) All companies, corporations or individuals and any representative subject to the jurisdiction of this commission, and the members and employees of the commission shall immediately file with the chairman and each member of the commission, from and after March 18, 1976, report of any direct or indirect gratuities, meals, services, gifts or travel given or received and the identity and value of same and the purpose for which given or received, which is not permitted by this rule.

PUBLIC UTILITIES STATUTE
Chapter 386. Public Service Commission

386.135. 1. The commission shall have an independent technical advisory staff of up to six full-time employees. The advisory staff shall have expertise in accounting, economics, finance, engineering/utility operations, law, or public policy.

...

6. Each member of the technical advisory staff shall be subject to any applicable ex parte or conflict of interest requirements in the same manner and to the same degree as any commissioner, provided that neither any person regulated by, appearing before, or employed by the commission shall be permitted to offer such member a different appointment or position during that member's tenure on the technical advisory staff.

7. No employee of a company or corporation regulated by the public service commission, no employee of the office of public counsel or the public counsel, and no staff members of either the utility operations division or utility services division who were an employee or staff member on, during the two years immediately preceding, or anytime after August 28, 2003, may be a member of the commission's technical advisory staff for two years following the termination of their employment with the corporation, office of public counsel or commission staff member.

Conflicts of interest by commissioner or employees of commission prohibited--penalty for violation--violation by utility, penalty --violation by officer of utility, penalty.

386.200. 1. Every commissioner, the public counsel and every person employed or appointed to office, either by the commission or by the public counsel, is hereby forbidden and prohibited to solicit, suggest, request or recommend, directly or indirectly, to any public utility, corporation or person subject to the supervision of the commission, or to any officer, attorney, agent or employee thereof, the appointment of any person to any office, place, position or employment. And every such public utility, corporation and person, and every officer, attorney, agent and employee thereof, is hereby forbidden and prohibited to offer to any commissioner, the public counsel, or to any person employed by the commission or by the public counsel, any office, place, appointment or position, or to offer or give to any commissioner, to the public counsel, or to any person employed or appointed to office by the commission or by the public counsel, any free pass or transportation or any reduction in fare to which the public generally are not entitled or free carriage for property or any present, gift, entertainment or gratuity of any kind.

2. If any commissioner, the public counsel, or any person employed or appointed to office by the commission or the public counsel, shall violate any provision of this section he shall be removed from the office held by him. Every commissioner, the public counsel, and every person employed or appointed to office by the commission, or by the public counsel, shall be and be deemed to be a public officer.

3. If any public utility violates any provision of this section, it shall be liable to the state of Missouri in a civil action in any court of competent jurisdiction for the assessment of a civil penalty not to exceed twenty thousand dollars. The penalty provided in this subsection shall be in addition to any other penalty provided for violation of the provisions of this chapter. The attorney general shall bring the action authorized in this subsection. The action may be brought in any county where the defendant public utility's principal place of business is located or where the violation occurred, or where the public utility's registered agent is located. The penalty assessed under the provisions of this subsection shall be paid into the state treasury to the credit of general revenue.

4. Any officer, agent or employee of any public utility who violates any provision of this section is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

State: Montana

PUBLIC UTILITIES STATUTE

69-1-108 Secretary of Commission. (1) The commission shall, immediately after its members have qualified, appoint a secretary to serve during the pleasure of the commission. The secretary shall be a qualified elector of the state.

69-1-109 Employment of Personnel. The commission shall also have the power to appoint stenographers, inspectors, experts, and other persons whenever deemed expedient or necessary by said commission to the proper performance of its duties.

PUBLIC UTILITIES STATUTE

69-1-112. Prohibition on acceptance of favors from railroads. (1) A public service commissioner or the secretary may not, directly or indirectly, solicit or request from or recommend to any railroad corporation or any officer, attorney, or agent thereof the appointment of any person to any place or position; nor shall any railroad corporation or its attorney or agent offer any place, appointment, or position or other consideration to such commissioners or to any clerks or employees of the commission; neither shall the commissioners or their secretary, clerks, agents, employees, or experts accept, receive, or request any pass from any railroad in this state, for themselves or for any other person, except as herein otherwise provided, or any present, gift, or gratuity of any kind from any railroad corporation.

(2) The request or acceptance by them, except as herein specified, of any such place or position, pass, present, gift, or other gratuity shall work a forfeiture of the office of the commissioner, secretary, clerk, agent, employee, or expert requesting or accepting the same. Any person violating any of the provisions of this section is guilty of a misdemeanor.

State: Nebraska

PUBLIC UTILITIES STATUTE

Nebraska Revised Statutes 75-105

75-105 Seal; office; employees. The commissioners shall be known collectively as the Public Service Commission and shall have a seal, which may be either an engraved or ink stamp seal, similar to the seal of this state, with the words Public Service Commission of Nebraska included thereon. They shall be furnished with offices and with necessary furniture, stationery, and supplies. Immediately after a newly elected member of the commission has taken the oath of office prescribed in section 75-102, the commission shall meet at Lincoln and organize. The commission shall also appoint employees as may be necessary to perform the duties which may be required of the commission.

75-106 Executive director; qualifications; salary; duties; fees for transcripts. Any person who is eligible to hold the office of commissioner shall also be eligible to hold the office of executive director. The salary of the executive director shall be fixed by the commission, payable monthly. The executive director shall take the same oath as the commissioners. The executive director shall keep full and correct minutes of all transactions and proceedings of the commission, and it shall be his or her duty to, upon request and being paid the lawful fees therefor, furnish a transcript, duly authenticated by the commission, of any public record of the commission and to perform such duties as may be required by the commission. The executive director shall charge such fees for furnishing a transcript as are allowed by law on appeal from the district court to the Court of Appeals and shall turn such fees into the fund provided for the expenses of the commission.

75-108 Attorney General; act as legal advisor. The commission may consult the Attorney General with reference to any matter upon which it may require advice, and the Attorney General shall give such advice as the commission may require and perform such other services within the line of duty as the commission may require.

75-118 Commission; duties. The commission shall:

- (1) Fix all necessary rates, charges, and regulations governing and regulating the transportation, storage, or handling of household goods and passengers by any common carrier in Nebraska intrastate commerce;
- (2) Make all necessary classifications of household goods that may be transported, stored, or handled by any common carrier in Nebraska intrastate commerce, such classifications applying to and being the same for all common carriers;
- (3) Prevent and correct the unjust discriminations set forth in section 75-126;
- (4) Enforce all statutes and commission regulations pertaining to rates and, if necessary, institute actions in the appropriate court of any county in which the common carrier involved operates except actions instituted pursuant to sections 75-140 and 75-156 to 75-158. All suits shall be brought and penalties recovered in the name of the state by or under the direction of the Attorney General; and
- (5) Enforce the State Natural Gas Regulation Act.

State: Nevada

PUBLIC UTILITIES STATUTE

ORGANIZATION AND FINANCIAL ADMINISTRATION

NRS 703.025 Reorganization of Commission; duties of Commission relating to reorganization; Commission authorized to adopt regulations for operation and enforcement of laws; plan for reorganization.

1. The Commission, by majority vote, shall organize the Commission into sections, alter the organization of the Commission and reassign responsibilities and duties of the sections of the Commission as the Commission deems necessary to provide:

(a) Advice and guidance to the Commission on economic policies relating to utilities under the jurisdiction of the Commission, and the regulation of such utilities;

(b) Administrative, technical, legal and support services to the Commission; and

(c) For the regulation of utilities governed by the Commission and the services offered by such utilities, including, but not limited to, licensing of such utilities and services and the resolution of consumer complaints.

2. The Commission shall:

(a) Formulate the policies of the various sections of the Commission;

(b) Coordinate the activities of the various sections of the Commission;

(c) If customers are authorized by a specific statute to obtain a competitive, discretionary or potentially competitive utility service, take any actions which are consistent with the statute and which are necessary to encourage and enhance:

(1) A competitive market for the provision of that utility service to customers in this State; and

(2) The reliability and safety of the provision of that utility service within that competitive market; and

(d) Adopt such regulations consistent with law as the Commission deems necessary for the operation of the Commission and the enforcement of all laws administered by the Commission.

3. Before reorganizing the Commission, the Commission shall submit the plan for reorganization to:

(a) The Director of the Legislative Counsel Bureau for transmittal to the appropriate legislative committee and the Interim Finance Committee; and

(b) The Director of the Department of Administration.

NRS 703.130 Appointment of Deputy Commissioner, Secretary and Assistant Secretary; other employees; hearing officers.

1. The Commission shall appoint a Deputy Commissioner who shall serve in the unclassified service of the State.

2. The Commission shall appoint a Secretary who shall perform such administrative and other duties as are prescribed by the Commission. The Commission shall also appoint an Assistant Secretary.

3. The Commission may employ such other clerks, experts or engineers as may be necessary.

4. Except as otherwise provided in subsection 5, the Commission:

(a) May appoint one or more hearing officers for a period specified by the Commission to conduct proceedings or hearings that may be conducted by the Commission pursuant to NRS 702.160 and 702.170 and chapters 704, 704A, 704B, 705, 708 and 711 of NRS.

(b) Shall prescribe by regulation the procedure for appealing a decision of a hearing officer to the Commission.

5. The Commission shall not appoint a hearing officer to conduct proceedings or hearings:

(a) In any matter pending before the Commission pursuant to NRS 704.7561 to 704.7595, inclusive; or

(b) In any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, in which an electric utility has filed a general rate application or an annual deferred energy accounting adjustment application.

6. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

PUBLIC UTILITIES STATUTE

Nevada Revised Statutes Section 703.130 - Energy - Public Utilities

Appointment of Deputy Commissioner, Secretary and Assistant Secretary; other employees; hearing officers.

1. The Commission shall appoint a Deputy Commissioner who shall serve in the unclassified service of the State.

2. The Commission shall appoint a Secretary who shall perform such administrative and other duties as are prescribed by the Commission. The Commission shall also appoint an Assistant Secretary.

3. The Commission may employ such other clerks, experts or engineers as may be necessary.

4. Except as otherwise provided in subsection 5, the Commission:

(a) May appoint one or more hearing officers for a period specified by the Commission to conduct proceedings or hearings that may be conducted by the Commission pursuant to NRS 702.160 and 702.170 and chapters 704, 704A, 704B, 705, 708 and 711 of NRS.

(b) Shall prescribe by regulation the procedure for appealing a decision of a hearing officer to the Commission.

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5. The Commission shall not appoint a hearing officer to conduct proceedings or hearings:

- (a) In any matter pending before the Commission pursuant to NRS 704.7561 to 704.7595, inclusive; or
- (b) In any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, in which an electric utility has filed a general rate application or an application to clear its deferred accounts.

6. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

PUBLIC UTILITIES STATUTE

Nevada Revised Statutes Section 703.164 - Energy - Public Utilities
Employment of legal counsel; duties of Attorney General and district attorneys.

1. The Commission may employ, or retain on a contract basis, legal counsel who shall:

- (a) Except as otherwise provided in subsection 2, be counsel and attorney for the Commission in all actions, proceedings and hearings.
- (b) Prosecute in the name of the Commission all civil actions for the enforcement of NRS 702.160 and 702.170 and chapters 704, 704A, 704B, 705 and 708 of NRS and for the recovery of any penalty or forfeiture provided for therein.
- (c) Generally aid the Commission in the performance of its duties and the enforcement of NRS 702.160 and 702.170 and chapters 704, 704A, 704B, 705 and 708 of NRS.

2. Each district attorney shall:

- (a) Prosecute any violation of chapter 704, 704A, 705, 708 or 711 of NRS for which a criminal penalty is provided and which occurs in his county.
- (b) Aid in any investigation, prosecution, hearing or trial held under the provisions of chapter 704, 704A, 705, 708 or 711 of NRS and, at the request of the Commission or its legal counsel, act as counsel and attorney for the Commission.

3. The Attorney General shall, if the district attorney fails or refuses to do so, prosecute all violations of the laws of this state by public utilities under the jurisdiction of the Commission and their officers, agents and employees.

4. The Attorney General is not precluded from appearing in or moving to intervene in any action and representing the interest of the State of Nevada in any action in which the Commission is a party and is represented by independent counsel.

PUBLIC UTILITIES STATUTE

Nevada Revised Statutes Section 703.172 - Energy - Public Utilities
Division of Consumer Complaint Resolution: Establishment; duties.

- 1. A Division of Consumer Complaint Resolution is hereby established within the Commission.
- 2. Pursuant to regulations adopted by the Commission, the Division of Consumer Complaint Resolution shall:

- (a) Receive and investigate complaints made against any public utility or alternative seller;
- (b) Conduct appropriate investigations of the service practices of utility companies or alternative sellers; and
- (c) Perform such other functions as are required by law or as the Commission deems appropriate.

PUBLIC UTILITIES STATUTE

TITLE XXXIV Public Utilities
Chapter 363 The Public Utilities Commission
Support Personnel to Commission

Section 363:27

363:27 Staff; Separation of Functions. –

I. In the exercise of the jurisdiction and performance of the duties prescribed by law, the commission shall have the power, subject to the state personnel regulations and within the limits of the appropriation for such purpose, to employ and fix the compensation of such regular staff, including experts, as it shall deem necessary. Notwithstanding any other provision of law, if the expenditure of additional funds over budget estimates is necessary for the proper functioning of the public utilities commission, the governor and council, with the prior approval of the fiscal committee of the general court, upon request from the commission, may authorize an additional assessment pursuant to RSA 363-A for such purpose.

II. The staff of the commission shall be organized as the commission determines best achieves its statutory responsibilities.

III. EXECUTIVE DIRECTOR AND GENERAL COUNSEL. The commission shall appoint an executive director, who shall serve for a term of 4 years. The commission shall also appoint a general counsel, who shall serve for a term of 4 years and until a successor is appointed and qualified.

PUBLIC UTILITIES CODE

Nevada Administrative Code
NAC 703.155 General duties of Secretary. (NRS 703.025, 704.210)

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1. The Secretary has custody of the minutes of the Commission's proceedings, of its regulations and of all other records of the Commission, including its administrative orders. Orders of the Commission will be authenticated or signed by the Secretary or by another person authorized by the Commission.
2. The Secretary will maintain a hearing calendar of all scheduled hearings at the Commission's office in Carson City and in its branch office in Las Vegas. The hearing calendar is available for public inspection at all times.
3. The Secretary will maintain a docket of all matters pending before the Commission and will assign an appropriate docket number to each new matter. The docket is available at the Commission's office in Carson City for public inspection.

State: New Hampshire

PUBLIC UTILITIES STATUTE

TITLE XXXIV PUBLIC UTILITIES
CHAPTER 363 THE PUBLIC UTILITIES COMMISSION
Support Personnel to Commission

363:27 Staff; Separation of Functions. –

I. In the exercise of the jurisdiction and performance of the duties prescribed by law, the commission shall have the power, subject to the state personnel regulations and within the limits of the appropriation for such purpose, to employ and fix the compensation of such regular staff, including experts, as it shall deem necessary. Notwithstanding any other provision of law, if the expenditure of additional funds over budget estimates is necessary for the proper functioning of the public utilities commission, the governor and council, with the prior approval of the fiscal committee of the general court, upon request from the commission, may authorize an additional assessment pursuant to RSA 363-A for such purpose.

II. The staff of the commission shall be organized as the commission determines best achieves its statutory responsibilities.

III. EXECUTIVE DIRECTOR AND GENERAL COUNSEL. The commission shall appoint an executive director, who shall serve for a term of 4 years. The commission shall also appoint a general counsel, who shall serve for a term of 4 years and until a successor is appointed and qualified.

363:32 Designation of Employees. –

I. (a) Whenever the commission conducts an adjudicative proceeding in accordance with the provisions of RSA 541-A:31 through RSA 541-A:35, the commission shall designate members of its staff as staff advocates and decisional employees, if requested by a party with full rights of participation in the proceeding, when:

(1) It appears that staff members have committed or are likely to commit to a highly adversarial position in the proceeding and may not be able to fairly and neutrally advise the commission on all positions advanced in the proceeding;

(2) The docket concerns an issue or matter which is particularly contentious or controversial and which is significant in consequence;

(3) The issues in the docket are so contested as to create reasonable concern on the part of any party about the staff's role in commission decision making; or

(4) It appears reasonable that such designations may increase the likelihood of a stipulated agreement of the parties.

(b) Unless the commission provides otherwise, any such designations shall only be applicable to a specified adjudicative proceeding. The commission shall make a list of all current designations available to the public.

(c) Although any party who is a full intervenor may make a motion to designate pursuant to paragraph I at any point during the proceeding, if the motion is made later than 20 days after staff members have filed testimony, the commission may deny the motion solely on the grounds that it is administratively unworkable because such motion has been filed so late in the proceeding.

II. The commission may, on its own initiative, designate members of its staff as staff advocates and decisional employees.

363:34 Ex Parte Communications in Adjudicative Proceedings. – Unless required for the disposition of ex parte matters authorized by law, in an adjudicative proceeding, decisional employees shall not communicate with any person or party, directly or indirectly, in connection with any issue in that proceeding, except upon notice and opportunity for all parties to participate. This notice requirement shall not apply to communications between or among commissioners, decisional employees, and personal assistants, including legal counsel, who have not been assigned as staff advocates in the adjudicative proceeding in question.

363:35 Separation of Function. – No employee designated as a staff advocate in an adjudicative proceeding may advise the commission, its presiding officer, individual commissioners, or any decisional employee designated as such in the same proceeding, with respect to matters at issue in the contested case.

PUBLIC UTILITIES CODE
New Hampshire Code of Administrative Rules
PART PUC 103 DESCRIPTION AND CONTACT INFORMATION FOR THE COMMISSION
PUC 103.01 Commission Functions.

(a) The commission is established to carry out the requirements of RSA Title XXXIV relative to public utilities and their customers and the requirements of RSA 38 relative to public utilities and municipalities.

(b) Pursuant to RSA 363:17-a, the commission serves as the arbiter between the interests of the customer and the interests of regulated utilities.

(c) Pursuant to RSA 374:3, the commission has the general supervision of all public utilities and their facilities so far as is necessary to carry out the requirements of RSA Title XXXIV.

(d) Pursuant to RSA 378, the commission has the responsibility to assure that rates charged by public utilities are just, reasonable and lawful.

(e) Pursuant to RSA 363:27, II, the commission shall organize its staff as it determines best achieves the commission's statutory

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responsibilities.

(f) Pursuant to RSA 363:27, III, the commission shall appoint an executive director and a general counsel.

(g) The staff of the commission is structured around industry-specific divisions and includes divisions with expertise in electric, gas, telecommunications, water and all other types of utilities as set forth in RSA 362:2.

(h) In addition to the industry-specific divisions noted in (g), the commission includes an administration division, a legal division, a safety division, an audit division and a consumer affairs division.

PUBLIC UTILITIES CODE

New Hampshire Code of Administrative Rules

PART Puc 203 ADJUDICATIVE PROCEEDINGS

Puc 203.01 Staff Participation. When participating in an adjudicative proceeding, commission staff shall be subject to the rules in this part in the same manner and to the same extent as a party.

State: New Jersey

PUBLIC UTILITIES STATUTE

New Jersey Statutes

Title 48 Public Utilities

48:2-2. Seal; employees; compensation

The board shall have a common seal. It shall appoint a secretary, assistant secretaries, counsel and such other employees as it may deem necessary and fix their duties and terms of service. It shall fix the compensation of all officers and employees, subject to the provisions of Title 11, Civil Service, except where otherwise provided by statute.

48:2-3. Office; director of office management; meetings

The board shall have a principal office and such other offices in such place and places as the Governor in writing may designate, and shall be provided with all necessary furniture, stationery, maps, supplies and office appliances. The board shall appoint a director of office management to serve such office and offices and fix his duties and terms of service. It shall fix the compensation of the director of office management at not less than range code A-32 under the State of New Jersey Compensation Plan, effective June 23, 1973. The board shall meet at such times and places within this State as it may provide.

48:2-3.1. Principal office; filing of copy of designation

Upon the designation by the Governor of the principal office of the Board of Public Utility Commissioners pursuant to section 48:2-3 of the Revised Statutes, the board shall file in the office of the Secretary of State a copy of such designation, and thereafter, wherever reference is made in any law to the office of the board in Trenton it shall be given effect as though it specifically referred to said principal office so designated.

48:2-4. Duties of secretary

The secretary or in his absence an assistant secretary shall keep full and correct minutes of all the transactions and proceedings of the board and perform the other duties required of him. He shall be the official reporter of the proceedings of the board.

BOARD OF PUBLIC UTILITIES CODE OF ETHICS

VIII. SECONDARY EMPLOYMENT

A. General Restrictions on Secondary Employment

1. Commissioners

The Commissioners of the Board shall devote their entire time to the duties of the Board and shall not engage in any other occupation, profession or gainful employment. [(N.J.S.A. 48:2-1b)]

2. Employees

Employees of the Board are permitted to engage in outside employment. Notwithstanding, no Board employee shall undertake any secondary employment or service, whether with or without compensation, which might reasonably affect the proper discharge of his or her official duties or which might present a conflict of time or a conflict of interest. [N.J.S.A. 52:13D-23]

3. Commissioners or Employees

No member or Board employee shall have any official or professional relation or connection with, or hold any stock or securities in, any public utility operating within this state, or hold any other office of profit or trust under the government of this State or of the United States. (N.J.S.A. 48:2-8)

B. Annual Reporting Requirement

1. Commissioners

While the Commissioners of the Board are prohibited by statute from engaging in employment other than with the Board, Commissioners must report if they are an officer or board member of any professional, charitable, educational, trade or other non-profit organization on the Board's Outside Activity Disclosure form.

2. Employees of the Board

Annually, each Board employee shall complete an Activity Disclosure form identifying any outside activities or businesses or if they hold an

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Outside officer position in any professional, charitable, educational, trade, or other non-profit organization in which he/she is involved, whether with or without compensation. [(N.J.A.C. 19:61.2.2)] Part-time employment in retail merchandising, food sales or day care facility operations are excepted from this reporting requirement. A form must be filed by each employee indicating that they do or do not hold a position other than with the Board. If a change in employment status occurs within the year, it is the obligation of the employee to update his/her Outside Activity Disclosure form.

C. Special Reporting Requirements for Employees of the Board Engaged in Businesses, Professions, Trades and Occupations Regulated by the State

Any Board employee who engages in a business, trade, occupation or profession which is subject to licensing or regulation by an agency of the State of New Jersey shall file notice of such activity with the Ethics Liaison Officer who shall report same to the Executive Commission on Ethical Standards. The Outside Activity Disclosure form provides an opportunity for each employee to provide such notice.

IX. OUTSIDE INTERESTS AND ACTIVITIES AND ACCEPTANCE OF COMPENSATION FOR PUBLISHED WORKS

A. General Prohibition Against Outside Interests/Associations

1. Creating Conflicts

No Commissioner or Board employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity, which conflicts with or presents the appearance of a conflict with the proper discharge of his or her official duties.

2. Prohibition against contractual relationships between Board Supervisory personnel and their employees

No Commissioner, Senior Staff member, Division Director, Division Assistant Director, Deputy Director or Bureau Chief may enter into or maintain any personal contractual or business relationships with another officer or employee of the Board over whom that Commissioner, Senior Staff member, Division Director, Division Assistant Director, Deputy Director or Bureau Chief has a direct chain of command relationship. N.J.A.C. 19:61-2.2 (d).

B. Interests in and Dealings with Public Utilities and Other Regulated Entities

1. General Prohibition

No Commissioner or Board employee shall have any interest in any dealings or transactions in any capacity with a public utility, any other entity regulated by the Board or any other interested party, except as required in the strict performance of his or her official duties.

2. Exception for Personal Essential Services

Nothing in this section shall preclude a Commissioner or Board employee from dealing or transacting in business with any such public utility, other entity regulated by the Board or interested party, when such activity is required in the ordinary course of arranging for, receiving, or discontinuing the delivery of essential services (i.e. for the purposes of this Code, identified as: electric, gas, water, sewer, telephone and cable television services) to the person or property of the Commissioner or Board employee.

3. Specific Prohibitions Against Financial Holdings

No Commissioner or Board employee nor his or her spouse or immediate family member shall hold securities or other financial interests in any public utility, any other entity regulated by the Board or any other interested party.

a. Divestiture Required

A Commissioner or Board employee, his or her spouse or immediate family member who possesses such an interest must divest him or herself of that interest and provide the Board's Ethics Liaison Officer with written evidence of such divestment within 60 days after commencing employment with the Board.

i. Commissioners and employees of the Board shall receive a copy of a list of Prohibited Financial Transactions upon commencing their employment and shall acknowledge receipt of same by executing a written acknowledgment which shall be returned by the employee to the Ethics Liaison Officer. The Ethics Liaison Officer shall keep a copy of the acknowledgements on file.

ii. The Prohibited Financial Transactions List will be available to the Commissioners and all Board employees on the Boards Intranet site.

b. Consideration of Blind Trust

Alternatively, and pursuant to the provisions of Executive Order # 10 (Governor James E. McGreevey) a Commissioner or Board employee, their spouse or immediate family member holding such an interest may consult with the Ethics Liaison Officer to explore the possibility of placing the subject interest in a blind trust. Such trust must receive the approval of the State's Executive Commission on Ethical Standards and must be constructed in a form approved by that body. Such trust may not be created in a natural person; the trustee of such blind trust must be a commercial entity. To ensure compliance with the requirements of this section, the Commissioner or Board employee wishing to establish a blind trust must work with the Ethics Liaison Officer to have the proposed form of trust reviewed and approved by the Commission prior to execution. No spouse or immediate family member shall act as a trustee under any blind trust agreement described herein.

State: New Mexico

PUBLIC UTILITIES STATUTE
Chapter 8. Elected Officials
Article 8. Public Regulation Commission

§ 8-8-4. Commission; general powers and duties

A. The commission shall administer and enforce the laws with which it is charged and has every power conferred by law.

B. The commission may:

- (1) subject to legislative appropriation, appoint and employ such professional, technical and clerical assistance as it deems necessary to assist it in performing its powers and duties;
- (2) delegate authority to subordinates as it deems necessary and appropriate, clearly delineating such delegated authority and any limitations;
- (3) retain competent attorneys to handle the legal matters of the commission and give advice and counsel in regard to any matter connected with the duties of the commission and, in the discretion of the commission, to represent the commission in any legal proceeding;
- (4) organize into organizational units as necessary to enable it to function most efficiently, subject to provisions of law requiring or establishing specific organizational units;
- (5) take administrative action by issuing orders not inconsistent with law to assure implementation of and compliance with the provisions of law for which the commission is responsible and to enforce those orders by appropriate administrative action and court proceedings;
- (6) conduct research and studies to improve the commission's operations or the provision of services to the citizens of New Mexico;
- (7) conduct investigations as necessary to carry out the commission's responsibilities;
- (8) apply for and accept grants and donations in the name of the state to carry out its powers and duties;
- (9) enter into contracts to carry out its powers and duties;
- (10) adopt such reasonable administrative, regulatory and procedural rules as may be necessary or appropriate to carry out its powers and duties;
- (11) cooperate with tribal and pueblo governments on topics over which the commission and the other governments have jurisdiction and conduct joint investigations, hold joint hearings and issue joint or concurrent orders as appropriate; and
- (12) apply to the district court for injunctions to prevent violations of any laws that it administers or rules or orders adopted pursuant to those laws.

...

§ 8-8-5. Chief of staff; division directors; other staff

- A. The commission shall appoint a "chief of staff" who is responsible for the day-to-day operations of the commission staff under the general direction of the commission. The chief of staff shall serve at the pleasure of the commission.
- B. With the consent of the commission, the chief of staff shall appoint division directors. Appointments shall be made without reference to party affiliation and solely on the ground of fitness to perform the duties of their offices.
- C. Each director, with the consent of the chief of staff, shall employ such professional, technical and support staff as necessary to carry out the duties of his division. Employees shall be hired solely on the ground of their fitness to perform the job for which they are hired. Except as provided in Subsection D of this section, division staff are subject to the provisions of the Personnel Act.
- D. With the consent of the chief of staff, the superintendent of insurance may designate the following insurance division positions as exempt from the provisions of the Personnel Act: deputy superintendents, chief actuaries and bureau chiefs.

§ 8-8-6. Commission; divisions

The commission shall include the following organizational units:

- A. the administrative services division;
- B. the consumer relations division;
- C. the insurance division;
- D. the legal division;
- E. the transportation division;
- F. the utility division; and
- G. the fire marshal division.

§ 8-8-7. Administrative services division; chief clerk

- A. The director of the administrative services division of the commission shall record the judgments, rules, orders and other proceedings of the commission and make a complete index to the judgments, rules, orders and other proceedings; issue and attest all processes issuing from the commission and affix the seal of the commission to them; and preserve the seal and other property belonging to the commission.
- B. The administrative services division includes the "corporations bureau" and shall perform the following functions:

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- (1) case docketing;
- (2) budget and accounting;
- (3) personnel services;
- (4) procurement; and
- (5) information systems services.

C. The corporations bureau shall perform the functions of the corporations department of the former state corporation commission.

§ 8-8-8. Consumer relations division

A. The consumer relations division shall:

- (1) receive and investigate nondocketed consumer complaints and assist consumers in resolving, in a fair and timely manner, complaints against a person under the authority of the commission, including mediation and other methods of alternative dispute resolution; provided, however, that assistance pursuant to this paragraph does not include legal representation of a private complainant in an adjudicatory proceeding;
- (2) work with the consumer protection division of the attorney general's office, the governor's constituent services office and other state agencies as needed to ensure fair and timely resolution of complaints;
- (3) advise the commission on how to maximize public input into commission proceedings, including ways to eliminate language, disability and other barriers;
- (4) identify, research and advise the commission on consumer issues;
- (5) assist the commission in the development and implementation of consumer policies and programs; and
- (6) perform such other duties as prescribed by the commission.

B. All complaints received by the division with regard to quality or quantity of service provided by a regulated entity or its competitors shall be recorded by the division for the purpose of determining general concerns of consumers. A report of consumer complaints and their status shall be included in the commission's annual report.

§ 8-8-9. Insurance division

A. The director of the insurance division is the "superintendent of insurance" and shall have all the powers and duties prescribed to the director in the New Mexico Insurance Code.

B. The insurance division shall consist of such bureaus as the superintendent of insurance determines for the orderly conduct of business.

§ 8-8-9.3. Fire marshal division

The fire marshal division includes the following:

- A. the firefighter training academy bureau;
- B. the fire service support bureau;
- C. the fire investigations bureau; and
- D. the fire code enforcement bureau."

§ 8-8-10. Legal division

A. The commission shall set minimum requirements for the director of the legal division, including membership in the New Mexico bar and administrative and supervisory experience.

B. The legal division shall:

- (1) provide legal counsel for the commission in matters not involving advice on contested proceedings before the commission; and
- (2) provide legal counsel to all divisions, including the legal component of the staff that represents the public interest in matters before the commission.

§ 8-8-11. Transportation division

The transportation division shall serve as staff to the commission for the following functions, as provided by law:

- A. motor carrier regulation and enforcement;
- B. railroad safety enforcement;
- C. pipeline safety; and
- D. ambulance standards.

§ 8-8-12. Utility division

A. The utility division shall serve as staff to the commission in the regulation of electric, natural gas, renewable energy sources, telecommunications and water and wastewater systems as provided by law.

B. The commission shall set minimum educational and experience requirements for the director of the utility division.

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C. The utility division shall represent the public interest in utility matters before the commission and may present testimony and evidence and cross-examine witnesses. In order to represent the public interest, the utility division shall present to the commission its beliefs on how the commission should fulfill its responsibility to balance the public interest, consumer interest and investor interest.

D. The utility division shall perform the functions of the telecommunications department of the former state corporation commission and staff functions, not including advisory functions, of the former New Mexico public utility commission.

E. Utility division staff shall not have ex parte communications with commissioners or a hearing examiner assigned to a utility case, except as expressly permitted pursuant to Section 8-8-17 NMSA 1978.

§ 8-8-12.1. Telecommunications bureau

A. The "telecommunications bureau" is created in the utility division of the public regulation commission.

B. The telecommunications bureau shall:

- (1) review disputes between telecommunications providers;
- (2) investigate each complaint on an expedited basis;
- (3) address other telecommunications-related duties as required by the New Mexico Telecommunications Act and the commission; and
- (4) recommend actions to the commission.

C. Each complaint shall be resolved by the commission within sixty days unless extended for good cause by an order of the commission or hearing examiner that states with specificity the reason for and length of the extension.

§ 8-8-13. Advisory staff

A. The chief of staff may hire, with the consent of the commission, advisory staff with expertise in regulatory law, engineering, economics and other professional or technical disciplines to advise the commission on any matter before the commission. The chief of staff may hire on a temporary, term or contract basis such other experts or staff as the commission requires for a particular case.

B. Advisory staff shall:

- (1) analyze case records;
- (2) analyze recommended decisions;
- (3) advise the commission on policy issues;
- (4) assist the commission in the development of rules;
- (5) assist the commission in writing final orders; and
- (6) perform such other duties as required by the chief of staff.

§ 8-8-14. Hearing examiners

A. The commission may appoint a commissioner or a hearing examiner to preside over any matter before the commission, including rulemakings, adjudicatory hearings and administrative matters.

B. Except as provided in the New Mexico Insurance Code, a hearing examiner shall provide the commission with a recommended decision on the matter assigned to him, including findings of fact and conclusions of law. The recommended decision shall be provided to the parties, and they may file exceptions to the decision prior to the final decision of the commission.

C. When the commission has appointed a hearing examiner to preside over a matter, at least one member of the commission shall, at the request of a party to the proceedings, attend oral argument.

D. Duties of hearing examiner: Hearing examiners shall have the following duties:

(1) to follow and apply the policies of the commission as enunciated in previous orders and rules, and to comply with the Public Utility Act, the Telephone and Telegraph Company Certification Act, the New Mexico Telecommunications Act, the Rural Telecommunications Act, the Public Regulation Commission Act, the Motor Carrier Act, the Pipeline Safety Act, Chapter 62, Article 14 NMSA 1978, the Motor Vehicle Act, the Ambulance Standards Act, the Cooperative Association Act, the Corporate Reports Act, the Professional Corporation Act, the Economic Development Corporation Act, the Nonprofit Corporation Act, the Business Corporation Act, the Limited Liability Company Act, the Foreign Business Trust Registration Act, Chapter 59A, Article 52, the Fireworks Licensing and Safety Act, the Conflict of Interest Act, and other applicable law;

(2) to disqualify themselves at any point where their impartiality might be or is reasonably questioned;

(3) in all rate cases, to render a recommended decision as soon as practicable before the termination of the suspension period;

(4) to submit final recommended decisions subject to commission review and treatment as provided in this rule; the hearing examiner shall file the final recommended decision and provide copies to all parties, staff, each commissioner, and the advisory staff;

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(5) except as to ex parte matters authorized by law and commission rules, no hearing examiner shall, in any proceeding to which they have been assigned, consult with any party on any substantive issue unless notice is given and an opportunity afforded all parties and staff to participate and respond.

[1.2.2.29 NMAC - Rp, 17 NMAC 1.2.32, 9-1-08]

§ 8-8-12. Utility division

A. The utility division shall serve as staff to the commission in the regulation of electric, natural gas, renewable energy sources, telecommunications and water and wastewater systems as provided by law.

B. The commission shall set minimum educational and experience requirements for the director of the utility division.

C. The utility division shall represent the public interest in utility matters before the commission and may present testimony and evidence and cross-examine witnesses. In order to represent the public interest, the utility division shall present to the commission its beliefs on how the commission should fulfill its responsibility to balance the public interest, consumer interest and investor interest.

D. The utility division shall perform the functions of the telecommunications department of the former state corporation commission and staff functions, not including advisory functions, of the former New Mexico public utility commission.

E. Utility division staff shall not have ex parte communications with commissioners or a hearing examiner assigned to a utility case, except as expressly permitted pursuant to Section 8-8-17 NMSA 1978.

State: New York

PUBLIC UTILITIES STATUTE

§ 7. Organization and records; minutes as evidence; destruction of certain records

1. The commission shall have a secretary and assistant secretaries to be appointed by the chairman. It shall be the duty of the secretary to keep a full and true record of all proceedings and a transcript of the public sessions of the commission. The record of the proceedings of the commission shall be prima facie evidence of the proceedings of the commission. The transcript of public sessions shall be made available in the Albany and New York city offices that the commission maintains. The chairman shall have charge of the organization of its office, shall assign its employees to the several divisions or bureaus and shall superintend the performance of their duties. The secretary and assistant secretary, each commissioner and each hearing officer or person designated to conduct an investigation may administer oaths in all parts of the state, so far as the exercise of such power is properly incidental to the performance of his duty or that of the commission.

2. Such records and general correspondence as are no longer necessary for the purposes of the commission may be destroyed upon the order of the commission; but no such record, report or correspondence shall be destroyed until it shall have been on file for at least five years.

3. Any opinion issued by the commission in a formal commission proceeding shall include a record of the vote taken indicating the names of the commissioners who voted in favor and the names of the commissioners who voted against the opinion. Any statement of dissent shall be attached to the majority's opinion.

§ 8. Additional officers and employees

The chairman shall have power to employ such officers, clerks, inspectors, experts and employees, and to make such contracts for special services as he may deem to be necessary to carry out this chapter, or to perform the duties and exercise the powers conferred by law upon the commission. The chairman, by certificate filed in the office of the commission may from time to time, specially authorize any officer or employee of the commission to conduct any investigation or hearing, which the commission is authorized to conduct, to take testimony in respect of the subject or matter under investigation, and report the testimony to the commission, and in the conduct of such investigation or hearing such officer or employee shall have all the powers of a commissioner.

...
§ 12. Counsel to the commission; duties

It shall be the duty of counsel to the commission, subject to the direction of the chairman, to represent and appear for the people of the state and the commission in all actions and proceedings involving any question under this chapter, or within the jurisdiction of the commission, and, if directed to do so to intervene, if possible, in any action or proceeding in which any such question is involved; to commence and prosecute all actions and proceedings directed or authorized, and to expedite in every way possible final determination of all such actions and proceedings; and generally to perform all duties and services delegated to or required of him.

...
§ 15. Certain acts prohibited

Every commissioner, and every person employed or appointed to office in the department is hereby forbidden and prohibited to solicit, suggest, request or recommend, directly or indirectly, to any corporation or person subject to the supervision of the commission, or to any officer, attorney, agent or employee thereof, the appointment of any person to any office, place, position or employment. And every such corporation and person, and every officer, attorney, agent and employee thereof, is hereby forbidden and prohibited to offer to any commissioner or to any person employed by the department any office, place, appointment or position, or to offer or give to any

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commissioner, or to any officer employed or appointed to office in the department any free pass or transportation or any reduction in fare to which the public generally are not entitled or free carriage for property or any present, gift or gratuity of any kind. If any commissioner or any person employed or appointed to office in the department shall violate any provision of this section he shall be removed from office. Every commissioner and every person employed or appointed to office in the department shall be and be deemed to be a public officer. Any employee or agent of the department who divulges any confidential information which may come to his knowledge during the course of any inspection or examination of the property, accounts, records or memoranda of any person, corporation or municipality subject to the jurisdiction of the commission, except insofar as he may be directed by the commission, or by a court or judge, or authorized by law, shall be guilty of a misdemeanor.

State: North Carolina

PUBLIC UTILITIES LAW
Chapter 62. Public Utilities.
Article 1. General Provisions

§ 62-12. Organization of Commission; adoption of rules and regulations therefor.

To facilitate the work of the Commission and for administrative purposes, the chairman of the Commission, with the consent and approval of the Commission, may organize the work of the Commission in several hearing divisions and operating departments and may designate a member of the Commission as the head of any division or divisions and assign to members of the Commission various duties in connection therewith. Subject to the provisions of the State Personnel Act (Article 2 of Chapter 143 of the General Statutes), the Commission shall prepare and adopt rules and regulations governing the personnel, departments or divisions and all internal affairs and business of the Commission.

§ 62-14. Commission staff; structure and function.

- (a) The Commission is authorized and empowered to employ hearing examiners; court reporters; a chief clerk and deputy clerk; a commission attorney and assistant commission attorney; transportation and pipeline safety inspectors; and such other professional, administrative, technical, and clerical personnel as the Commission may determine to be necessary in the proper discharge of the Commission's duty and responsibility as provided by law. The chairman shall organize and direct the work of the Commission staff.
- (b) The salaries and compensation of all such personnel shall be fixed in the manner provided by law for fixing and regulating salaries and compensation by other State agencies.
- (c) The chairman, within allowed budgetary limits and as allowed by law, shall authorize and approve travel, subsistence and related expenses of such personnel, incurred while traveling on official business.

§ 62 15. Office of executive director; public staff, structure and function.

- (d) It shall be the duty and responsibility of the public staff to:
 - (1) Review, investigate, and make appropriate recommendations to the Commission with respect to the reasonableness of rates charged or proposed to be charged by any public utility and with respect to the consistency of such rates with the public policy of assuring an energy supply adequate to protect the public health and safety and to promote the general welfare;
 - (2) Review, investigate, and make appropriate recommendations to the Commission with respect to the service furnished, or proposed to be furnished by any public utility;
 - (3) Intervene on behalf of the using and consuming public, in all Commission proceedings affecting the rates or service of any public utility;
 - (4) When deemed necessary by the executive director in the interest of the using and consuming public, petition the Commission to initiate proceedings to review, investigate, and take appropriate action with respect to the rates or service of public utilities;
 - (5) Intervene on behalf of the using and consuming public in all certificate applications filed pursuant to the provisions of G.S. 62 110.1, and provide assistance to the Commission in making the analysis and plans required pursuant to the provisions of G.S. 62 110.1 and 62 155;
 - (6) Intervene on behalf of the using and consuming public in all proceedings wherein any public utility proposes to reduce or abandon service to the public;
 - (7) Investigate complaints affecting the using and consuming public generally which are directed to the Commission, members of the Commission, or the public staff and where appropriate make recommendations to the Commission with respect to such complaints;
 - (8) Make studies and recommendations to the Commission with respect to standards, regulations, practices, or service of any public utility pursuant to the provisions of G.S. 62 43; provided, however, that the public staff shall have no duty, responsibility, or authority with respect to the enforcement of natural gas pipeline safety laws, rules, or regulations;
 - (9) When deemed necessary by the executive director, in the interest of the using and consuming public, intervene in Commission proceedings with respect to transfers of franchises, mergers, consolidations, and combinations of public utilities pursuant to the provisions of G.S. 62 111;
 - (10) Investigate and make appropriate recommendations to the Commission with respect to applications for certificates by radio common carriers, pursuant to the provisions of Article 6A of this Chapter;
 - (11) Review, investigate, and make appropriate recommendations to the Commission with respect to contracts of public utilities with affiliates or subsidiaries, pursuant to the provisions of G.S. 62 153;
 - (12) When deemed necessary by the executive director, in the interest of the using and consuming public, advise the Commission with respect to securities, regulations, and transactions, pursuant to the provisions of Article 8 of this Chapter.
- (e) The public staff shall have no duty, responsibility, or authority with respect to the laws, rules or regulations pertaining to the physical

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facilities or equipment of common, contract and exempt carriers, the registration of vehicles or of insurance coverage of vehicles of common, contract and exempt carriers; the licensing, training, or qualifications of drivers or other persons employed by common, contract and exempt carriers, or the operation of motor vehicle equipment by common, contract and exempt carriers in the State.

(f) The executive director representing the public staff shall have the same rights of appeal from Commission orders or decisions as other parties to Commission proceedings.

(g) Upon request, the executive director shall employ the resources of the public staff to furnish to the Commission, its members, or the Attorney General, such information and reports or conduct such investigations and provide such other assistance as may reasonably be required in order to supervise and control the public utilities of the State as may be necessary to carry out the laws providing for their regulation.

(h) The executive director is authorized to employ, subject to approval by the State Budget Officer, expert witnesses and such other professional expertise as the executive director may deem necessary from time to time to assist the public staff in its participation in Commission proceedings, and the compensation and expenses therefor shall be paid by the utility or utilities participating in said proceedings. Such compensation and expenses shall be treated by the Commission, for rate-making purposes, in a manner generally consistent with its treatment of similar expenditures incurred by utilities in the presentation of their cases before the Commission. An accounting of such compensation and expenses shall be reported annually to the Joint Legislative Utility Review Committee and to the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

(i) The executive director, within established budgetary limits, and as allowed by law, shall authorize and approve travel, subsistence, and related necessary expenses of the executive director or members of the public staff, incurred while traveling on official business.

State: North Dakota

PUBLIC UTILITIES STATUTE

Title 49 Public Utilities

Chapter 49-01 Public Service Commission

49-01-08. Appointment of examiners by public service commission. The commission may designate any special assistant attorney general appointed by the attorney general as commerce counsel or counsel to the commission, the director of auto transportation, the chief statistician, the chief engineer, or any other person qualified in the law or possessing knowledge or expertise in the subject matter of the hearing to act as examiner for the purpose of holding any hearing which the commission, or any member thereof, has power or authority to hold.

49-01-09. Attorneys for public service commission - Attorney general - State's attorney - Duties - Additional counsel - Compensation. The attorney general shall be ex officio attorney for the commission and personally or through commerce counsel shall:

1. Give to the commission such counsel, advice, and assistance necessary for the proper discharge of its powers and duties.
2. Appear for, and represent, the state at all hearings of the commission or appeals therefrom when necessary.
3. Institute, prosecute, or defend any action or proceeding which the commission may deem proper and expedient.

The state's attorney in any county, on request of the commission, shall institute, prosecute, appear in, and defend for the commission any and all actions and proceedings which the commission may institute and prosecute or to which the commission is a party. The commission may employ additional counsel to assist such attorney general or state's attorney, when in its judgment the exigencies of the case may require. The fee of such additional counsel shall be determined by the commission and approved by the office of management and budget and paid out of funds appropriated for such purpose.

49-01-10. Assistants - Authority of public service commission to appoint. The commission may employ stenographers, rate experts, and such other employees as may be deemed necessary in the discharge of its official duties.

State: Ohio

PUBLIC UTILITIES STATUTE

Title 49 Public Utilities

Chapter 4901 Public Utilities Commission - Organization

4901.17 Legal adviser and attorney.

The attorney general shall be the legal adviser of the public utilities commission, but he shall designate, subject to the approval of the governor, one or more of his assistants to perform the services and discharge the duties of attorney to the commission. Such specially designated counsel shall receive a salary which shall be paid in the same manner as that of the members of the commission.

4901.18 Examiners.

The public utilities commission shall appoint one or more examiners for the purpose of making any investigation or holding any inquiry or hearing which the commission is required or permitted to make or hold. Such examiners may administer oaths, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony, examine witnesses, receive evidence, certify to official acts, and perform such other duties as are prescribed by the commission. The commission shall, by general order or in its order of appointment, prescribe the authority and duties of such examiners. Unless otherwise provided in the order appointing the examiner, such examiner shall report his findings and recommendations to the commission and file with it the testimony taken before him. The findings and recommendations of such examiner are advisory only and do not preclude the commission from taking further evidence. Any such findings made or order recommended by any such examiner, which are approved and confirmed, or modified, by the

commission and filed in its office, are the findings and order of the commission.

4901.19 Employees of commission - duties of secretary or other officer.

The public utilities commission may appoint a secretary, attorney examiners, experts, engineers, accountants, and such other officers as it considers necessary, who shall be in the classified civil service except for persons in attorney examiner or supervisory policy-making positions, who shall serve at the pleasure of the commission. The commission's discretion as to whether or not a position is an attorney examiner position or a supervisory policy-making position shall be exercised upon the affirmative vote of at least four commissioners. All vouchers for the payment of officers, experts, examiners, engineers, statisticians, accountants, inspectors, stenographers, clerks, and other employees of the commission shall be approved by two public utilities commissioners.

The secretary, or such other officer as is designated by the commission, shall keep a complete record of all proceedings of the commission, issue all necessary process, writs, warrants, and notices, and keep all books, maps, documents, and papers ordered filed by the commission, or approved and confirmed by it and ordered filed. Such secretary or other officer shall be responsible to the commission for the custody and safe preservation of all documents in its office. Under the direction of the commission, the secretary or any other officer shall perform such duties as the commission prescribes. The secretary and attorney examiners may administer oaths in all parts of the state insofar as the exercise of such power is properly incidental to the performance of their duties or the duties of the commission.

4901.20 Repealed.

4901.21 Employment of Ohio state university engineers and experts.

In the employment of engineers, experts, or other assistants the public utilities commission may make use of engineers and experts employed in the Ohio state university in such manner as is provided by mutual arrangement between the commission and the trustees and faculty of such university. Any information, data, and equipment of such university shall be placed at the disposal of the commission.

4901.23 Right of commissioners and employees to pass on vehicles of common carrier.

The public utilities commissioners and the attorney, secretary, other officers, and employees of the public utilities commission may, when in the performance of their official duties, pass free of charge on all railroads, cars, vessels, and other vehicles of every common carrier, subject to control or regulation by the commission, between points within this state, and such persons shall not be denied the right to travel upon any railroad, car, vessel, or other vehicle of such common carrier, whether such railroad, car, vessel, or other vehicle is used for the transportation of passengers or freight, and regardless of its class.

State: Oklahoma

State: Oregon

PUBLIC UTILITIES LAW
Oregon Revised Statutes
Chapter 756 - Public Utility Commission
§ 756.036 Duties and functions

(1) The Public Utility Commission may:

- (a) Organize and reorganize the office of the Public Utility Commission in the manner that it considers necessary to properly discharge the responsibilities of the Public Utility Commission.
 - (b) Contract for or procure on a fee or part-time basis, or both, such experts, technical or other professional services as it may require for the discharge of its duties.
 - (c) Obtain such other services as it considers necessary or desirable.
 - (d) Participate in organizations of regional and national utility commissions.
 - (e) Appoint advisory committees. A member of an advisory committee so appointed shall receive no compensation for services as a member. Subject to any applicable law regulating travel and other expenses of state officers and employees, the member shall receive actual and necessary travel and other expenses incurred in the performance of official duties.
- (2) Subject to any applicable law regulating travel and other expenses of state officers and employees, the commissioners and the officers and employees of the commission shall be reimbursed for such reasonable and necessary travel and other expenses incurred in the performance of their official duties.

(3) The chairperson of the commission appointed under ORS 756.014 (Public Utility Commission) shall serve as the administrative head of the commission and has the power to:

- (a) With the consent of one or more of the other members of the commission, appoint and employ all subordinate officers and employees, including, but not limited to, deputies, assistants, engineers, examiners, accountants, auditors, inspectors and clerical personnel, prescribe

their duties and fix their compensation, subject to the State Personnel Relations Law.

(b) Prescribe internal policies and procedures for the government of the commission, the conduct of its employees, the assignment and performance of its business and the custody, use and preservation of its records, papers and property in a manner consistent with applicable law. [1971 c.655 §8; 1985 c.834 §9; 1999 c.1102 §2; 2003 c.14 §453]

State: Pennsylvania

PUBLIC UTILITIES LAW
Title 66 Pa.C.S.A. Public Utilities
Part I. Public Utility Code, Subpart A. Preliminary Provisions, Chapter 1. General Provisions

§ 304. Administrative law judges

(a) General rule.--The office of administrative law judge to the Pennsylvania Public Utility Commission is hereby created. The commission shall have the power to appoint as many qualified and competent administrative law judges as may be necessary for proceedings pursuant to this part, and who shall devote full time to their official duties and who shall perform no duties inconsistent with their duties and responsibilities as administrative law judges. Administrative law judges shall be afforded employment security as provided by the act of August 5, 1941 (P.L. 752, No. 286), known as the "Civil Service Act." [FN1] Compensation for administrative law judges shall be established by the commission. If the commission is occasionally and temporarily understaffed of administrative law judges, the commission may appoint qualified and competent persons who meet the minimum standards established by this part to temporarily serve as such judges, who shall serve at the pleasure of the commission and shall receive such compensation as the commission may establish.

(b) Staff.--The commission may appoint secretaries and legal or technical advisors to assist each judge in performance of his duties or may assign personnel from any of the other bureaus within the commission.

(c) Qualifications.--All judges must meet the following minimum requirements:

- (1) Be an attorney in good standing before the Supreme Court of Pennsylvania.
- (2) Have three years of practice before administrative agencies or equivalent experience.
- (3) Conform to such other requirements as shall be established by the commission.

(d) Chief administrative law judge.--The commission shall appoint a chief administrative law judge who shall be responsible for assigning a hearing judge to every proceeding before the commission which may require the utilization of an administrative law judge and who shall receive remuneration above that of any other administrative law judge. The position of chief administrative law judge may not be withdrawn from a person so appointed, nor his salary diminished, except for good cause shown. The chief administrative law judge shall have such other responsibilities as the commission may by rule prescribe.

§ 305. Director of operations, secretary, employees and consultants

(a) Director of operations.--The commission may appoint a director of operations who shall serve at the pleasure of the commission and shall be responsible for the day-to-day administration and operation of the bureaus and offices of the commission, except that the director of operations shall have responsibility for the prosecutorial function only with regard to administrative matters.

(b) Secretary.--The commission may appoint and fix the compensation of a secretary to hold office at its pleasure. The secretary shall have such powers and shall perform such duties not contrary to law as the commission shall prescribe. The commission shall have power and authority to designate, from time to time, one of its clerks to perform the duties of the secretary during his absence, and the clerk so designated shall possess, for the time so designated, the powers of the secretary of the commission.

(c) Employees and consultants.--The commission may appoint, fix the compensation of, authorize and delegate such officers, consultants, experts, engineers, statisticians, accountants, inspectors, clerks and employees as may be appropriate for the proper conduct of the work of the commission. The total compensation paid to consultants in any fiscal year shall not exceed 4% of the commission's budget. The commission shall keep records of the names of each consultant, the services performed for the commission, and the amounts expended for each consultant's services. The commission shall submit these records as a part of its annual budget submission. Such records shall be a matter of public record open for inspection at the office of the commission during the normal business hours of the commission. The commission shall establish, after consultation with the Civil Service Commission, standardized qualifications for employment and advancement, and all titles, and establish different standards for different kinds, grades, and classes of similar work or service. The employees of the commission shall be afforded employment security as provided by the act of August 5, 1941 (P.L. 752, No. 286), known as the "Civil Service Act," [FN1] or the appropriate collective bargaining agreement, whichever is applicable, but the commission shall set the salaries of all employees in accordance with the employment standards established under this section.

§ 307. Inspectors for enforcement

The commission may employ such inspectors, as it may deem necessary, for the purpose of enforcing the provisions of this part. Such inspectors are hereby declared to be police officers, and are hereby given police power and authority throughout this Commonwealth to arrest

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on view, without writ, rule, order, or process, any person operating as a motor carrier or com-mon carrier by airplane without a certificate or permit required by this part. Such inspectors are hereby given authority to stop vehicles on the highways of this Commonwealth, and to inspect the cargoes of such vehicles, and any receipts or bills of lad-ing pertaining to such cargoes.

§ 308. Bureaus and offices

(a) Enumeration.--There shall be established within the commission the following bureaus and functions:

(1) Law Bureau.

(2) Deleted by 2008, Oct. 15, P.L. 1592, No. 129, § 1.2, effective in 30 days [Nov. 14, 2008].

(3) Bureau of Consumer Services.

(4) Deleted by 2008, Oct. 15, P.L. 1592, No. 129, § 1.2, effective in 30 days [Nov. 14, 2008].

(b) Law Bureau.--The Law Bureau shall be a multifunction legal staff, consisting of a prosecutory function, an advisory function, a representational function and an enforcement function. The Director of the Law Bureau shall be the chief counsel of the commission and shall serve at the pleasure of the commission. The commission may also, from time to time, appoint such assistant counsel to the commission as may be required for the proper conduct of the work of the Law Bureau. Assistant counsel may be removed by the commission only for good cause. The Law Bureau shall advise the commission on any and all matters. No counsel shall in the same case or a factually related case perform duties in the prosecutory and advisory func-tions, if such performance would represent a conflict of interest. Except for litigation referred to the Attorney General or other appropriate outside counsel, the Law Bureau solely shall be responsible to represent the commission upon appeals and other hearings in the courts of common pleas and in the Commonwealth Court, Supreme Court or other courts of this Com-monwealth or in any Federal court or agency and in actions instituted to recover penalties and to enforce regulations and or-ders of the commission. If necessary to protect the public interest, the Law Bureau, pursuant to its prosecutorial function, may initiate and participate in proceedings before the commission unless directed by the commission to do so in a proceeding involving transportation, safety, eminent domain, siting, service issues having no impact on rates or ability to pay or assist the Office of Trial Staff in carrying out the duties of the Office of Trial Staff, nor shall any member of the Law Bureau receive assistance from the Office of Trial Staff in the performance of his duties. Except as provided in this section, the Law Bureau may receive assistance from any other bureau or office of the commission as determined to be necessary.

(c) Deleted by 2008, Oct. 15, P.L. 1592, No. 129, § 1.2, effective in 30 days [Nov. 14, 2008].

(d) Bureau of Consumer Services.--

(1) The Bureau of Consumer Services shall investigate and issue final determinations on all informal consumer complaints and shall advise the commission as to the need for formal commission action on any matters brought to its attention by the complaints. Any party may appeal a final determination issued by the Bureau of Consumer Services and seek review by an administrative law judge or special agent subject to the procedures in section 335 (relating to initial decisions). The bureau shall on behalf of the commission keep records of all complaints received, the matter complained of, the utility involved, and the disposition thereof and shall at least annually report to the commission on such matters. The commission may take official notice of all complaints and the nature thereof in any proceeding before the commission in which the utility is a party. The commission shall adopt, publish and generally make available rules by which a consumer may make informal complaints. The bureau shall also assist and advise the commission on matters of safety compliance by public utilities.

(2) Annually on or before April 15, the commission shall submit a report to the Governor and to the Business and Com-merce Committee of the House and the Community and Economic Development Committee of the Senate. The report shall compare all nonresidential categories of ratepayers for all electric and gas public utilities so that reasonably accurate com-parisons of rates can be made between similar individuals or groups of nonresidential ratepayers receiving services in dif-ferent service areas.

§ 308.1. Consumer protection and information

(a) Informal complaints.--The commission shall promulgate regulations by which a consumer may make informal com-plaints. A party may appeal a determination regarding the informal complaint and seek review by an administrative law judge or special agent subject to the procedures in section 335 (relating to initial decisions and release of documents). The commis-sion shall keep records of each informal complaint received, the matter complained of, the utility involved and the disposition and shall at least annually prepare a report on these matters.

(b) Rate comparison report.--Annually, by April 15, the commission shall submit a report to the Governor and to the Gen-eral Assembly. The report shall compare all categories of ratepayers for all electric and gas public utilities so that reasonably accurate comparisons of rates can be made between similar individuals or groups of ratepayers receiving services in different service areas.

§ 308.2. Other bureaus, offices and positions

(a) Establishment of other bureaus, offices and positions.--In addition to the specific bureaus established in this part, the commission may establish other bureaus, offices and positions to perform the following functions:

(1) Review and provide advice regarding applications, petitions, tariff filings and other matters filed with the commission.

(2) Provide advice, review exceptions and prepare orders regarding matters to be adjudicated.

- (3) Conduct financial reviews, earnings analyses and other financial studies.
 - (4) Conduct economic research, forecasting, energy conservation studies, cost studies and other economic studies related to public utilities.
 - (5) Monitor industry markets to detect anticompetitive, discriminatory or other unlawful conduct.
 - (6) Insure adequate maintenance, safety and reliability of utility networks.
 - (7) Insure adequate service quality, efficiency and availability at just and reasonable rates.
 - (8) Conduct financial, management, operational and special audits.
 - (9) Provide consumer information, consumer protection and informal resolution of complaints.
 - (10) Insure adequate safety, insurance, fitness and other requirements relevant to transportation utilities.
 - (11) Take appropriate enforcement actions, including rate proceedings, service proceedings and allocation proceedings, necessary to insure compliance with this title, commission regulations and orders.
 - (12) Perform other functions the commission deems necessary for the proper work of the commission.
- (b) Prohibition on commingling of functions.--A commission employee engaged in a prosecutory function may not, in that matter or a factually related matter, provide advice or assistance to a commission employee performing an advisory function as to that matter.

§ 503. Enforcement proceedings by Chief Counsel

The Chief Counsel, in addition to the exercise of the powers and duties now conferred upon him by law, shall also, upon request of the commission proceed in the name of the Commonwealth, by mandamus, injunction, or quo warranto, or other appropriate remedy at law or, in equity, to restrain violations of the provisions of this part, or of the regulations or orders of the commission, or the judgments, orders, or decrees of any court, or to enforce obedience thereto.

State: Rhode Island

PUBLIC UTILITIES STATUTE
Title 39. Public Utilities and Carriers
Chapter 1. Public Utilities Commission

§ 39-1-3. Commission and division established--Functions of commission-- Administrator

(a) To implement the legislative policy set forth in § 39-1-1 and to serve as the agencies of the state in effectuating the legislative purpose, there are hereby established a public utilities commission and a division of public utilities and carriers. The commission shall serve as a quasi-judicial tribunal with jurisdiction, powers, and duties to implement and enforce the standards of conduct under § 39-1-27.6 and to hold investigations and hearings involving the rates, tariffs, tolls, and charges, and the sufficiency and reasonableness of facilities and accommodations of railroad, gas, electric distribution, water, telephone, telegraph, and pipeline public utilities, the location of railroad depots and stations, and the control of grade crossings, the revocation, suspension, or alteration of certificates issued pursuant to § 39-19-4, appeals under § 39-1-30, petitions under § 39-1-31, and proceedings under § 39-1-32.

(b) The administrator shall be a person who is not a commissioner and who shall exercise the jurisdiction, supervision, powers, and duties not specifically assigned to the commission, including the execution of all laws relating to public utilities and carriers and all regulations and orders of the commission governing the conduct and charges of public utilities and who shall perform such other duties and have such powers as are hereinafter set forth. The administrator shall be a person who is appointed by the governor for an initial term of six (6) years. The administrator shall be appointed with the advice and consent of the senate. The director of administration, with the approval of the governor, shall allocate the administrator to one of the grades established by the pay plan for unclassified employees. The public utilities administrator also shall have such powers and duties as provided in § 46-15.3-20.

§ 39-1-9. Clerk--Oath of office

The commission shall appoint an employee of the division as its clerk, who shall serve during its pleasure. The commissioners and clerk shall be sworn to the faithful discharge of the duties of their offices and, before entering upon their offices, shall file a certificate of their oaths for record in the office of the secretary of state.

§ 39-1-10. Powers and duties of clerk

The clerk shall have the custody of the seal of the commission, have general charge of the office, keep a full record of its proceedings, file and preserve at its office all documents and papers entrusted to his or her care, prepare such papers and notices as may be required of him or her by the commission, and perform such other duties as it may prescribe. The clerk shall have power to issue subpoenas for witnesses and to administer oaths in all cases before the commission or pertaining to the duties of the office.

§ 39-1-15. Investigators and examiners

For effective administration, supervision, and regulation of public utilities, communications carriers, and common or contract carriers, the administrator, at his or her discretion, may designate examiners, investigators, hearing officers, or one or more agents of the division to make investigations and conduct hearings. In conducting investigations and hearings, the administrator and every person designated therefor by him or her shall be vested with all the powers conferred on the chairperson of the commission by § 39-1-13. Upon completion of his or her investigation and hearing, the person hearing or investigating shall file his or her recommended decision and findings in writing with the administrator; and the decision and findings, when approved by the administrator, shall have the same force and effect as a decision and findings by the administrator. The administrator may, however, at his or her discretion, upon considering the evidence in the matter at issue and the written recommended decision as filed by the hearing officer, agent, examiner, or investigator, decide the matter in hearing or under investigation him or herself, and in such case the decision of the administrator with his or her findings shall become effective when signed and filed by him or her.

§ 39-1-19. Personnel--Legal representation

(a) To carry out the purposes of this title, the commission and the division, within the appropriation therefor, are authorized to employ such clerks, stenographers, engineers, accountants, and agents as may be required, who shall be in the classified service, and may also retain and employ experts, consultants, and assistants on a contract or other basis for rendering legal, financial, professional, technical or other assistance or advice.

(b) When requested by the administrator, the attorney general or an assistant designated by him or her shall appear and represent the division in any hearing, investigation, action, or proceeding under this title or in reference to any act or proceeding of the division, and intervene in any action or proceeding in which is involved any question arising under this title. In all cases in which the attorney general or an assistant intervenes on behalf of the state as a customer of a public utility, or on behalf of the citizens of the state, as customers of a public utility, the division may employ legal counsel to represent it, as provided for in § 39-1-20.

§ 39-1-20. Assistance for investigations and hearings

Whenever the commission or the division shall conduct an investigation or hearing upon a proposal by a public utility to increase its rates, tolls, or charges or to issue stocks, bonds, notes, or other evidences of indebtedness or to merge or consolidate with another company, it may employ legal counsel, official stenographers, and expert witnesses, and may designate disinterested persons free from bias, prejudice, and pecuniary interest in the matter concerned, to examine into and testify regarding the matters involved and all collateral issues at all hearings and in any appeal procedures until final determination in law has been had.

State: South Carolina

PUBLIC UTILITIES STATUTE
Title 58 - Public Utilities, Services and Carriers
CHAPTER 3. PUBLIC SERVICE COMMISSION
ARTICLE 1. GENERAL PROVISIONS

SECTION 58-3-60. Employment of clerk, attorneys and other staff; salaries; travel authorization and approval; exception as to functions of Office of Regulatory Staff

(A) The commission is authorized and empowered to employ: a chief clerk and deputy clerk; a commission attorney and assistant commission attorneys; hearing officers; hearing reporters; and such other professional, administrative, technical, and clerical personnel as the commission determines to be necessary in the proper discharge of the commission's duties and responsibilities as provided by law. The chairman must organize and direct the work of the commission staff. The salaries of the chairman, the commissioners, and the chief clerk shall not be construed as limiting the maximum salary which may be paid to other employees of the Public Service Commission. The commission staff shall not appear as a party in commission proceedings and shall not offer testimony on issues before the commission.

(B) Subject to Section 58-3-580, the commission must be staffed and equipped to perform the functions set forth in this title except for those responsibilities and functions reserved to the Office of Regulatory Staff. The expenses must be paid from the assessments collected pursuant to Section 58-3-100. The chairman, within allowed budgetary limits and as otherwise allowed by law, must authorize and approve travel, subsistence, and related expenses of personnel incurred while traveling on official business.

(C) The commissioners shall not supervise the Office of Regulatory Staff.

(D) The commission shall not inspect, audit, or examine public utilities. The inspection, auditing, and examination of public utilities is solely the responsibility of the Office of Regulatory Staff.

PUBLIC UTILITIES CODE
South Carolina Code of Regulations
CHAPTER 103. PUBLIC SERVICE COMMISSION
ARTICLE 1. COMMON CARRIERS
SUBARTICLE 1. COMMON CARRIERS BY RAIL AND EXPRESS COMPANIES

103-813. The Commission Staff.

The Commission is authorized and empowered to employ a chief clerk and deputy clerk; a commission attorney and assistant commission attorneys; hearing officers; hearing reporters; and such other professional, administrative, technical, and clerical personnel as the commission determines to be necessary in the proper discharge of the commission's duties and responsibilities as provided by law.

State: South Dakota

PUBLIC UTILITIES STATUTE
TITLE 49 PUBLIC UTILITIES AND CARRIERS
Chapter 49-1 Public Utilities Commission

49-1-8 Creation of Public Utilities Commission - Secretary - Seal

The Public Utilities Commissioners who are elected shall constitute a commission to be known and designated as the Public Utilities Commission of the State of South Dakota. The members of the commission shall elect a chairperson by majority vote and prescribe his duties. The commission shall have an official seal, which shall be judicially noticed.

49-1-2 Executive Director - Appontment - Duties - Signature on behalf of commission

The Public Utilities Commission may appont an executive director who shall serve at the pleasure of the commission. The executive director shall serve as the chief administrative officer of the commission and shall be directly responsible to all the members of the commission. The executive director shall carry out those functions that have been delegated to him by the commission or any of its members. The executive director shall indicate on the face of the document that he has been authorized to sign the document at the request of the commission or individual members. The executive director may not conduct or administer the office so as to discriminate against any of the commission members.

49-1-2 Attorney general to act as adviser to commission - Suits by commission

The attorney general shall at all times, when requested, give the Public Utilities Commission such counsel and advice as they may from time to time require; and it shall be his duty to institute and prosecute, whenever requested by the Public Utilities Commission, any and all such suits which such commission may deem it expedient and proper to institute, and he shall render to such commission such counsel, advice, and opinions in writing when requested, as are necessary to carry out the provisions of this title or any law of this state, according to the true intent and meaning thereof.

49-1-15 Assistant attorneys general to serve commission exclusively

The attorney general may, with the approval of the Public Utilities Commission, appoint one or more assistant attorneys general to serve the Public Utilities Commission and work exclusively for the commission.

49-1-16 Duties of state's attorneys

It shall be the duty of the state's attorney of any county in which suit is instituted, or prosecuted pursuant to Section 49-1-14, to aid in the prosecution of the same to a final issue upon the request of the Public Utilities Commission or the attorney general.

State: Tennessee

PUBLIC UTILITIES STATUTES

West's Tennessee Code Annotated Currentness
Title 65. Public Utilities and Carriers
Chapter 1. Tennessee Regulatory Authority
Part 1. General Provisions
§ 65-1-101. Creation; terms of directors; vacancies

(a) There is created the Tennessee regulatory authority consisting of four (4) directors. The directors shall be ap-pointed as follows: one (1) shall be appointed by the governor, one (1) shall be appointed by the speaker of the senate, one (1) shall be appointed by the speaker of the house of representatives, and one (1) director shall be ap-pointed by joint agreement among the governor, the speaker of the senate and the speaker of the house of repre-sentatives. In making the appointments pursuant to this subsection (a), the governor, the speaker of the senate and the speaker of the house of representatives shall strive to ensure that the Tennessee regulatory authority is com-posed of directors who are diverse in professional or educational background, ethnicity, geographic residency, heritage, perspective and experience.

(b) The directors of the authority shall be state officers and shall serve for six-year terms, except as provided in subsection (g).

Staff Responsibilities.txt

(c) Every March 1 prior to the expiration of the terms of office of the directors thereafter, the governor, the speaker of the senate, and the speaker of the house of representatives shall each appoint one (1) director of the authority, and they shall jointly appoint one (1) director of the authority.

(d) All appointments of the directors shall be confirmed by joint resolution adopted by each house of the general assembly prior to the commencement of the term of office to which such director is appointed. However, the initial appointment of the director which is made by the joint agreement of all the appointing authorities shall not require confirmation by joint resolution during the session of the general assembly in which such director is appointed and such director shall serve without confirmation unless such appointment is rejected by joint resolution of the general assembly within thirty (30) days after the general assembly convenes following such appointment. Thereafter, all directors shall be confirmed by joint resolution adopted by each house of the general assembly prior to the commencement of the term of office to which such director is appointed.

(e) Any vacancy on the authority shall be filled by the original appointing authority for such position to serve the unexpired term and such appointments shall be confirmed in the same manner as the original appointment. However, if the general assembly is not in session and a vacancy occurs, the appropriate appointing authority shall fill such vacancy by appointment and the appointee to such vacancy shall serve the unexpired term unless such appointment is not confirmed within thirty (30) days after the general assembly convenes following the appointment to fill such vacancy.

(f) The term of office of each director shall commence on July 1, following such director's appointment.

(g) In order to stagger the terms of directors, the terms of directors appointed during 2008 to commence terms of office on July 1, 2008, shall expire as follows:

(1) The term of the director appointed by the governor and the term of the director appointed by the joint agreement of all the appointing authorities shall expire on June 30, 2011.

(2) The term of the directors appointed by the speaker of the house of representatives and the speaker of the senate shall expire on June 30, 2014.

(3) Thereafter, all members shall serve six-year terms.

PUBLIC UTILITIES STATUTE

Title 65. Public Utilities and Carriers

Chapter 1. Tennessee Regulatory Authority

Part 1. General Provisions

§ 65-1-115. Career service employees as state service members; executive service employees; department actions, review

In addition to the designations of career and executive service employees in § 8-30-208, the following members of the former public service commission shall be included in the executive service:

- (1) Members of the Tennessee regulatory authority;
- (2) The executive director of the Tennessee regulatory authority;
- (3) The personal staff of the members of the Tennessee regulatory authority;
- (4) The division directors and assistant division directors of the Tennessee regulatory authority; and
- (5) Any attorneys employed by the Tennessee regulatory authority.

All actions of the department of personnel in regard to the Tennessee regulatory authority personnel transactions may, upon request of a majority of the authority directors, be reviewed and revised, modified or reversed by action of the house finance, ways and means committee and the senate finance, ways and means committee.

PUBLIC UTILITIES STATUTES

Chapter 28. Pipeline Corporations

Part 1. General Provisions

§ 65-28-106. Authority powers and duties

(a) The authority has the right, power and authority to provide and make certifications, reports and information to the secretary of the United States department of transportation; to enter into agreements with the secretary to carry out the purposes of §§ 65-28-104--65-28-111; to enforce safety standards in the state of Tennessee including enforcement of federal safety standards as permitted in the Natural Gas Pipeline Safety Act, 49 U.S.C. § 60101 et seq.; and to exercise regulatory jurisdiction over the safety of pipeline systems and transportation of gas in accordance with permission granted by the Natural Gas Pipeline Safety Act, 49 U.S.C. § 60101 et seq.

(b) The authority has the right, power and authority to promulgate reasonable rules and regulations to ensure that each pipeline system is operating in compliance with the required safety standards and to enforce such compliance. It has the right, power and authority to require each public utility to make, maintain and file such books, papers, records and documents as the authority may deem necessary and to require that these books, papers, records and documents be made available to members of the authority and their employees upon request. Authorized representatives of the authority shall be authorized to inspect all pipeline systems, facilities and equipment and shall have the right of access and entry to all buildings and property owned, leased or operated by such systems.

(c) The authority shall be authorized to employ such inspectors or other qualified employees as may be necessary to carry out the provisions of §§ 65-28-104--65-28-111.

State: Texas

PUBLIC UTILITY STATUTE

TITLE 2. PUBLIC UTILITY REGULATORY ACT
SUBTITLE A. PROVISIONS APPLICABLE TO ALL UTILITIES
CHAPTER 12. ORGANIZATION OF COMMISSION
SUBCHAPTER C. COMMISSION PERSONNEL

Sec. 12.101. COMMISSION EMPLOYEES. The commission shall employ:

- (1) an executive director; and
- (2) officers and other employees the commission considers necessary to administer this title.

§ 572.055. Certain Solicitations of Regulated Business Entities Prohibited; Criminal Offense

(a) An association or organization of employees of a regulatory agency may not solicit, accept, or agree to accept anything of value from a business entity regulated by that agency and from which the business entity must obtain a permit to operate that business in this state or from an individual directly or indirectly connected with that business entity.

(b) A business entity regulated by a regulatory agency and from which the business entity must obtain a permit to operate that business in this state, or an individual directly or indirectly connected with that business entity may not offer, confer, or agree to confer on an association or organization of employees of that agency anything of value.

(c) This section does not apply to an agency regulating the operation or inspection of motor vehicles or an agency charged with enforcing the parks and wildlife laws of this state.

(d) A person commits an offense if the person intentionally or knowingly violates this section. An offense under this subsection is a Class A misdemeanor.

Sec. 12.153. RELATIONSHIP WITH TRADE ASSOCIATION.

A person may not serve as a commissioner or be a commission employee who is employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if the person is:

- (1) an officer, employee, or paid consultant of a trade association; or
- (2) the spouse of an officer, manager, or paid consultant of a trade association.

Sec. 12.154. PROHIBITED ACTIVITIES.

(a) During the period of service with the commission, a commissioner or commission employee may not:

- (1) have a pecuniary interest, including an interest as an officer, director, partner, owner, employee, attorney, or consultant, in:
 - (A) a public utility or affiliate; or
 - (B) a person a significant portion of whose business consists of furnishing goods or services to public utilities or affiliates;

- (2) directly or indirectly own or control securities in a public utility, affiliate, or direct competitor of a public utility; or

- (3) accept a gift, gratuity, or entertainment from:

- (A) a public utility, affiliate, or direct competitor of a public utility;

- (B) a person a significant portion of whose business consists of furnishing goods or services to public utilities, affiliates, or direct competitors of public utilities; or

- (C) an agent, representative, attorney, employee, officer, owner, director, or partner of a person described by Paragraph (A) or (B).

(b) A commissioner or a commission employee may not directly or indirectly solicit, request from, or suggest or recommend to a public utility or an agent, representative, attorney, employee, officer, owner, director, or partner of a public utility the appointment to a position or the employment of a person by the public utility or affiliate.

(c) A person may not give or offer to give a gift, gratuity, employment, or entertainment to a commissioner or commission employee if that person is:

- (1) a public utility, affiliate, or direct competitor of a public utility;

- (2) a person who furnishes goods or services to a public utility, affiliate, or direct competitor of a public utility; or

(3) an agent, representative, attorney, employee, officer, owner, director, or partner of a person described by Subdivision (1) or (2).

(d) A public utility, affiliate, or direct competitor of a public utility or a person furnishing goods or services to a public utility, affiliate, or direct competitor of a public utility may not aid, abet, or participate with a commissioner, commission employee, or former commission employee in conduct that violates Subsection (a)(3) or (c).

(e) Subsection (a)(1) does not apply to an interest in a nonprofit group or association, other than a trade association, that is solely supported by gratuitous contributions of money, property, or services.

(f) It is not a violation of this section if a commissioner or commission employee, on becoming the owner of stocks, bonds, or another pecuniary interest in a public utility, affiliate, or direct competitor of a public utility otherwise than voluntarily, informs the commission and the attorney general of the ownership and divests the ownership or interest within a reasonable time.

(g) It is not a violation of this section if a pecuniary interest is held indirectly by ownership of an interest in a retirement system, institution, or fund that in the normal course of business invests in diverse securities independently of the control of the commissioner or commission employee.

(h) This section does not apply to a contract for a public utility product or service or equipment for use of a public utility product when a commissioner or commission employee is acting as a consumer.

(i) In this section, a "pecuniary interest" includes income, compensation, and payment of any kind, in addition to an ownership interest.

Sec. 12.155. PROHIBITION ON EMPLOYMENT OR REPRESENTATION.

(a) A commissioner, a commission employee, or an employee of the State Office of Administrative Hearings involved in hearing utility cases may not:

(1) be employed by a public utility that was in the scope of the commissioner's or employee's official responsibility while the commissioner or employee was associated with the commission or the State Office of Administrative Hearings; or

(2) represent a person before the commission or State Office of Administrative Hearings or a court in a matter:

(A) in which the commissioner or employee was personally involved while associated with the commission or State Office of Administrative Hearings; or

(B) that was within the commissioner's or employee's official responsibility while the commissioner or employee was associated with the commission or State Office of Administrative Hearings.

(b) The prohibition of Subsection (a)(1) applies until the:

(1) second anniversary of the date the commissioner ceases to serve as a commissioner; and

(2) first anniversary of the date the employee's employment with the commission or State Office of Administrative Hearings ceases.

(c) The prohibition of Subsection (a)(2) applies while a commissioner, commission employee, or employee of the State Office of Administrative Hearings involved in hearing utility cases is associated with the commission or State Office of Administrative Hearings and at any time after.

Sec. 12.156. QUALIFICATIONS AND STANDARDS OF CONDUCT INFORMATION. The executive director or the executive director's designee shall provide to commissioners and commission employees as often as necessary information regarding their:

(1) qualifications for office or employment under this title; and

(2) responsibilities under applicable laws relating to standards of conduct for state officers and employees.

State: Utah

PUBLIC UTILITIES STATUTE

Title 54. Public Utilities

Chapter 1. Public Service Commission

§ 54-1-6. Employment of staff--Status and compensation--Employees not to be parties or witnesses and may not appeal commission decisions

(1) The annual budget of the Public Service Commission shall provide sufficient funds for the commission to hire, develop, and organize an advisory staff to assist the commission in performing the powers, duties, and functions committed to it by statute.

Staff Responsibilities.txt

(a) The commission may hire:

- (i) economists, accountants, engineers, statisticians, lawyers, law clerks, and other professional and technical experts;
- (ii) court reporters, transcribers of tape recordings, clerks, secretaries, and other administrative and support staff;
- (iii) additional experts as required for a particular matter; and
- (iv) administrative law judges, who shall be members of the Utah State Bar, and constitute a separate organizational unit reporting directly to the commission.

(b) The commission may provide for funds in the annual budget to acquire suitable electronic recording equipment to maintain a verbatim record of proceedings before the commission, any commissioner, or any administrative law judge.

(2)(a) With the exception of clerical workers in nonconfidential positions, all staff of the Public Service Commission are exempt employees under the State Personnel Management Act [FN1] and serve at the pleasure of the commission.

(b) Administrative law judges are exempt employees under the State Personnel Management Act and may only be removed from office upon due notice and by a unanimous vote of the commission.

(c)(i) The Department of Human Resource Management shall determine pay schedules using standard techniques for determining compensation.

(ii) The Department of Human Resource Management may make its compensation determinations based upon compensation practices common to utility companies throughout the United States.

(3)(a) The staff or other employees of the commission may not appear as parties or witnesses in any proceeding before the commission, any commissioner, or any administrative law judge.

(b) The staff or other employees of the commission may not appeal any finding, order, or decision of the commission.

§ 54-1-6.5. Executive staff director--Appointment--Functions

The commission shall appoint an executive staff director, who shall serve at the pleasure of the commission and shall supervise and coordinate staff functions, assist the chairman of the commission with administrative duties, and perform any other duties the commission may direct.

§ 54-1-6.7. Repealed by Laws 2001, c. 24, § 1, eff. April 30, 2001

§ 54-1-7. Secretary of commission--Appointment--Functions

The commission may appoint a secretary of the commission, who shall serve at the pleasure of the commission. It shall be the duty of the secretary to keep a full and true record of all the proceedings of the commission and of all determinations, rulings and orders made by the commission, or by any of the commissioners, and of the approval and confirmation by the commission of the determinations, rulings and orders made by individual commissioners or administrative law judges. The secretary shall be the custodian of the records of the commission, and shall file and preserve at its general office all books, profiles, tariffs, schedules, reports, maps and documents, and all papers whatsoever filed with it or entrusted to its care, and the secretary shall be responsible to the commission for the custody thereof. Under the direction of the commission the secretary shall superintend its clerical business, conduct its correspondence, give notice of all hearings, determinations, rulings and orders of the commission, prepare for service papers and notices required by the commission, and perform other duties the commission may prescribe. The secretary shall have power to administer oaths in all parts of the state in all proceedings by or before the commissioners and in all cases or matters pertaining to the duties of the office of secretary. In the absence of the secretary, the commission may designate another individual to perform the secretary's duties.

§ 54-1-7.5. Adoption of internal organization measures

The commission shall have authority to adopt internal organizational measures to effectuate efficiency and economy in the management and operations of the commission.

§ 54-1-11. Prohibited interests, relationships and actions by commissioners and employees

(1) No person employed as a commissioner or as personnel of the commission shall, while so employed:

(a) Have any pecuniary interest, whether as the holder of stock or other securities, or otherwise have any conflict of interest with any public utility or other entity subject to the jurisdiction of the commission;

(b) Have any office, position or relationship, or be engaged in any business or avocation which interferes or is incompatible with the effective and objective fulfillment of the duties of office or employment with the commission;

(c) Accept any gift, gratuity, emolument or employment from any public utility or other entity subject to the jurisdiction of the commission or from any other officer, agent, or employee thereof; or

(d) Solicit, suggest, request, or recommend, directly or indirectly, the appointment of any person or entity to any office or employment with any public utility or other entity subject to the jurisdiction of the Public Service Commission.

(2) No officer, agent, attorney, or employee of any public utility shall directly or indirectly solicit, request, or recommend to the governor, any state senator, the commission, or the Division of Public Utilities the appointment of any person as a commissioner or as executive director of the commission, or the appointment of any person to any commission staff position.

State: Vermont

PUBLIC UTILITIES STATUTE
Title Thirty. Public Service
Part 1. Department of Public Service
Chapter 1. Appointment, General Powers and Duties
§ 1. Composition of department

(a) The department of public service shall consist of the commissioner of public service, a director for regulated utility planning, a director for public advocacy, a director for energy efficiency and such other persons as the commissioner considers necessary to conduct the business of the department.

(b) The commissioner of public service shall be appointed by the governor with the advice and consent of the senate. The commissioner of public service shall serve for a term of two years beginning February 1 of the year in which the appointment is made. The commissioner shall serve at the pleasure of the governor. The directors for regulated utility planning, for energy efficiency and for public advocacy shall be appointed by the commissioner.

(c) The director for public advocacy may employ, with the approval of the commissioner, legal counsel and other experts, and clerical assistance, and the directors of regulated utility planning and energy efficiency may employ with the approval of the commissioner experts and clerical assistance.

§ 2. Department of public service; powers

(a) The department of public service shall supervise and direct the execution of all laws relating to public service corporations and firms and individuals engaged in such business, including the:

- (1) Formation, organization, ownership and acquisition of facilities of public service corporations under chapter 3 of this title;
- (2) Participation in planning for proper utility service as provided in section 202 of this title through the director for regulated utility planning;
- (3) Supervision and evaluation under chapters 5 and 77 of this title of the quality of service of public utility companies;
- (4) Interconnection and interchange of facilities of electric companies under sections 210, 213 and 214 of this title;
- (5) Representation of the state in the negotiations and proceedings for the procurement of electric energy from any source outside of this state and from any generation facility inside the state under sections 211 and 212 of this title;
- (6) Review of proposed changes in rate schedules and petition to the public service board, and representation of the interests of the consuming public in proceedings to change rate schedules of public service companies under chapter 5 of this title;
- (7) Siting of electric generation and transmission facilities under section 248 of this title;
- (8) Consolidations and mergers of public service corporations under chapter 7 of this title;
- (9) Supervision and regulation of cable television systems under chapter 13 of this title;
- (10) Supervision and regulation of telegraph and telephone companies under chapters 71, 73 and 75 of this title;
- (11) Supervision and regulation of the organization and operation of municipal plants under chapter 79 of this title;
- (12) Supervision and regulation of the organization and operation of electric cooperatives under chapter 81 of this title.

(b) In cases requiring hearings by the board, the department, through the director for public advocacy shall represent the interests of the people of the state, unless otherwise specified by law. In any hearing, the board may, if it determines that the public interest would be served, request the attorney general or a member of the Vermont bar to represent the public or the state.

(c) The department may bring proceedings on its own motion before the public service board, with respect to any matter within the jurisdiction of the public service board, and may initiate rule-making proceedings before that board. The public service board, with respect to any matter within its jurisdiction, may issue orders on its own motion and may initiate rule-making proceedings.

(d) In any proceeding where the decommissioning fund for the Vermont Yankee nuclear facility is involved, the department shall represent the consuming public in a manner that acknowledges that the general public interest requires that the consuming public, rather than either the state's future consumers who never obtain benefits from the facility or the state's taxpayers, ought to provide for all costs of decommissioning.

The department shall seek to have the decommissioning fund be based on all reasonably expected costs.

§ 3. Public service board

(a) The public service board shall consist of a chairperson and two members. The chairperson and each member shall not be required to be admitted to the practice of law in this state.

(b) The chairperson shall be nominated, appointed and confirmed in the manner of a superior judge.

(c) Members of the board other than the chairperson shall be appointed in accordance with this subsection. When-ever a vacancy occurs, public announcement of the vacancy shall be made. The governor shall submit at least five names of potential nominees to the judicial nominating board for review. The judicial nominating board shall re-view the candidates in respect to judicial criteria and standards only and shall recommend to the governor those candidates the board considers qualified. The governor shall make the appointment from the list of qualified candidates. The appointment shall be subject to the consent of the senate.

(d) The term of each member shall be six years. Any appointment to fill a vacancy shall be for the unexpired portion of the term vacated. A member wishing to succeed himself or herself in office may seek reappointment under the terms of this section.

(e) Notwithstanding section 2004 of Title 3, or any other provision of law, members of the board may be removed only for cause. When a board member, who hears all or a substantial part of a case, retires from office before such case is completed, he or she shall remain a member of the board for the purpose of concluding and deciding such case, and signing the findings, orders, decrees and judgments therein. A retiring chairperson shall also remain a member for the purpose of certifying questions of law if appeal is taken. For such service he or she shall receive a reasonable compensation to be fixed by the remaining members of the board and necessary expenses while on official business.

(f) A case shall be deemed completed when the board enters a final order therein even though such order is appealed to the supreme court and the case remanded by that court to the board. Upon remand the board then in office may in its discretion consider relevant evidence including any part of the transcript of testimony in the proceedings prior to appeal.

(g) The chairperson shall have general charge of the offices and employees of the board.

§ 4. Qualifications of members, commissioners and clerk

A person in the employ of or holding any official relation to any company subject to the supervision of the board, or engaged in the management of such company, or owning stock, bonds or other securities thereof, or who is, in any manner, connected with the operation of such company in this state, shall not be a member or clerk of the board or commissioner of public service; nor shall any person holding the office of member, clerk of the board or commissioner of public service personally or in connection with a partner or agent, render professional service for or against or make or perform any business contract with any company subject to such supervision, relating to the business of such company, except contracts made with them as common carriers or in regular course of public service; nor shall such person, directly or indirectly, receive from any such company any commission, present or reward.

§ 5. Clerk; oath

The board shall appoint a clerk, who shall serve during its pleasure. The board members and clerk shall be sworn to the faithful discharge of the duties of their offices and, before entering upon the same, shall file a certificate of their oaths for record in the office of the secretary of state.

§ 6. Powers and duties of clerk

The clerk shall have the custody of the seal of the board, keep a full record of its proceedings, file and preserve at its office all documents and papers entrusted to his or her care, prepare such papers and notices as may be required by the board, and perform such other duties as it may prescribe. The clerk shall have power, under the direction of the board, to issue subpoenas for witnesses and to administer oaths in all cases before the board or pertaining to the duties of the office.

§ 19. Experts

With the approval of the governor, the board may appoint and employ, at the expense of the state, engineers, accountants, legal counsel, and such number of clerks, stenographers, experts and temporary employees as it deems necessary in the performance of its duties, and in the investigation of matters within its jurisdiction.

§ 20. Particular proceedings; personnel

(a) The board or department may authorize or retain legal counsel, official stenographers, expert witnesses, advisors, temporary employees, and other research services:

(1) to assist the board or department in any proceeding listed in subsection (b) of this section; and

(2) to monitor compliance with any formal opinion or order of the board; and

(3) in proceedings under section 248 of this title, to assist other state agencies that are named parties to the proceeding where the board or

department determines that they are essential to a full consideration of the petition, or for the purpose of monitoring compliance with an order resulting from such a petition; and

(4) in addition to the above, in proceedings under subsection 248(h) of this title, by contract with the regional planning commission of the region or regions affected by a proposed facility to assist in determining conformance with local and regional plans and to obtain the commission's data, analysis and recommendations on the economic, environmental, historic, or other impact of the proposed facility in the region.

The personnel authorized by this section shall be in addition to the regular personnel of the board or department or other state agencies; and in the case of the department or other state agencies may be retained only with the approval of the governor and after notice to the applicant or the public service company or companies. The board or department shall fix the amount of compensation and expenses to be paid such additional personnel.

(b) Proceedings, including appeals therefrom, for which additional personnel may be retained are:

(1) hearings resulting from a utility request to seek an increase in its rates, tolls or charges including hearings resulting from complaints against the proposed increase;

(2) hearings resulting from a petition by a utility or a person operating a utility to issue stock, bonds, notes or other evidences of indebtedness for which the approval of the board is required by law;

(3) hearings resulting from a petition for a merger, consolidation, or acquisition for which the approval of the board is required by law;

(4) hearings resulting from a petition for a certificate of public good;

(5) hearings resulting from a petition to acquire property through the exercise of eminent domain under section 110 et seq. of this title;

(6) hearings resulting from an investigation initiated by the board or resulting from a petition brought by the department;

(7) proceedings under chapter 13 of this title relating to regulation of cable television systems, provided that due regard shall be taken of a cable television company's size and gross operating revenues;

(8) hearings resulting from opinions requested under subsection § 248(h) of this title;

(9) proceedings at the Federal Energy Regulatory Commission which involve Vermont utilities or which may affect the interests of the state of Vermont. Costs under this subdivision shall be charged to the involved electric or natural gas companies pursuant to section 21(a) of this title. In cases where the proceeding is generic in nature the costs shall be allocated to electric or natural gas companies in proportion to the benefits sought for the customers of such companies from such advocacy. The public service board and the department of public service shall report quarterly to the joint fiscal committee all costs incurred and expenditures charged under the authority of this subsection, and the purpose for which such costs were incurred and expenditures made;

(10) proceedings under the federal Telecommunications Act of 1996; [FN1]

(11) proceedings at the Nuclear Regulatory Commission which involve Vermont utilities or which may affect the interests of the state of Vermont. Costs under this subdivision shall be charged to the involved electric companies pursuant to section 21(a) of this title. In cases where the proceeding is generic in nature, the costs shall be allocated to electric companies in proportion to the benefits sought for the customers of such companies from such advocacy;

(12) proceedings at the United States Bankruptcy Court which involve Vermont utilities or which may affect the interests of the state of Vermont. Costs under this subdivision shall be charged to the involved electric companies pursuant to section 21(a) of this title. In cases where the proceeding is generic in nature, the costs shall be allocated to electric companies in proportion to the benefits sought for the customers of such companies from such advocacy;

(13) proceedings before the Federal Communications Commission or related forums which involve Vermont utilities or which may affect the interests of the state of Vermont. Costs under this subdivision shall be charged, pursuant to subsection 21(a) of this title, to the companies providing telecommunications services on a common carrier basis. In cases where the proceeding is generic in nature, the costs shall be allocated to companies in proportion to the benefits sought for their customers from such advocacy;

(14) proceedings before the Federal Communications Commission or related forums which involve a company that owns a cable television system holding a certificate of public good and delivering services in Vermont or which may affect the interests of the state of Vermont. Costs under this subdivision shall be charged to the company pursuant to subsection 21(a) of this title. In cases where the proceeding is generic in nature, the costs shall be allocated to companies in proportion to the benefits sought for their customers from such advocacy.

(c) Persons employed by the state are competent to be designated to act for the same purposes and in lieu of or in conjunction with additional personnel retained under this section. However, when so acting, they shall not receive compensation in addition to their regular pay.

State: Virginia

PUBLIC UTILITIES STATUTE

Title 12.1. State Corporation Commission
Chapter 3 Powers and Duties of the Commission

§ 12.1-15.1. Power to employ counsel for and indemnify employees

The Commission shall have the power to retain counsel for and to indemnify its employees and agents who were or are parties or are threatened to be made parties to any threatened, pending or completed action, suit or proceeding whether civil, criminal, administrative, arbitrative or investigative, by reason of the fact that they are or were employees or agents of the Commission or are or were serving at the request of the Commission as directors, officers, employees or agents of another entity, against expenses, including attorney's fees, reasonably incurred by them in connection with such action, suit or proceeding if the Commission or any court of record to whom the matter shall be submitted shall find the employees or agents acting in good faith and in a manner they reasonably believe to be in the best interest of the duties assigned to them by law or the Commission.

§ 12.1-16. Delegation to employees and agents; Commissioner of Financial Institutions and Commissioner of Insurance

In the exercise of the powers and in the performance of the duties imposed by law upon the Commission with respect to insurance and banking, the Commission may delegate to such employees and agents as it may deem proper such powers and require of them, or any of them, the performance of such duties as it may deem proper. The employee or agent who is placed by the Commission at the head of the bureau or division through which it administers the banking laws shall be designated "Commissioner of Financial Institutions," and the employee or agent who is placed by the Commission at the head of the bureau or division through which it administers the insurance laws shall be designated "Commissioner of Insurance," and they and all deputies, agents, and employees used in such bureau or division shall be appointed by the Commission.

PUBLIC UTILITIES STATUTE

Title 12.1. State Corporation Commission
Chapter 2. Members of the Commission
§ 12.1-10. Prohibited conflicts of interests

The members of the Commission and its subordinates and employees shall not, directly or indirectly, own any securities of, have any pecuniary interest in, or hold any position with any corporation whose rates, services, or financial ability to meet its obligations to the public are subject to supervision or regulation by the Commission; nor shall any such person engage in the private practice of law.

This section shall not prevent any such person from being a policyholder in any insurance company; from being a depositor in any bank, savings institution, or similar institution; or from being a holder of a security issued by a unit investment trust or management company as those terms are defined in the Investment Company Act of 1940 and in accordance with such rules as the Commission may adopt.

Any member of the Commission who violates this section may be censured or removed from office in the manner provided by Article VI, Section 10 of the Constitution of Virginia. Any subordinate or employee of the Commission who violates this section may be removed from office by the Commission.

§ 12.1-11. Oath; failure to qualify

Any person elected or appointed to be a member of the Commission shall qualify by taking and subscribing the oath required by Article II, Section 7 of the Constitution of Virginia. If any member shall fail to so qualify within thirty days after the commencement of his term of office, such office shall become vacant.

...

§ 12.1-18. Subordinates and employees to be appointed to serve at pleasure of Commission

The Commission shall appoint a clerk and his deputies and assistants, a bailiff, all necessary heads and assistant heads of divisions and bureaus, all necessary regular and special counsel notwithstanding the provisions of Chapter 5 (§ 2.2-500 et seq.) of Title 2.2, and such other subordinates and employees as may be necessary to the proper discharge of its duties, all of whom shall serve at the pleasure of the Commission.

§ 12.1-19. Duties of clerk; records; copies

The clerk of the Commission shall:

1. Keep a record of all the proceedings, orders, findings, and judgments of the public sessions of the Commission, and the minutes of the proceedings of each day's public session shall be read and approved by the Commission and signed by its chairman, or acting chairman;
2. Subject to the supervision and control of the Commission, have custody of and preserve all of the records, documents, papers, and files of the Commission, or which may be filed before it in any complaint, proceeding, contest, or controversy, and such records, documents, papers, and files shall be open to public examination in the office of the clerk to the same extent as the records and files of the courts of this Commonwealth;
3. When requested, make and certify copies from any record, document, paper, or file in his office, and if required, affix the seal of the Commission (or a facsimile thereof) thereto, and otherwise furnish information from the Commission records by any means the Commission

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may deem suitable; and, except when made at the instance of the Commission or on behalf of the Commonwealth, a political subdivision of the Commonwealth, or the government of the United States, he shall charge and collect the fees fixed by §§ 12.1-21.1 and 12.1-21.2; and any such copy, so certified, shall have the same faith, credit, and legal effect as copies made and certified by the clerks of the courts of this Commonwealth from the records and files thereof;

4. Certify all allowances made by the Commission to be paid out of the public treasury for witness fees, service of process, or other expenses;

5. Issue all notices, writs, processes or orders awarded by the Commission, or authorized by law, or by the rules of the Commission;

6. Receive all fines and penalties imposed by the Commission, all moneys collected on judgments, all registration fees and franchise taxes required by law to be paid by corporations, including delinquencies thereof and all other fees collected by the Commission, and shall keep an accurate account of the same and the disposition of such receipts and shall, at least once in every thirty days during his term of office, render a statement of all such receipts and collections to the Comptroller, and pay the same into the treasury of the Commonwealth, and shall keep all such other accounts of such collections and disbursements, and shall make all such other reports thereof as may be required by law or by the regulations prescribed by the Comptroller; and

7. Generally have the powers, discharge the functions, and perform the duties of a clerk of a court of record in all matters within the jurisdiction of the Commission. The Commission may designate one or more deputies or assistants of the clerk who may discharge any of his official duties during his continuance in office.

§ 12.1-23. Duties and powers of bailiff and deputy bailiff

The bailiff and deputy bailiffs of the Commission shall, in all matters within the jurisdiction of the Commission, have the powers, discharge the functions, and perform the duties of a sheriff or sergeant under the law, shall preserve order during the public sessions of the Commission, and may make arrests and serve and make return on any writ or process awarded by the Commission, and execute any writ, order, or process of execution awarded upon the findings or judgments of the Commission in any matter within its jurisdiction.

§ 12.1-24. Bonds of members of staff

The Commission may obtain one or more blanket bonds covering members of its staff conditioned for the faithful and lawful performance of their official duties. The surety shall be a surety company authorized to transact business in Virginia. A member of the staff of the Commission who is covered by a blanket bond to the extent of \$20,000 shall not be required to furnish a separate bond.

§ 12.1-31. Hearing examiners; powers and duties; reports to be furnished to parties; responses by parties

The Commission may appoint by written order hearing examiners, whose duties shall be defined in such order and who shall have all the inquisitorial powers and the right to require the appearance of witnesses and parties now possessed by the Commission. Hearing examiners may make either special investigations and reports for the information of the Commission, or, if so directed in such order, may conduct the hearing of any cause within the jurisdiction of the Commission, taking evidence upon such notice as is required. All hearing examiners shall report their findings to the Commission, and file therewith the testimony and exhibits received by them. The recommendations of such examiners shall be advisory only, and shall not preclude the Commission from taking further evidence.

A copy of the examiner's report shall be furnished to all parties to the proceeding in which the report is filed. The parties shall be allowed a reasonable time in which to respond and such responses shall become part of the record to be considered by the Commission in making a decision.

State: Washington

PUBLIC UTILITIES STATUTE

Title 80. Public Utilities
Chapter 80.01 Utilities and Transportation Commission
80.01.030. Commission to employ secretary and other assistants--Secretary's duties--Deputies

The commission shall appoint and employ a secretary and such accounting, engineering, expert and clerical assistants, and such other qualified assistants as may be necessary to carry on the administrative work of the commission.

The secretary shall be the custodian of the commission's official seal, and shall keep full and accurate minutes of all transactions, proceedings and determinations of the commission and perform such other duties as may be required by the commission.

The commission may deputize one or more of its assistants to perform, in the name of the commission, such duties of the commission as it deems expedient. The commission may, by rule or order, delegate to designated assistants any of the powers and duties vested in or imposed upon the commission by law except matters governed by chapter 34.05 RCW; however, a matter may not be delegated to a person who has worked as an advocate on the same docket. Delegated powers and duties may be exercised in the name of the commission. The commission by rule shall implement a process by which notice shall be provided of matters designated for delegation. Any such matter shall be heard or reviewed by commissioners at the request of any commissioner or any affected person.

80.01.040. General powers and duties of commission

The utilities and transportation commission shall:

- (1) Exercise all the powers and perform all the duties prescribed by this title and by Title 81 RCW, or by any other law.
- (2) Regulate in the public interest, as provided by the public service laws, all persons engaging in the transportation of persons or property within this state for compensation.
- (3) Regulate in the public interest, as provided by the public service laws, the rates, services, facilities, and practices of all persons engaging within this state in the business of supplying any utility service or commodity to the public for compensation.
- (4) Make rules and regulations necessary to carry out its other powers and duties.

80.01.060. Administrative law judges--Powers

(1) The commission may appoint administrative law judges when it deems such action necessary for its general administration. The administrative law judges may administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, waybills, books, accounts, documents, and testimony, examine witnesses, make findings of probable cause and issue complaints in the name of the commission, and receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules as the commission may adopt. The administrative law judges appointed under this subsection are not subject to chapter 41.06 RCW; however, they are subject to discipline and termination, for cause, by the executive secretary of the commission. Upon written request of the person so disciplined or terminated, the executive secretary shall state the reasons for such action in writing. The person affected has a right of review by the superior court of Thurston county on petition for reinstatement or other remedy filed within thirty days of receipt of the written reasons.

(2) In general rate increase filings by a natural gas, electric, or telecommunications company, the administrative law judges may preside, but may not enter an initial order unless expressly agreed to in writing by the company making the filing. In all other cases, the administrative law judge may enter an initial order including findings of fact and conclusions of law in accordance with RCW 34.05.461(1)(a) and (c) and (3) through (9) or 34.05.485. RCW 34.05.461 (1)(b) and (2) do not apply to entry of orders under this section.

(3) Administrative law judges may not enter final orders, except that the commission may designate persons by rule to preside and enter final orders in emergency adjudications under RCW 34.05.479. Initial orders of administrative law judges shall become final on the day following expiration of the time established by the commission for filing a petition for administrative review, unless, within that time, a party petitions for administrative review or the commission notifies parties that it will review the initial order on its own motion.

(4) If the administrative law judge does not enter an initial order as provided in subsection (2) of this section, then a majority of the members of the commission who are to enter the final order must hear or review substantially all of the record submitted by any party.

State: West Virginia

PUBLIC UTILITIES STATUTE
West Virginia Code CHAPTER 24. PUBLIC SERVICE COMMISSION.
ARTICLE 1. GENERAL PROVISIONS.

§24-1-1. Legislative purpose and policy; plan for internal reorganization; promulgation of plan as rule; cooperation with joint committee on government and finance.

(a) It is the purpose and policy of the Legislature in enacting this chapter to confer upon the public service commission of this state the authority and duty to enforce and regulate the practices, services and rates of public utilities in order to:

- (1) Ensure fair and prompt regulation of public utilities in the interest of the using and consuming public;
- (2) Provide the availability of adequate, economical and reliable utility services throughout the state;
- (3) Encourage the well-planned development of utility resources in a manner consistent with state needs and in ways consistent with the productive use of the state's energy resources, such as coal;
- (4) Ensure that rates and charges for utility services are just, reasonable, applied without unjust discrimination or preference, applied in a manner consistent with the purposes and policies set forth in article two-a of this chapter, and based primarily on the costs of providing these services;
- (5) Encourage energy conservation and the effective and efficient management of regulated utility enterprises; and
- (6) Encourage and support open and competitive marketing of rail carrier services by providing to all rail carriers access to tracks as provided in section three-b, article three of this chapter. It is the purpose of the Legislature to remove artificial barriers to rail carrier service, stimulate competition, stimulate the free flow of goods and passengers throughout the state and promote the expansion of the tourist industry, thereby improving the economic condition of the state.

(b) The Legislature creates the public service commission to exercise the legislative powers delegated to it. The public service commission is charged with the responsibility for appraising and balancing the interests of current and future utility service customers, the general interests of the state's economy and the interests of the utilities subject to its jurisdiction in its deliberations and decisions.

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(c) The Legislature directs the public service commission to identify, explore and consider the potential benefits or risks associated with emerging and state-of-the-art concepts in utility management, rate design and conservation. The commission may conduct inquiries and hold hearings regarding such concepts in order to provide utilities subject to its jurisdiction and other interested persons the opportunity to comment, and shall report to the governor and the Legislature regarding its findings and policies to each of these areas not later than the first day of the regular session of the Legislature in the year one thousand nine hundred eighty-five, and every two years thereafter.

(d) It is legislative policy to ensure that the Legislature and the general public become better informed regarding the regulation of public utilities in this state and the conduct of the business of the public service commission. To aid in the achievement of this policy, the public service commission annually shall present to the joint committee on government and finance, created by article three, chapter four of this code, or a subcommittee designated by the joint committee, a management summary report which describes in a concise manner:

(1) The major activities of the commission for the year especially as such activities relate to the implementation of the provisions of this chapter;

(2) Important policy decisions reached and initiatives undertaken during the year;

(3) The current balance of supply and demand for natural gas and electric utility services in the state and forecast of the probable balance for the next ten years; and

(4) Other information considered by the commission to be important including recommendations for statutory reform and thereasons for such recommendations.

(e) In addition to any other studies and reports required to be conducted and made by the public service commission pursuant to any other provision of this section, the commission shall study and initially report to the Legislature no later than the first day of the regular session of the Legislature in the year one thousand nine hundred eighty, upon:

(1) The extent to which natural gas wells or wells heretofore supplying gas utilities in this state have been capped off or shut in; the number of such wells, their probable extent of future production and the reasons given and any justification for, capping off or shutting in such wells, the reasons, if any, why persons engaged or heretofore engaged in the development of gas wells in this state or the Appalachian areas have been discouraged from drilling, developing or selling the production of such wells and whether there are fixed policies by any utility or group of utilities to avoid the purchase of natural gas produced in the Appalachian region of the United States generally and in West Virginia specifically.

(2) The extent of the export and import of natural gas utility supplies in West Virginia.

(3) The cumulative effect of the practices mentioned in subdivisions (1) and (2) of this subsection upon rates theretofore and hereafter charged gas utility customers in West Virginia.

In carrying out the provisions of this section the commission shall have jurisdiction over such persons, whether public utilities or not, as may be in the opinion of the commission necessary to the exercise of its mandate and may compel attendance before it, take testimony under oath and compel the production of papers or other documents. Upon reasonable request by the commission, all other state agencies shall cooperate with the commission in carrying out the provisions and requirements of this subsection.

(f) No later than the first day of the regular session of the Legislature in the year one thousand nine hundred eighty, the public service commission shall submit to the Legislature a plan for internal reorganization which plan shall specifically address the following:

(1) A division within the public service commission which shall include the office of the commissioners, the hearing examiners and such support staff as may be necessary to carry out the functions of decision making and general supervision of the commission, which functions shall not include advocacy in cases before the commission;

(2) The creation of a division which shall act as an advocate for the position of and in the interest of all customers;

(3) The means and procedures by which the division to be created pursuant to the provisions of subdivision (2) of this subsection shall protect the interests of each class of customers and the means by which the commission will assure that such division will be financially and departmentally independent of the division created by subdivision (1) of this subsection;

(4) The creation of a division within the public service commission which shall assume the duties and responsibilities now charged to the commissioners with regard to motor carriers which division shall exist separately from those divisions set out in subdivisions (1) and (2) of this subsection and which shall relieve the commissioners of all except minimal administrative responsibilities as to motor carriers and which plan shall provide for a hearing procedure to relieve the commissioners from hearing motor carrier cases;

(5) Which members of the staff of the public service commission shall be exempted from the salary schedules or pay plan adopted by the civil service commission and identify such staff members by job classification or designation, together with the salary or salary ranges for each such job classification or designation;

(6) The manner in which the commission will strengthen its knowledge and independent capacity to analyze key conditions and trends in the industries it regulates extending from general industry analysis and supply-demand forecasting to continuing and more thorough scrutiny of the capacity planning, construction management, operating performance and financial condition of the major companies within these industries.

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Such plan shall be based on the concept that each of the divisions mentioned in subdivisions (1), (2) and (4) of this subsection shall exist independently of the others and the plan shall discourage ex parte communications between them by such means as the commission shall direct, including, but not limited to, separate clerical and professional staffing for each division. Further, the public service commission is directed to incorporate within the said plan to the fullest extent possible the recommendations presented to the subcommittee on the public service commission of the joint committee on government and finance in a final report dated February, one thousand nine hundred seventy-nine, and entitled "A Plan for Regulatory Reform and Management Improvement."

The commission shall before the fifth day of January, one thousand nine hundred eighty, adopt said plan by order, which order shall promulgate the same as a rule of the commission to be effective upon the date specified in said order, which date shall be no later than the thirty-first day of December, one thousand nine hundred eighty. Certified copies of such order and rule shall be filed on the first day of the regular session of the Legislature, one thousand nine hundred eighty, by the chairman of the commission with the clerk of each house of the Legislature, the governor and the secretary of state. The chairman of the commission shall also file with the office of the secretary of state the receipt of the clerk of each house and of the governor, which receipt shall evidence compliance with this section.

Upon the filing of a certified copy of such order and rule, the clerk of each house of the Legislature shall report the same to their respective houses and the presiding officer thereof shall refer the same to appropriate standing committee or committees.

Within the limits of funds appropriated therefor, the rule of the public service commission shall be effective upon the date specified in the order of the commission promulgating it unless an alternative plan be adopted by general law or unless the rule is disapproved by a concurrent resolution of the Legislature adopted prior to adjournment sine die of the regular session of the Legislature to be held in the year one thousand nine hundred eighty: Provided, That if such rule is approved in part and disapproved in part by a concurrent resolution of the Legislature adopted prior to such adjournment, such rule shall be effective to the extent and only to the extent that the same is approved by such concurrent resolution.

The rules promulgated and made effective pursuant to this section shall be effective notwithstanding any other provisions of this code for the promulgation of rules or regulations.

(g) The public service commission is hereby directed to cooperate with the joint committee on government and finance of the Legislature in its review, examination and study of the administrative operations and enforcement record of the railroad safety division of the public service commission and any similar studies.

(h) (1) The Legislature hereby finds that rates for natural gas charged to customers of all classes have risen dramatically in recent years to the extent that such increases have adversely affected all customer classes. The Legislature further finds that it must take action necessary to mitigate the adverse consequences of these dramatic rate increases.

(2) The Legislature further finds that the practices of natural gas utilities in purchasing high-priced gas supplies, in purchasing gas supplies from out-of-state sources when West Virginia possesses abundant natural gas, and in securing supplies, directly or indirectly by contractual agreements including take-or-pay provisions, indefinite price escalators, or most-favored nation clauses have contributed to the dramatic increase in natural gas prices. It is therefore the policy of the Legislature to discourage such purchasing practices in order to protect all customer classes.

(3) The Legislature further finds that it is in the best interests of the citizens of West Virginia to encourage the transportation of natural gas in intrastate commerce by interstate or intrastate pipelines or by local distribution companies in order to provide competition in the natural gas industry and in order to provide natural gas to consumers at the lowest possible price.

(i) The Legislature further finds that transactions between utilities and affiliates are a contributing factor to the increase in natural gas and electricity prices and tend to confuse consideration of a proper rate of return calculation. The Legislature therefore finds that it is imperative that the public service commission have the opportunity to properly study the issue of proper rate of return for lengthy periods of time and to limit the return of a utility to a proper level when compared to return or profit that affiliates earn on transactions with sister utilities.

§24-1-1a. Supplemental rule for reorganization; certain reports to be made to the Legislature; filing of such rule and reports and the procedure therefor.

(a) The public service commission shall submit to the Legislature a supplemental rule for reorganization to supplement General Order No. 195, Rule for Reorganization, previously submitted to the Legislature on the first day of the regular session one thousand nine hundred eighty. Such supplemental rule shall specifically address and incorporate to the fullest extent possible each matter disapproved in a concurrent resolution of the Legislature adopted at its regular session in the year one thousand nine hundred eighty approving in part and disapproving in part the said General Order No. 195, Rule for Reorganization.

(b) The commission shall before the second day of January, one thousand nine hundred eighty-one, adopt such supplemental rule by order, which order shall promulgate the same as a rule of the commission to be effective upon the date specified in said order, which date shall be no later than the thirty-first day of December, one thousand nine hundred eighty-one. Certified copies of such order and rule shall be filed on the first day of the regular session of the Legislature, one thousand nine hundred eighty-one, by the chairman of the commission with the clerk of each house of the Legislature, the governor and the secretary of state. The chairman of the commission shall also file with the office of the secretary of state the receipt of the clerk of each house and of the governor, which receipt shall evidence compliance with this section.

Upon the filing of a certified copy of such order and rule, the clerk of each house of the Legislature shall report the same to their respective houses and the presiding officer thereof shall refer the same to appropriate standing committee or committees.

Within the limits of funds appropriated therefor, the rule of the public service commission adopted pursuant to this section shall be effective

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upon the date specified in the order of the commission promulgating it unless an alternative plan be adopted by general law or unless the rule is disapproved by a concurrent resolution of the Legislature adopted prior to adjournment sine die of the regular session of the Legislature to be held in the year one thousand nine hundred eighty-one: Provided, That if such rule is approved in part and disapproved in part by a concurrent resolution of the Legislature adopted prior to such adjournment, such rule shall be effective to the extent and only to the extent that the same is approved by such concurrent resolution.

The rule promulgated and made effective pursuant to this section shall be effective notwithstanding any other provision of this code for the promulgation of rules or regulations.

(c) In addition to filing the supplemental rule for reorganization as provided for in subsection (a) of this section, the chairman of the public service commission shall also file, according to procedure provided in subsection (b) of this section, those additional reports set forth in the concurrent resolution referred to in subsection (a) of this section.

(d) The public service commission may include in such supplemental rule an itemization of which members of the staff of the public service commission required for the consumer advocate division shall be exempted from the salary schedules or any plan adopted by the civil service commission and identify such staff members by job classification or designation, together with the salary or salary ranges for each job classification or designation.

§24-1-1b. Supplemental rule for reorganization.

The public service commission shall, by general order, create a division within its staff which shall provide legal, engineering, financial and accounting advice and assistance to public service districts and Class III cities and Class IV towns or villages in operational, financial and regulatory matters, and may perform or participate in the studies required under section one-b, article thirteen-a, chapter sixteen of this code: Provided, That advice and assistance to a Class III city or Class IV town or village shall only be given if such advice or assistance is specifically requested by the Class III city or the Class IV town or village. The request may be withdrawn by the city or town at any time, after which the commission shall not provide further assistance or advice.

§24-1-3. Commission continued; membership; chairman; compensation.

...
(c) No person while in the employ of, or holding any official relation to, any public utility subject to the provisions of this chapter or holding any stocks or bonds of a public utility subject to the provisions of this chapter or who is pecuniarily interested in a public utility subject to the provisions of this chapter may serve as a member of the commission or as an employee of the commission. Nor may any commissioner be a candidate for or hold public office or be a member of any political committee while acting as a commissioner; nor may any commissioner or employee of the commission receive any pass, free transportation or other thing of value, either directly or indirectly, from any public utility or motor carrier subject to the provisions of this chapter. In case any of the commissioners becomes a candidate for any public office or a member of any political committee, the governor shall remove him or her from office and shall appoint a new commissioner to fill the vacancy created.

§24-1-4. Appointment, duties and compensation of secretary and other employees; hearings generally; outside employment by certain employees prohibited.

The commission shall appoint a secretary and such other employees as may be necessary to carry out the provisions of this chapter and shall fix their respective salaries or compensations. It shall be the duty of the secretary to keep a full and true record of all proceedings, acts, orders and judgments of the commission, to issue all necessary process, returns and notices, to keep all books, maps, documents and papers ordered filed by the commission, and all orders made by the commission or approved and confirmed by it and ordered to be filed; and he shall be responsible to the commission for the safe custody and preservation of all such documents in his office. He may administer oaths in all parts of the state, so far as the exercise of such power is properly incidental to the performance of his duty or that of the commission. The commission may designate such of its employees as it deems necessary to hold hearings, held or required by this chapter, and to take evidence at such hearings, which employees are hereby empowered to subpoena witnesses, administer oaths, take testimony, require the production of documentary evidence and exercise such other powers and perform such other duties as may be delegated to them and required by the commission, in any proceeding or examination instituted or conducted by the commission under this chapter, at any designated place of hearing within the state.

Any commissioner or person employed by the commission other than on a part-time basis shall devote full time to the performance of his duties as such commissioner or employee during the regular working hours as set by the commission.

§24-1-8. Legal counsel for the commission.

The commission may employ counsel to represent it in proceedings before it on application, complaint, or otherwise, and proceedings of any nature in any and all courts or before administrative or executive boards and to act as legal advisers to the commission in all matters for which their services, in the opinion of the commission, are required. The compensation of such counsel shall be fixed by the commission and shall be paid as are other employees of the commission. The commission shall notify the attorney general of any action or suit brought against the commission.

State: Wisconsin

PUBLIC UTILITIES CODE

Chapter PSC 1 AGENTS OF THE COMMISSION

PSC 1.01 Agents named.

The following persons are appointed as agents of the commission, with authority and duties as hereinafter prescribed:

Note: This list of examiners employed by the commission changes from time to time and is not printed herein.

PSC 1.02 Statutory authority.

Each of such agents, under the direction of the commission, and pursuant to assignment as hereinafter provided, is authorized to supervise and conduct investigations which the commission is authorized to make under the provisions of chs. 30, 31, 87, 191, 192, 194, 195, 196, 197, 198, 201 and 227, Stats., and portions of chs. 66, 88, and 182, Stats., miscellaneous other sections prescribing commission duties, and commission general orders; and to conduct hearings and the taking of testimony bearing upon any investigation or hearing undertaken or held by the commission.

PSC 1.03 Commission members.

Each member of the commission is authorized to perform any duty which any such agent is herein authorized to perform.

PSC 1.04 Supervisor of hearings.

The general counsel of the commission is authorized and directed to assign to any administrative law judge employed by the commission the supervision of any particular investigation or the conduct of hearings and taking of testimony bearing upon any particular investigation or hearing made or held by the commission. Such assignments by the supervisor of hearings for the conduct of hearings shall constitute specific authority to the agent thus designated to conduct the particular hearing and the taking of testimony in the matter or proceeding to which such designation pertains. The secretary to the commission is authorized, in the absence of the supervisor of hearings, to perform the latter's duties.

PSC 1.05 Duties of agents.

It shall be the duty of each of such agents to supervise and conduct any investigation, and to conduct any hearing or the taking of testimony assigned to the agent by the supervisor of hearings as above provided; to make report to the commission of all investigations, hearings, or testimony conducted or taken by the agent; and to perform such other duty, with respect to any such investigation or hearing, as may be required by such supervisor of hearings or the commission.

Chapter PSC 2 PROCEDURE AND PRACTICE

PSC 2.03 Role of commission staff.

(1) Except as provided in sub. (2), members of commission staff appear neither in support of nor in opposition to any cause, but solely to discover and present, if necessary, information pertinent to the docket. (2) The commission may designate staff as a party in any class 2 contested case. Where a party, staff has the same rights and obligations as the other parties.

History: CR 00-187: cr. Register June 2002 No. 558, eff. 7-1-02.

PSC 2.04 Role of administrative law judge.

(1) POWERS GENERALLY. Except as otherwise provided, the administrative law judge assigned in a docket shall perform all of the activities identified in s. 227.46 (1) (a) to (g) and (i), Stats., and shall make all of the decisions in the docket.

(2) POWERS RESERVED TO THE COMMISSION. Only the commission may do the following:

- (a) Decide motions for interlocutory review, under s. PSC 2.27.
- (b) Decide requests to reopen dockets, under s. PSC 2.28.
- (c) Make findings of fact, conclusions of law and final decisions.
- (d) Informally dispose of a proceeding, in accordance with s. 227.44 (5), Stats

State: Wyoming

PUBLIC UTILITIES STATUTE

Title 37 - Public Utilities

Chapter 2. Public Service Commission

37-2-110. Secretary and other employees.

(a) The commission is authorized to employ a secretary and such other persons as may be necessary to enable it to perform the duties imposed upon it by this act and to designate the duties of such employees.

(b) Repealed By Laws 2003, Ch. 172, 2.

37-2-111. Attorney general to be legal adviser; duties; representation by commission attorneys.

The attorney general shall be the legal adviser of the commission and it shall be his duty to represent the commission in all proceedings in any court, before any other agency or before any departments of the federal government. Upon the request of the commission, the attorney general may designate any duly qualified attorney employed by the commission to function as an assistant attorney general to assist the attorney general in representing the commission in all proceedings in any court, before any agency or before any departments of the federal government. Wherever he deems it appropriate, the attorney general may authorize a commission attorney to act without his assistance.

State: Federal

PUBLIC UTILITIES CODE

Title 18: Conservation of Power and Water Resources

PART 3c—STANDARDS OF CONDUCT

§ 3c.3 Reporting fraud, waste, abuse, and corruption and cooperation with official inquiries.

(a) Employees shall, in fulfilling the obligation of 5 CFR 2635.101(b)(11), report fraud, waste, abuse, and corruption in Commission programs, including on the part of Commission employees, contractors, subcontractors, grantees, or other recipients of Commission financial assistance, to the Office of Inspector General or other appropriate Federal authority.

(b) All alleged violations of the ethical restrictions described in §3c.1 that are reported in accordance with paragraph (a) of this section to an appropriate authority within the Commission shall in turn be referred by that authority to the Designated Agency Ethics Official or his or her designee, or the Inspector General.

(c) Employees shall cooperate with official inquiries by the Inspector General; they shall respond to questions truthfully under oath when required, whether orally or in writing, and must provide documents and other materials concerning matters of official interest. An employee is not required to respond to such official inquiries if answers or testimony may subject the employee to criminal prosecution.

Subpart C—Delegations

§ 375.301 Purpose and subdelegations.

(a) The purpose of this subpart is to set forth the authorities that the Commission has delegated to staff officials. Any action by a staff official under the authority of this subpart may be appealed to the Commission in accordance with §385.1902 of this chapter.

(b) Where the Commission, in delegating functions to specified Commission officials, permits an official to further delegate those functions to a designee of such official, designee shall mean the deputy of such official, the head of a division, or a comparable official as designated by the official to whom the direct delegation is made.

(c) For purposes of Subpart C, uncontested and in uncontested cases mean that no motion to intervene, or notice of intervention, in opposition to the pending matter made under §385.214 (intervention) has been received by the Commission.

[N.B. - Specific delegations to specific personnel are contained within Title 18, Part 375, Subpart C, Delegations, which is too voluminous to repeat here.]

TITLE 18

PART 376—ORGANIZATION, MISSION, AND FUNCTIONS; OPERATIONS DURING EMERGENCY CONDITIONS

§ 376.105 Chairman.

(a) Administrative head of agency. The Chairman is the administrative head of the Commission.

(b) Administrative responsibilities. The Chairman is responsible on behalf of the Commission for the executive and administrative operation of the Commission, including functions of the Commission with respect to—

(1) The appointment and employment of Administrative Law Judges in accordance with the provisions of Title 5, United States Code.

(2) The selection, appointment, and fixing of the compensation of such personnel as he deems necessary.

(3) The supervision of personnel employed by or assigned to the Commission, except that each Commissioner may select and supervise personnel for his personal staff.

(4) The distribution of business among personnel and among administrative units of the Commission.

(5) The procurement of services of experts and consultants in accordance with section 3109 of Title 5, United States Code.

[45 FR 21222, Apr. 1, 1980, as amended by Order 613, 64 FR 73407, Dec. 30, 1999]

State: NARUC

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Rule: Public Advocate / Utility Consumer Counsel

State: Alabama

PUBLIC UTILITY LAW
Section 37-1-16

Assignment of Assistant Attorney General to represent consumers and state in proceedings before commission; powers and duties of Attorney General in connection with public utility services generally; commission to furnish copies of applications, pleadings, etc., filed with it to Attorney General.

(a) In addition to such staff assistants and investigators as are provided for in Sections 37-1-12.1 and 37-1-12.2, the Attorney General shall assign an Assistant Attorney General and such staff attorneys as may be necessary to the handling of matters and proceedings before the commission, who shall be under the direction of the Attorney General. Such Assistant Attorney General shall be assigned the duty and responsibility, when the Attorney General deems it to be advisable in the public interest, of intervening in proceedings before the commission on behalf of the using and consuming public, including utility users generally and agencies of the state, such appearances including, but not being limited to, rate applications, rate changes and curtailments of service. Such Assistant Attorney General shall also have the authority to institute and originate proceedings before the commission in the name of the state, its agencies and citizens in all matters within the jurisdiction of the commission, and shall have authority to appear before such other state and federal agencies and courts as he deems advisable on behalf of the state and its agencies and citizens in all matters affecting public utility services. He shall have the assistance and cooperation of the commission's staff, when available, and access to the commission's books, records, studies and reports.

(b) In the performance of the duties set forth in this section, the Attorney General shall have the right to employ additional attorneys, expert witnesses and office and clerical help and to incur expenses in connection therewith, and the compensation and expenses therefor shall be paid from the consumer's utility rate hearing fund as provided for in Section 37-1-18.

(c) The commission shall furnish the Attorney General with copies of all applications, petitions and pleadings filed with it by public utilities doing business in this state or by any other persons in matters affecting the duties under this section.

State: Alaska

PUBLIC UTILITY LAW
Title 3 . Commerce, Community, and Economic Development
Chapter 48 . Telecommunications
Section 812. Role of public advocacy section
3 AAC 48.812. Role of public advocacy section

(a) The public advocacy section, when participating in accordance with 3 AAC 48.814, identifies and advocates the following positions:

- (1) the interest of consumers in balancing the need for the lowest reasonable rates and best possible quality of service;
- (2) the interest of the general public in obtaining information concerning the utilities and pipeline carriers that serve the general public;
- (3) the public interest in developing appropriate market structures that are fair to competitors and protect the consumer interest in affordable, safe, and reliable service;
- (4) enforcing statutes and regulations that are particularly designed to protect consumers;
- (5) representing consumer or public interests that the private parties to a case are unlikely to represent or articulate.

(b) As a party the public advocacy section shall independently investigate all relevant issues and, as necessary, present the results of its investigation to the commission.

3 AAC 48.814. Public advocacy section participation in proceedings

(a) In determining whether the public advocacy section will be directed to participate as a party in a matter, the commission will consider whether the matter involves

- (1) a rate or condition of service that will apply to the public;
- (2) a substantial change in the market structure of an industry that is likely to affect the cost, reliability, availability, or safety of a utility service;
- (3) a consumer or public interest that the existing parties are unlikely to represent adequately;
- (4) a need for additional or formal investigation, if recommended by the commission staff after a preliminary review;
- (5) a dispute between utilities or pipeline carriers, if participation by the public advocacy section may help to settle the dispute or narrow the issues;
- (6) an independent investigation, if needed to develop a more complete record; or
- (7) a significant policy issue involving the public interest.

(b) If the chair of the commission does not direct the public advocacy section to participate as a party in a matter, and if the public advocacy section considers participation to be in the public interest, the public advocacy section may file a petition for intervention in accordance with 3 AAC 48.110.

(c) In addition to all rights set out in this chapter, the public advocacy section has the same rights as any party to a proceeding to request the commission to reconsider an order.

(d) The public advocacy section may participate as a member of the public in any commission proceeding.

State: Arizona

PUBLIC UTILITY STATUTE

40-461. Definitions

In this article, unless the context otherwise requires:

- 1. "Director" means the director of the residential utility consumer office.
- 2. "Office" means the residential utility consumer office.
- 3. "Public service corporation" means a public service corporation as defined in article XV, section 2, Constitution of Arizona except a member-owned nonprofit cooperative corporation.

40-462. Residential utility consumer office; director

A. A residential utility consumer office is established to represent the interests of residential utility consumers in regulatory proceedings involving public service corporations before the corporation commission.

B. The governor shall appoint the director of the office pursuant to section 38-211. The director serves at the pleasure of the governor. The director must possess management and administrative skills, as well as knowledge and experience relating to the regulation of utilities.

40-464. Powers and duties

A. The director may:

- 1. Research, study and analyze residential utility consumer interests.
- 2. Prepare and present briefs, arguments, proposed rates or orders and intervene or appear on behalf of residential utility consumers before hearing officers and the corporation commission as a party in interest and also participate as a party in interest pursuant to sections 40-254 and 40-254.01 in proceedings relating to rate making or rate design and involving public service corporations, except that the director shall not participate in any proceedings pursuant to this paragraph involving a member-owned nonprofit cooperative corporation.
- 3. Make and execute contracts and other instruments as necessary to perform his duties.
- 4. Hire employees as necessary to carry out this article and contract for special services as needed.
- 5. Employ such attorneys as are required to represent the interests of residential utility consumers.

B. The director shall adopt administrative rules necessary to carry out the purposes of this article.

C. All contacts by residential utility consumers with regard to quality or quantity of service provided by a public service corporation shall be recorded by the office for the purpose of determining general concerns of consumers. The office may advise the consumer of other agencies that may be of further assistance and shall refer the consumer to the corporation commission utilities division consumer services section established in section 40-110.

State: Arkansas

PUBLIC UTILITIES LAW

Title 23. Public Utilities and Regulated Industries
Subtitle 1. Public Utilities and Carriers (Chapters 1 to 29)
Chapter 4. Regulation of Rates and Charges Generally
Subchapter 3. Consumer Utilities Rate Advocacy Division

§ 23-4-301. Citation

This subchapter shall be referred to and may be cited as the "Consumer Utilities Rate Advocacy Division Act."

§ 23-4-302. Legislative intent

(a) The General Assembly finds that:

- (1) The people of the State of Arkansas are faced with rapidly rising utility costs;
- (2) Residents of the state are finding it increasingly difficult to afford basic utility usage;
- (3) The people of Arkansas need aggressive and effective representation in utility rate hearings and other utility-related proceedings; and
- (4) In order to make informed decisions about their energy consumption, the people of this state need to be in-formed about the rate-making process and the opportunity to reduce utility bills through conservation measures and the use of alternative energy sources.

(b) The General Assembly finds that the public policy and responsibility of the state as set forth in this section can best be attained with the establishment of the Consumer Utilities Rate Advocacy Division in the Attorney Gen-eral's Office, and it is the purpose of this subchapter to create this division.

§ 23-4-303. Office created

There is created within the Office of the Attorney General a Consumer Utilities Rate Advocacy Division.

§ 23-4-304. Appointment of staff

The Director of the Consumer Utilities Rate Advocacy Division shall hold the title of Deputy Attorney General and shall be appointed to the position by the Attorney General who may also appoint such assistants, profession-als, and clerical staff as authorized by appropriation acts for the effective operation of the division.

§ 23-4-305. Functions; powers and duties

The Consumer Utilities Rate Advocacy Division shall represent the state, its subdivisions, and all classes of Ar-kansas utility rate payers and shall have the following functions, powers, and duties:

- (1) To provide effective and aggressive representation for the people of Arkansas in hearings before the Arkansas Public Service Commission and other state and federal courts or agencies concerning utility-related matters;
- (2) To disseminate information to all classes of rate payers concerning pertinent energy-related concepts; and
- (3) To advocate the holding of utility rates to the lowest reasonable level.

§ 23-4-306. Right of intervention

The right of any party to intervene on any matter before the Arkansas Public Service Commission is by no means precluded by this subchapter.

§ 23-4-307. Cost records

The Attorney General shall designate an employee who is familiar with cost accounting methods to keep an accu-rate record of the costs of operation and maintenance of the Attorney General's Consumer Utilities Rate Advocacy Division.

State: California

PUBLIC UTILITIES LAW

309.5. (a) There is within the commission a Division of Ratepayer Advocates to represent and advocate on behalf of the interests of public utility customers and subscribers within the jurisdiction of the commission. The goal of the division shall be to obtain the lowest possible rate for service consistent with reliable and safe service levels. For revenue allocation and rate design matters, the division shall primarily consider the interests of residential and small commercial customers.

(b) The director of the division shall be appointed by, and serve at the pleasure of, the Governor, subject to confirmation by the Senate. The director shall annually appear before the appropriate policy committees of the Assembly and the Senate to report on the activities of the division.

(c) The director shall develop a budget for the division which shall be subject to final approval of the commission. In accordance with the approved budget, the commission shall, by rule or order, provide for the assignment of personnel to, and the functioning of, the division. The division may employ experts necessary to carry out its functions. Personnel and resources, including attorneys and other legal support, shall be provided by the commission to the division at a level sufficient to ensure that customer and subscriber interests are effectively represented in all significant proceedings.

The director may appoint a lead attorney who shall represent the division, and shall report to and serve at the pleasure of the director. All attorneys assigned by the commission to perform services for the division shall report to and be directed by the lead attorney appointed by the director.

(d) The commission shall develop appropriate procedures to ensure that the existence of the division does not create a conflict of roles for

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any employee. The procedures shall include, but shall not be limited to, the development of a code of conduct and procedures for ensuring that advocates and their representatives on a particular case or proceeding are not advising decisionmakers on the same case or proceeding.

(e) The division may compel the production or disclosure of any information it deems necessary to perform its duties from any entity regulated by the commission, provided that any objections to any request for information shall be decided in writing by the assigned commissioner or by the president of the commission, if there is no assigned commissioner.

(f) There is hereby created the Public Utilities Commission Ratepayer Advocate Account in the General Fund. Moneys from the Public Utilities Commission Utilities Reimbursement Account in the General Fund shall be transferred in the annual Budget Act to the Public Utilities Commission Ratepayer Advocate Account. The funds in the Public Utilities Commission Ratepayer Advocate Account shall be utilized exclusively by the division in the performance of its duties as determined by the director. The director shall annually submit a staffing report containing a comparison of the staffing levels for each five-year period.

(g) On or before January 10 of each year, the commission shall provide to the chairperson of the fiscal committee of each house of the Legislature and to the Joint Legislative Budget Committee all of the following information:

- (1) The number of personnel years assigned to the Division of Ratepayer Advocates.
- (2) The total dollars expended by the Division of Ratepayer Advocates in the prior year, the estimated total dollars expended in the current year, and the total dollars proposed for appropriation in the following budget year.
- (3) Workload standards and measures for the Division of Ratepayer Advocates.

(h) The division shall meet and confer in an informal setting with a regulated entity prior to issuing a report or pleading to the commission regarding alleged misconduct, or a violation of a law or a commission rule or order, raised by the division in a complaint. The meet and confer process shall be utilized in good faith to reach agreement on issues raised by the division regarding any regulated entity in the complaint proceeding.

309.7. (a) The division of the commission responsible for consumer protection and safety shall be responsible for inspection, surveillance, and investigation of the rights-of-way, facilities, equipment, and operations of railroads and public mass transit guideways, and for enforcing state and federal laws, regulations, orders, and directives relating to transportation of persons or commodities, or both, of any nature or description by rail. The consumer protection and safety division shall advise the commission on all matters relating to rail safety, and shall propose to the commission rules, regulations, orders, and other measures necessary to reduce the dangers caused by unsafe conditions on the railroads of the state. The delegation of enforcement responsibility to the consumer protection and safety division shall not diminish the power of other agencies of state government to enforce laws relating to employee or environmental safety, pollution prevention, or public health and safety.

(b) In performing its duties, the consumer protection and safety division shall exercise all powers of investigation granted to the commission, including rights to enter upon land or facilities, inspect books and records, and compel testimony. The commission shall employ sufficient federally certified inspectors to ensure at the time of inspection that railroad locomotives and equipment and facilities located in class I railroad yards in California are inspected not less frequently than every 180 days, and all main and branch line tracks are inspected not less frequently than every 12 months. In performing its duties, the safety division shall consult with representatives of railroad corporations, labor organizations representing railroad employees, and the Federal Railroad Administration.

(c) The general counsel shall assign to the consumer protection and safety division the personnel and attorneys necessary to fully utilize the powers granted to the commission by any state law, and by any federal law relating to rail transportation, including, but not limited to, the Federal Rail Safety Act (45 U.S.C. Sec. 421m, et seq.), to enforce safety laws, rules, regulations, and orders, and to collect fines and penalties resulting from the violation of any safety rule or regulation.

(d) The activities of the consumer protection and safety division that relate to safe operation of common carriers by rail, other than those relating to grade crossing protection, shall also be supported by the fees paid by railroad corporations, if any, pursuant to Sections 421 to 424, inclusive. The activities of the consumer protection and safety division that relate to grade crossing protection shall be supported by funds appropriated therefor from the State Highway Account in the State Transportation Fund. On or before November 30 of each year, the commission shall report to the Legislature on the activities of the safety division, and shall fully document in the report all expenditures of those funds in the audit report provided in subdivision (f) of Section 421.

State: Colorado

PUBLIC UTILITIES COMMISSION RULES OF PROCEDURE
4 CCR 723-1
1007. Commission Staff.

(a) When Commission staff intervenes in any docketed proceeding other than an administrative docket, rulemaking, or interpretive rulemaking, the entry of appearance by staff's counsel shall specify those Commission staff members assigned by the Director or the Director's designee to serve as trial advocacy and advisory staff.

(b) Trial advocacy staff shall, for purposes of the particular proceeding, be considered a party for purposes of rules 1100-1108. Once a member of Commission staff has been designated as trial advocacy staff, said staff member shall not function in any advisory capacity. Advisory staff shall be available to provide advice and recommendations to the Commission, and shall be considered the Commission for purposes of rules 1100-1108

State: Connecticut

PUBLIC UTILITY LAW
Department of Public Utility Control

Sec. 16-2a. Office of Consumer Counsel.

(a) There shall continue to be an independent Office of Consumer Counsel, within the Department of Public Utility Control for administrative purposes only, to act as the advocate for consumer interests in all matters which may affect Connecticut consumers with respect to public

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service companies, electric suppliers and certified telecommunications providers. The Office of Consumer Counsel is authorized to appear in and participate in any regulatory or judicial proceedings, federal or state, in which such interests of Connecticut consumers may be involved, or in which matters affecting utility services rendered or to be rendered in this state may be involved. The Office of Consumer Counsel shall be a party to each contested case before the Department of Public Utility Control and shall participate in such proceedings to the extent it deems necessary. Said Office of Consumer Counsel may appeal from a decision, order or authorization in any such state regulatory proceeding notwithstanding its failure to appear or participate in said proceeding.

(b) Except as prohibited by the provisions of section 4-181, the Office of Consumer Counsel shall have access to the records of the Public Utilities Control Authority and the Department of Public Utility Control, shall be entitled to call upon the assistance of the authority's and the department's experts, and shall have the benefit of all other facilities or information of the authority or department in carrying out the duties of the Office of Consumer Counsel, except for such internal documents, information or data as are not available to parties to the authority's proceedings. The department shall provide such space as necessary within the department's quarters for the operation of the Office of Consumer Counsel, and the department shall be empowered to set regulations providing for adequate compensation for the provision of such office space.

(c) The Office of Consumer Counsel shall be under the direction of a Consumer Counsel, who shall be appointed by the Governor with the advice and consent of either house of the General Assembly. The Consumer Counsel shall be an elector of this state and shall have demonstrated a strong commitment and involvement in efforts to safeguard the rights of the public. The Consumer Counsel shall serve for a term of five years unless removed pursuant to section 16-5. The salary of the Consumer Counsel shall be equal to that established for management pay plan salary group seventy-one by the Commissioner of Administrative Services. No Consumer Counsel shall, for a period of one year following the termination of service as Consumer Counsel, accept employment by a public service company, a certified telecommunications provider or an electric supplier. No Consumer Counsel who is also an attorney shall in any capacity, appear or participate in any matter, or accept any compensation regarding a matter, before the Public Utilities Control Authority, for a period of one year following the termination of service as Consumer Counsel.

(d) The Consumer Counsel shall hire such staff as he deems necessary to perform the duties of said Office of Consumer Counsel and may employ from time to time outside consultants knowledgeable in the utility regulation field including, but not limited to, economists, capital cost experts and rate design experts. The salaries and qualifications of the individuals so hired shall be determined by the Commissioner of Administrative Services pursuant to section 4-40.

(e) Nothing in this section shall be construed to prevent any party interested in such proceeding or action from appearing in person or from being represented by counsel therein.

(f) As used in this section, "consumer" means any person, city, borough or town that receives service from any public service company, electric supplier or from any certified telecommunications provider in this state whether or not such person, city, borough or town is financially responsible for such service.

(g) The Office of Consumer Counsel shall not be required to post a bond as a condition to presenting an appeal from any state regulatory decision, order or authorization.

(h) The expenses of the Office of Consumer Counsel shall be assessed in accordance with the provisions of section 16-49.

State: Delaware

GOVERNMENT ORGANIZATION STATUTE
Title 29. State Government, Chapter 87. Department of State
Part VIII. Departments of Government
Subchapter I. General Provisions
§ 8716. Division of the Public Advocate.

(a) There is established within the Department of State the Division of the Public Advocate. The Public Advocate shall be a person qualified by training and/or experience to perform the duties of the office. The Public Advocate shall be appointed by the Governor with the advice and consent of the majority of the Senate and shall hold office at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the Public Advocate's successor. The Public Advocate shall be a full-time employee of the State.

(b) No person shall be eligible for appointment to be Public Advocate who owns or controls, in that person's own name or as a fiduciary, or whose spouse or minor child residing in that person's household owns or controls any stock, note or debenture in any public utility, or who holds any office or position with any public utility or whose employment or vocation depends directly upon or is under the control of a public utility.

(c) The Public Advocate shall comply with and be held strictly accountable for compliance with the highest standards of Chapter 58 of this title and § 22, Article II of the Delaware Constitution. The Division of the Public Advocate is an agency subject to Chapters 64 and 100 of this title.

(d) The Public Advocate shall have the following powers and duties:

(1) To appear before the Public Service Commission on behalf of the interest of consumers in any matter or proceeding over which the Commission has jurisdiction and in which the Public Advocate deems the interest of consumers requires such participation.

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(2) To advocate the lowest reasonable rates for consumers consistent with the maintenance of adequate utility service and consistent with an equitable distribution of rates among all classes of consumers.

(3) To appear on behalf of the interest of consumers in the courts of this State, the federal courts and federal administrative and regulatory agencies and commissions in matters involving rates, service and practices of public utilities.

(4) To hire, from time to time, as needed, in connection with proceedings before the Commission, experts in the utility regulation field, including, but not limited to, economists, cost of capital experts, rate design experts, accountants, engineers and other specialists. A budget for compensation and/or expenses of these experts shall be provided annually through the Delaware Public Service Commission Regulatory Fund. Nothing in this section shall be construed to preclude the Public Advocate from applying to the General Assembly for additional funds in specific instances, including emergencies, and from receiving such additional amounts as the General Assembly shall determine.

(5) To have the same access to and the same right to inspect any and all books, accounts, records, memoranda, property, plant facilities and equipment of the public utilities as is afforded by law or by rule of the Public Service Commission to any other party in interest.

(6) To have full access to the records of the Public Service Commission.

(7) To call upon the assistance of the staff and experts of the Public Service Commission in the performance of duties.

(8) To appoint, fix the compensations and terms of service and prescribe the duties and powers of such staff as may be necessary for the proper conduct of the work of the Division of the Public Advocate, within the conditions and limitations imposed by the merit system of personnel administration.

(e) The Public Service Commission shall notify the Public Advocate of all hearings and meetings of the Commission and shall forward to the Public Advocate copies of all applications submitted by public utilities and all formal complaints and petitions filed with the Commission. No formal action taken by the Commission without proof of the receipt of notice by the Public Advocate shall have any legal effect.

(f) The Public Advocate shall be entitled to be present and be heard at any public meeting of the Public Service Commission.

(g) When the Public Advocate shall determine to intervene in a matter before the Public Service Commission, the Public Advocate shall file a statement to that effect with the Public Service Commission. Thereupon, the Public Advocate shall be deemed a party in interest and shall have full power to present evidence, subpoena and cross-examine witnesses, submit proof, file briefs, appeal and do any other act appropriate for a party to the Commission.

State: District of Columbia

PUBLIC UTILITY LAW

§ 34-804. People's Counsel--Appointment, compensation, qualifications; personnel; duties.

(a) There is hereby established within the Public Service Commission of the District of Columbia, established by § 34-801, an office to be known as the "Office of the People's Counsel." The Office shall be a party, as of right, in any investigation, valuation, revaluation, or proceeding of any nature by the Public Service Commission of or concern-ing any public utility operating in the District of Columbia.

(b) There shall be at the head of such Office the People's Counsel who shall be appointed by the Mayor of the Dis-tribt of Columbia, by and with the advice and consent of the Council of the District of Columbia, and who shall serve for a term of 3 years. The People's Counsel shall be entitled to receive compensation at the maximum rate for Level II of the Senior Executive Attorney Service, pursuant to §§ 1-608.53 and 1-608.58. No person shall be appointed to the position of People's Counsel unless that person is admitted to practice before the District of Columbia Court of Appeals. Before entering upon the duties of such office, the People's Counsel shall take and subscribe the same oaths as that required by the commissioners of the Commission, including an oath or affirmation before the Clerk of the Superior Court of the District of Columbia that he is not pecuniarily interested, voluntarily or involun-tarily, directly or indirectly, in any public utility in the District of Columbia. The People's Counsel shall be a District resident throughout his or her term and failure to maintain District residency shall result in a forfeiture of the position.

(c) The People's Counsel is authorized to employ or to retain and fix the compensation of employees or independent contractors, including attorneys, necessary to perform the functions vested in the People's Counsel by this section, and § 34-912, as amended by the Utility Regulatory Assessment Clarification Act of 1984, and prescribe their au-thority and duties.

(c-1) Notwithstanding the provisions of Unit A of Chapter 14 of Title 2, each qualified District resident applicant shall receive an additional 10-point preference over a qualified non-District resident applicant for all positions within the Office of the People's Counsel unless the applicant declines the preference. This 10-point preference shall be in addition to, and not instead of, qualifications established for the position. All persons hired after Febru-ary 6, 2008, shall submit proof of residency upon employment in a manner determined by the People's Counsel. An applicant claiming the hiring preference under this section shall agree in writing to maintain bona fide District resi-dency for a period of 7 consecutive years from the effective date of hire and shall provide proof of such residency annually to the director of personnel for the Office of the People's Counsel for the first 7 years of employment. Failure to maintain District residency for the consecutive 7-year period shall result in forfeiture of employment. The People's Counsel shall submit to the Mayor and Council annual reports detailing the names of all new employees and their pay schedules, titles, and place of residence.

(d) The People's Counsel:

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- (1) Shall represent and appeal for the people of the District of Columbia at hearings of the Commission and in judicial proceedings in the District of Columbia courts when these proceedings and hearings involve the interests of users of the products of or services furnished by public utilities under the jurisdiction of the Commission;
 - (2) May represent and appeal for the people of the District of Columbia at proceedings before related federal regulatory agencies and commissions and federal courts when those proceedings involve the interests of users of the products of or services furnished by public utilities under the jurisdiction of the Commission;
 - (3) May represent and appear for petitioners appearing before the Commission for the purpose of complaining in matters of rates or services;
 - (4) May investigate independently, or within the context of formal proceedings before the Commission, the services given by, the rates charged by, and the valuation of the properties of the public utilities under the jurisdiction of the Commission; and
 - (5) May develop means to otherwise assure that the interests of the users of the products of or services furnished by public utilities under the jurisdiction of the Commission are adequately represented in the course of proceedings before the Commission, federal or District of Columbia courts, or federal regulatory agencies and commissions involving those interests, including public information dissemination, consultative services, and technical assistance.
- (e) In defining its positions while advocating on matters pertaining to the operation of public utility or energy companies, the Office shall consider the public safety, the economy of the District of Columbia, the conservation of natural resources, and the preservation of environmental quality.

State: Florida

PUBLIC UTILITY LAW
TITLE XXVII RAILROADS AND OTHER REGULATED UTILITIES
Chapter 350 Florida Public Service Commission

350.061 Public Counsel; appointment; oath; restrictions on Public Counsel and his or her employees.--

(1) The Committee on Public Counsel Oversight shall appoint a Public Counsel by majority vote of the members of the committee to represent the general public of Florida before the Florida Public Service Commission. The Public Counsel shall be an attorney admitted to practice before the Florida Supreme Court and shall serve at the pleasure of the Committee on Public Counsel Oversight, subject to biennial reconfirmation by the committee. The Public Counsel shall perform his or her duties independently. Vacancies in the office shall be filled in the same manner as the original appointment.

(2) The Public Counsel shall take and subscribe to the oath of office required of state officers by the State Constitution.

(3) No officer or full-time employee of the Public Counsel shall actively engage in any other business or profession; serve as the representative of any political party or on any executive committee or other governing body thereof; serve as an executive, officer, or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; or engage on behalf of any candidate for public office in the solicitation of votes or other activities in behalf of such candidacy. Neither the Public Counsel nor any employee of the Public Counsel shall become a candidate for election to public office unless he or she shall first resign from his or her office or employment.

350.0611 Public Counsel; duties and powers.--It shall be the duty of the Public Counsel to provide legal representation for the people of the state in proceedings before the commission and in proceedings before counties pursuant to s. 367.171(8). The Public Counsel shall have such powers as are necessary to carry out the duties of his or her office, including, but not limited to, the following specific powers:

(1) To recommend to the commission or the counties, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the commission or the counties and urge therein any position which he or she deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the commission or the counties, and utilize therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the commission or the counties which shall be reviewable by summary procedure in the circuit courts of this state;

(2) To have access to and use of all files, records, and data of the commission or the counties available to any other attorney representing parties in a proceeding before the commission or the counties;

(3) In any proceeding in which he or she has participated as a party, to seek review of any determination, finding, or order of the commission or the counties, or of any hearing examiner designated by the commission or the counties, in the name of the state or its citizens;

(4) To prepare and issue reports, recommendations, and proposed orders to the commission, the Governor, and the Legislature on any matter or subject within the jurisdiction of the commission, and to make such recommendations as he or she deems appropriate for legislation relative to commission procedures, rules, jurisdiction, personnel, and functions; and

(5) To appear before other state agencies, federal agencies, and state and federal courts in connection with matters under the jurisdiction of the commission, in the name of the state or its citizens.

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350.0613 Public Counsel; employees; receipt of pleadings.--The committee may authorize the Public Counsel to employ clerical and technical assistants whose qualifications, duties, and responsibilities the committee shall from time to time prescribe. The committee may from time to time authorize retention of the services of additional attorneys or experts to the extent that the best interests of the people of the state will be better served thereby, including the retention of expert witnesses and other technical personnel for participation in contested proceedings before the commission. The commission shall furnish the Public Counsel with copies of the initial pleadings in all proceedings before the commission, and if the Public Counsel intervenes as a party in any proceeding he or she shall be served with copies of all subsequent pleadings, exhibits, and prepared testimony, if used. Upon filing notice of intervention, the Public Counsel shall serve all interested parties with copies of such notice and all of his or her subsequent pleadings and exhibits.

State: Georgia

PUBLIC UTILITY STATUTE

§ 46-10-3. Consumers' utility counsel division; director

There is created the consumers' utility counsel division within the Governor's Office of Consumer Affairs. There is created the position of director of the consumers' utility counsel division. The director shall be appointed and removed by the administrator. The director shall be a practicing attorney qualified by knowledge and experience to practice in public utility proceedings. The director shall receive compensation in an amount to be determined by the administrator, but not to exceed that provided or authorized by law for the district attorney for the Atlanta Judicial Circuit, excluding all city and county supplemental compensation and expenses. In addition to such compensation, the director shall also receive reimbursement for his or her reasonable and necessary expenses incurred in the performance of his or her duties, as provided by law for state employees. No person employed as director of the consumers' utility counsel division shall engage in the private practice of law while employed as director of the consumers' utility counsel division. The director shall submit a written report of the annual activities and expenditures of the division. The report shall be submitted by December 31 each year and shall be submitted to the Industry Committee of the Georgia House of Representatives and to the Finance and Public Utilities Committee of the Georgia Senate.

§ 46-10-4. Director entitled to appear in certain proceedings

(a) The director shall be entitled to appear, as a party or otherwise, on behalf of the consumers of this state of services provided by any person, firm, or corporation subject to the jurisdiction of the commission in all proceedings before the commission which may involve or affect rates for service or services of utilities and in all other proceedings before the commission under its regulatory jurisdiction over utilities.

(b) The director may also appear in the same representative capacity in similar administrative proceedings affecting the consumers of this state before any federal administrative agency or body which has regulatory jurisdiction over rates, services, and similar matters with respect to public utility services provided by any public utility doing business in this state.

(c) The director shall be authorized in the same representative capacity to initiate proceedings, by complaint or otherwise, before any federal or state administrative agency before which he or she is otherwise authorized to appear, with respect to matters properly within the cognizance of those agencies.

(d) The director shall be authorized in the same representative capacity to initiate or intervene as of right or otherwise appear in any judicial proceeding involving or arising out of any action taken by an administrative agency in a proceeding in which the director is authorized to appear under subsection (a), (b), or (c) of this Code section.

§ 46-10-6. Director authorized to employ assistants, etc.

The director is authorized to employ such assistants as he or she may need and is authorized to employ and fix the compensation of such consultants, expert witnesses, accountants, engineers, attorneys, investigators, stenographers, or other technical or clerical assistance, as may be necessary to carry out his or her duties; provided, however, that no such employment may occur nor may any contracts for payment of fees or expenses be paid for consultants, expert witnesses, accountants, engineers, attorneys, investigators, stenographers, or other technical or clerical assistance unless such employment or such contracts are first approved by the administrator and can be achieved using funds appropriated to the office of the Governor for such purposes. The division shall keep suitable and proper records of all such expenditures. The compensation of the director and such staff shall be paid from state funds appropriated or otherwise made available to the office of the administrator created in Code Section 10-1-395 from funds appropriated to the office of the Governor for such purposes.

§ 46-10-7. Services of certain employees of Public Service Commission available to director; access to records and files of Public Service Commission

Services of all engineers, experts, accountants, and other technical assistants employed by the commission shall be available to the director in the performance of his or her duties; and such engineers, experts, accountants, and technical assistants shall make such appraisals and audits as the director, with the approval of the commission, may request. The director and his or her staff shall have access to all records, files, reports, documents, and other information in the possession or custody of the commission to the same extent as the members of the commission and its staff have access thereto and subject to the same limitations imposed on the use thereof by the members of the commission and its staff.

State: Hawaii

PUBLIC UTILITIES STATUTE

Division of Consumer Advocacy

§ 269-51. Consumer advocate; director of commerce and consumer affairs

The director of commerce and consumer affairs shall be the consumer advocate in hearings before the public utilities commission. The consumer advocate shall represent, protect, and advance the interests of all consumers, including small businesses, of utility services. The consumer advocate shall not receive any salary in addition to the salary received as director of commerce and consumer affairs.

The responsibility for advocating the interests of the consumer of utility services shall be separate and distinct from the responsibilities of the public utilities commission and those assistants employed by the commission. As consumer advocate, the director of commerce and consumer affairs shall have full rights to participate as a party in interest in all proceedings before the public utilities commission.

§ 269-52. Division of consumer advocacy; personnel

There shall be a division of consumer advocacy within the department of commerce and consumer affairs to provide administrative support to the director of commerce and consumer affairs acting in the capacity of consumer advocate. The director may employ and at pleasure dismiss an executive administrator, who shall be exempt from chapter 76, may define the executive administrator's powers and duties, and fix the executive administrator's compensation. The director may employ engineers, accountants, investigators, clerks, and stenographers as may be necessary for the performance of the consumer advocate's functions, in accordance with chapter 76; provided that:

- (1) The director may employ up to ten utility analysts exempt from chapter 76; and
- (2) Each analyst shall possess at least the minimum qualifications required of comparable experts in the relevant industry.

§ 269-54 General powers; duties

(a) The consumer advocate shall have the authority expressly conferred by or reasonably implied from the provisions of this part.

(b) The consumer advocate may:

- (1) Adopt rules pursuant to chapter 91 necessary to effectuate the purposes of this part.
- (2) Conduct investigations to secure information useful in the lawful administration of any provision of this part.
- (3) Assist, advise, and cooperate with federal, state, and local agencies and officials to protect and promote the interests of the consumer in the public utilities field.
- (4) Study the operation of laws affecting all consumers, including small businesses, of utility services and recommend to the governor and the legislature new laws and amendments of laws in the consumers' interest in the public utilities field.
- (5) Organize and hold conferences on problems affecting consumers of utility services.
- (6) Perform such other acts as may be incidental to the exercise of the functions, powers, and duties set forth in this section.
- (7) Represent the interests of consumers of utility services before any state or federal agency or instrumentality having jurisdiction over matters which affect those interests.

(c) The consumer advocate shall consider the long-term benefits of renewable resources in the consumer advocate's role as consumer advocate.

(d) Whenever it appears to the consumer advocate that: (1) any public utility has violated or failed to comply with any provision of this part or of any state or federal law; (2) any public utility has failed to comply with any rule, regulation, or other requirement of the public utilities commission or of any other state or federal agency; (3) any public utility has failed to comply with any provision of its charter or franchise; (4) changes, additions, extensions, or repairs to the plant or service of any public utility are necessary to meet the reasonable convenience or necessity of the public; or (5) the rates, fares, classifications, charges, or rules of any public utility are unreasonable or unreasonably discriminatory, the consumer advocate may institute proceedings for appropriate relief before the public utilities commission. The consumer advocate may appeal any final decision and order in any proceeding to which the consumer advocate is a party in the manner provided by law.

(e) The consumer advocate may file with the commission and serve on any public utility a request in writing to furnish any information reasonably relevant to any matter or proceeding before the commission or reasonably required by the consumer advocate to perform the duties hereunder. Any such request shall set forth with reasonable specificity the purpose for which the information is requested and shall designate with reasonable specificity the information desired. The public utility shall comply with such request within the time limit set forth by the consumer advocate unless within ten days following service it requests a hearing on the matter before the public utilities commission and states its reasons therefor. If a hearing is requested, the public utilities commission shall proceed to hold the hearing and make its determination on the request within thirty days after the same is filed. The consumer advocate or the public utility may appeal the decision of the commission on any such request, subject to chapter 602, in the manner provided for civil appeals from the circuit courts. Subject to the foregoing, such requests may ask the public utility to:

- (1) Furnish any information with which the consumer advocate may require concerning the condition, operations, practices, or services of the public utility;
- (2) Produce and permit the consumer advocate or the consumer advocate's representative to inspect and copy any designated documents (including writings, drawings, graphs, charts, photographs, recordings, and other data compilations from which information can be obtained), or to inspect and copy, test, or sample any designated tangible thing which is in the possession, custody, or control of the public utility; or
- (3) Permit entry upon land or other property in the possession or control of the utility for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object thereon.

§ 269-55. Handling of complaints

The consumer advocate shall counsel utility customers in the handling of consumer complaints before the public utilities commission. The public utilities commission shall provide a central clearinghouse of information by collecting and compiling all consumer complaints and inquiries concerning public utilities.

PUBLIC UTILITIES COMMISSION RULE

'6-61-62 Consumer advocate. (a) The consumer advocate is, ex officio, a party to any proceeding before the commission. The consumer advocate shall, except as noted herein, submit a statement of position to the commission, with service to the parties of record, stating:

- (1) Whether it intends to participate in the proceeding;
 - (2) Its position on the relief requested in the application or complaint (including whether it is in support of or in opposition to the relief requested) or on the investigation ordered by the commission; and
 - (3) The basis for its position.
- (b) The consumer advocate shall further apprise the commission and the parties of record of any facts which relate to the protection or advancement of the consumer interest.
- (c) The consumer advocate, unless otherwise requested by the commission, need not submit any statements of position for rulemaking proceedings initiated by the commission or for proceedings brought under sections 269-16, 271-20, 271-21, 271-22, 271G-16 and 271G-17, HRS.
- (d) The consumer advocate shall file its statement of position within twenty days after it has been served with copies of an application or complaint or with a copy of a commission order of investigation. In emergency cases, the commission may require the filing of a position statement within a shorter time.

State: Idaho

State: Illinois

PUBLIC UTILITY STATUTE

(220 ILCS 10/4)

Sec. 4. Citizens utility board: formation and membership. (1) There is created a nonprofit public body corporate and politic to be known as the "Citizens Utility Board". Any utility consumer who has submitted a membership form and has contributed membership dues to the corporation

in the preceding 12 months shall be a member of the corporation. A member may resign from membership at any time.

(2) The board shall, upon certification of their nominations pursuant to subsection (2) of Section 12 and request by the candidate, within 5 days provide to each candidate for election to the board a current list of members residing in the candidate's district. Such list shall include the names and current addresses of members within such district, and may be used by the candidate only for election purposes.

(3) Notwithstanding any other provision of this Act or any other provisions of law, if the corporation does not receive contributions from at least 10,000 citizens of this State within 3 years of the effective date of this Act, the corporation shall be dissolved. (Source: P.A. 86-101.)

(220 ILCS 10/5)

Sec. 5. Powers and duties.

(1) The corporation shall:

(a) Represent and protect the interests of the residential utility consumers of this State. All actions by the corporation under this Act shall be directed toward such duty; provided that the corporation may also give due consideration to the interests of business in the State.

(b) Inform, in so far as possible, all utility consumers about the corporation, including the procedure for obtaining membership in the corporation.

(2) The corporation shall have all the powers necessary or convenient for the effective representation and protection of the interest of utility consumers and to implement this Act, including the following powers in addition to all other powers granted by this Act.

(a) To make, amend and repeal bylaws and rules for the regulation of its affairs and the conduct of its business; to adopt an official seal and alter it at pleasure; to maintain an office; to sue and be sued in its own name, plead and be impleaded; and to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the corporation.

(b) To employ such agents, employees and special advisors as it finds necessary and to fix their compensation.

(c) To solicit and accept gifts, loans, including loans made by the Illinois Commerce Commission from funds appropriated for that purpose by law, or other aid in order to support activities concerning the interests of utility consumers. Except as provided in Section 5.1, the corporation may not accept gifts, loans or other aid from any public utility or from any director, employee or agent or member of the immediate family of a director, employee or agent of any public utility and, after the first election the corporation, may not accept from any individual, private corporation, association or partnership in any single year a total of more than \$1,000 in gifts. Under this paragraph, "aid" does not mean payment of membership dues.

(d) To intervene as a party or otherwise participate on behalf of utility consumers in any proceeding which affects the interest of utility consumers.

(e) To represent the interests of utility consumers before the Illinois Commerce Commission, the Federal Energy Regulatory Commission, the Federal Communications Commission, the courts, and other public bodies, except that no director, employee or agent of the corporation may engage in lobbying without first complying with any applicable statute, administrative rule or other regulation relating to lobbying.

(f) To establish annual dues which shall be set at a level that provides sufficient funding for the corporation to effectively perform its powers

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and duties, and is affordable for as many utility consumers as is possible.

(g) To implement solicitation for corporation funding and membership.

(h) To seek tax exempt status under State and federal law, including 501(c)(3) status under the United States Internal Revenue Code.

(i) To provide information and advice to utility consumers on any matter with respect to utility service, including but not limited to information and advice on benefits and methods of energy conservation.

(3) The powers, duties, rights and privileges conferred or imposed upon the corporation by this Act may not be transferred.

(4) The corporation shall refrain from interfering with collective bargaining rights of any employees of a public utility. (Source: P.A. 91-50, eff. 6-30-99.)

(220 ILCS 10/5.1)

Sec. 5.1. Contributions. Notwithstanding anything to the contrary in Section 5 of this Act, the corporation shall have the authority to solicit and accept contributions made pursuant to Section 16-111.1 of the Public Utilities Act. (Source: P.A. 91-50, eff. 6-30-99.)

(220 ILCS 10/6)

Sec. 6. Board. The corporation shall be managed by, and its powers, functions and duties shall be exercised through a board to be composed as follows:

(1) Election and Terms of Directors. The Citizens Utility Board Districts shall be divided into two groups for the purpose of establishing terms for which the Directors shall be elected in each group. One group shall be comprised of the even numbered Congressional Districts. The odd numbered Congressional Districts shall comprise the other group.

(a) The Interim Board, within 60 days after their appointment, shall meet and publicly by lot determine which group shall be the first group and which group shall be the second. The board members or their successors from the first group shall be elected for successive terms of two years, two years and four years; and members or their successors from the second group shall be elected for successive terms of four years, two years and two years.

(b) The first election of directors of the board is to be held no later than April 30, 1985. Subsequent elections of directors of the board shall be held on March 31 of each election year. If March 31 falls on a weekend or holiday, the election shall occur on the next business day following March 31.

(c) Interim and elected board members shall serve until their successors are elected and have qualified.

(d) In the year following each decennial census and within 45 days after the redistricted Congressional Districts are enacted, the board shall allocate terms between the 2 groups of districts publicly by lot as provided in paragraph (a). Board members or their successors from the first group shall be elected for successive terms of two years, four years and four years; and members or their successors from the second group shall be elected for successive terms of four years, four years, and two years.

(2) Qualifications. A director shall be a resident of the district he or she represents and member of the corporation. No person who is an employee in any managerial or supervisory capacity, director, officer or agent or who is a member of the immediate family of any such employee, director, officer or agent of any public utility is eligible to be a director. No director may hold any elective position, be a candidate for any elective position, be a State public official, be employed by the Illinois Commerce Commission, or be employed in a governmental position exempt from the Personnel Code.

(3) Director, Family Member Employment. No director, nor member of his or her immediate family shall, either directly or indirectly, be employed for compensation as a staff member or consultant of the corporation.

(4) Meetings. The board shall hold regular meetings at least once every 3 months on such dates and at such places as it may determine.

Special meetings may be called by the president or by a majority of the directors upon at least 7 days' advance written notice. Unless otherwise provided in the bylaws, a majority of the board of directors shall constitute a quorum; provided, that in no event shall a quorum consist of less than one-third of the board of directors. The act of the majority of the directors, present at a meeting at which a quorum is present, shall be the act of the board of directors unless the act of a greater number is required by this Act or bylaws. A summary of the minutes of every board meeting shall be made available to each public library in the State upon request and to individuals upon request.

(5) Expenses. A director may not receive any compensation for his or her services but shall be reimbursed for necessary expenses, including travel expenses incurred in the discharge of duties. The board shall establish standard allowances for mileage, room and meals and the purposes for which such allowances may be made and shall determine the reasonableness and necessity for such reimbursements. The board shall include the schedule of such standard allowances in the annual report under subsection (4) (d) of Section 7.

(6) Bonding. Directors and employees eligible to disburse funds shall be bonded. The costs of such bonds shall be paid by the corporation.

(Source: P.A. 84-1093.)

(220 ILCS 10/7)

Sec. 7. Duties of directors. The board shall have the following duties:

(1) To establish the policy of the corporation regarding appearances before regulatory agencies, legislative bodies and other public authorities, and regarding other activities which the corporation has the authority to perform under this Act.

(2) To employ an executive director who shall have the following powers and duties, subject at all times to the direction and supervision of the board:

(a) To implement the policy established by the board under subsection (1).

(b) To employ and discharge employees of the corporation.

(c) To supervise the offices, facilities and work of the employees of the corporation.

(d) To have custody of and maintain the books, records and membership rolls of the corporation under this Act.

(e) To prepare and submit to the board annual and quarterly statements of the financial and substantive operations of the corporation, and financial estimates for the future operations of the corporation.

(f) To attend and participate in meetings of the board, but without a vote.

(g) To file annually with the board a current financial statement which includes the information required under subsection (3) of Section 12.

(h) To exercise such other powers and perform such other duties as the board delegates.

(3) To hold an annual meeting of the membership on a date and at a place within the State to be determined by the board under Section 8.

(4) To assure preparation of:

(a) Up-to-date membership rolls.

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- (b) Quarterly statements of the financial and substantive operations of the corporation.
- (c) An audit of the corporation's books at least once each fiscal year. The audit shall be by a certified public accountant.
- (d) An annual report of the corporation's financial and substantive operations. The corporation shall prepare the report at the close of the corporation's fiscal year and shall make the report available to each of its members, as well as to members of the news media who request it.

It shall also make the report available to each library in the State that requests it, and to individuals upon request.

- (5) To establish and make available to the public a written policy on the availability and distribution of all records required to be kept by the corporation under this Act.
- (6) To prepare membership applications and distribute such applications in sufficient amounts or in machine copyable form to every library system, as defined in Section 2 of The Illinois Library System Act, so as to allow such library systems to distribute the applications to all of the public libraries throughout the State, wherefrom utility consumers may obtain the applications to submit to the corporation, with annual dues, for membership.
- (7) To prepare nominating petitions and distribute such petitions in sufficient amounts or in machine copyable form to every library system, as defined in Section 2 of The Illinois Library System Act, so as to allow such library systems to distribute the petitions to all of the public libraries throughout the State, wherefrom members of the corporation may obtain the petitions to circulate when running for nomination for a director.
- (8) To provide all candidates for election to the board with a current list of members residing in the candidate's district upon certification of nomination pursuant to subsection (2) of Section 12 and within 5 days of a request by the candidate.
- (9) To carry out all other duties and responsibilities imposed upon the corporation and the board under this Act. (Source: P.A. 86-101.)

(220 ILCS 10/7.1)

Sec. 7.1. Director statement of financial interest. Every director shall file annually with the board a current financial statement which includes the information required under subsection (3) of Section 12. (Source: P.A. 86-1028.)

(220 ILCS 10/7.2)

Sec. 7.2. Executive director: qualifications; appointment. (1) The executive director hired by the board under Section 7 shall have the same qualifications as a director under Section 12, except that the executive director need not be a resident of this State nor a member of the corporation. The executive director may not be a candidate for director while serving as executive director.

- (2) To hire the executive director under Section 7, the board shall adhere to any applicable State or federal law prohibiting discrimination in employment.
- (3) The board shall require all applicants for the position of executive director of the corporation to file a financial statement which includes the information required under subsection (4) of Section 12. The board shall require the executive director to file a current statement annually. (Source: P.A. 83-945.)

(220 ILCS 10/8)

Sec. 8. Annual membership meeting. All members shall be eligible to attend, participate in and vote in the annual membership meeting called by the board under subsection (3) of Section 7. The meeting shall be open to the public and shall be held in different districts on a rotating basis. Each year a meeting shall be held in each board district for the members of such district. Such members shall receive notice of that meeting at least 14 days in advance.

(220 ILCS 10/10)

Sec. 10. Prohibited Acts. (1) No person may interfere or threaten to interfere with or cause any interference with utility service or with the utility service of or penalize any person who contributes to the corporation or participates in any of its activities, in retribution for such contribution or participation.

- (2) No person may act with intent to prevent, interfere with or hinder the activities permitted under this Act.
- (3) A person who violates this Section may be fined not more than \$1,000. Each such violation shall constitute a separate and continuing violation of this Act. A person who knowingly and wilfully violates this Section may be imprisoned not more than 6 months. (Source: P.A. 83-945.)

(220 ILCS 10/12)

Sec. 12. (1) Eligibility. To be eligible for election to the board, a candidate must:

- (a) Meet the qualifications for directors under subsection (2) of Section 6.
 - (b) Have his or her nomination certified by the board under subsection (2) of this Section.
 - (c) Submit to the board a statement of financial interests under subsection (3) and a statement of personal background and positions under subsection (4).
 - (d) Make the affirmation under subsection (3) (e).
- (2) Nomination. A candidate for election to the board shall circulate or have a member of the corporation circulate a petition for nomination on the candidate's behalf not sooner than 120 days preceding the election and shall file the petition with the corporation not later than 60 days prior to the election. The petition for nomination shall be signed by at least 5% or 30, whichever is less, of the members residing in his or her district. The board shall verify the validity of the signatures by comparing them to the signatures on the membership applications and the current list of members maintained by the Board. Within 14 days after the petition is due, the board shall determine whether a sufficient number of signatures are valid. If the board determines a sufficient number are valid, it shall certify the nomination of the candidate.
- (3) Statement of financial interests. A candidate for election to the board whose nomination is certified under subsection (2) shall submit to the board, not later than 60 days prior to the election, a statement of financial interests upon a form provided by the board. The statement of financial interests shall include the following information:
- (a) The occupation, employer and position at place of employment of the candidate and of his or her immediate family members.
 - (b) A list of all corporate directorships or other offices, and of all fiduciary relationships, held in the past 3 years by the candidate and by his or her immediate family members.
 - (c) The name of any creditor to whom the candidate or a member of the candidate's immediate family owes \$10,000 or more.
 - (d) The name of any corporation in which the candidate holds a security, the current market value of which is \$5,000 or more.
 - (e) An affirmation, subject to penalty of perjury, that the information contained in the statement of financial interests is true

and complete.

(4) Statement of personal background and positions. A candidate for election to the board whose nomination is certified under subsection (2) shall submit to the board, not later than 60 days prior to the election, on a form to be provided by the board, a statement concerning his or her personal background and positions on issues relating to public utilities or the operations of the corporation. The statement shall contain an affirmation, subject to penalty of perjury, that the candidate meets the qualifications prescribed for directors in subsection (2) of Section 6.

(5) Restrictions on a reporting of campaign contributions and expenditures.

(a) No candidate may accept more than \$200 in campaign contributions from any person or political committee from one year before the date of an election through the date of the election.

(b) Each candidate for election to the board shall keep complete records of all contributions to his or her campaign of \$25 or more from one year before the date of an election through the date of the election, and, at the board's request, shall make such records available for inspection by the board.

(c) As a condition for receiving the benefits of the board's mailing under subsection (6), a candidate for election to the board shall agree in writing to incur no more than \$2,500 in campaign expenditures from the time he or she commences circulation of petitions for nomination or from 4 months prior to the election, whichever is earlier, through the date of the election.

(d) Each candidate for election to the board shall keep complete records of his or her campaign expenditures, and, at the board's request, shall make such records available for inspection by the board.

(e) No earlier than 14 days and no later than 8 days preceding the election and no earlier than 21 days and no later than 30 days after the election, each candidate for election to the board shall submit to the board, on a form provided by the board, an accurate statement of his or her campaign contributions, swearing that he or she has fully complied with the requirements of this subsection.

(f) No candidate for election to the board may use any campaign contribution for any purpose except for campaign expenditures. Any campaign contribution not expended shall be donated no later than 90 days after the election to the corporation or to any charitable organization at the option of the candidate.

(6) Election procedures. (a) The board shall mail or distribute to each member's address on file with the corporation, not sooner than 30 and not later than 10 days before the date fixed for the election:

(i) An official ballot listing all candidates for director from the member's district whose nominations the board has certified and who satisfy the requirements of subsection (1). The board shall include with the ballot each candidate's statement of financial interests submitted under subsection (3).

(ii) The statement by each candidate for election to the board of personal background and positions as required under subsection (4), if the candidate has agreed in writing to limit his or her campaign expenditures under subsection (5) (c).

(b) Each member may vote in the election by returning his or her official ballot in person or by first class mail, properly marked, to the ballot return location designated by the corporation. Ballots returned to the location designated by the corporation must be postmarked on or before the date fixed for the election or must be received at the ballot return location designated by the corporation on or before the date fixed for the election.

(c) Voting shall be by secret ballot.

(d) The board shall tally votes with all reasonable speed and shall inform the membership promptly of the names of the candidates elected.

(e) For each district the board within 30 days of the election shall certify the candidate elected to the board if the candidate has the most votes in the district and if he or she has complied with this Section.

(f) If a vacancy in nomination occurs because no candidate has filed for nomination, the board by a majority of those voting shall appoint a member of the corporation who resides in the district where the vacancy exists to be the candidate.

(g) If the candidate with the most votes dies, declines or resigns from candidacy prior to being certified under paragraph (e), or for any other reason is not certified under paragraph (e), the office for which the candidate ran shall be vacant and shall be filled by the board as provided herein.

(h) If a vacancy on the Board occurs, with more than 12 months remaining in the term, the Board shall set a date for a special election for the district for the purpose of electing a director to serve out the term of the vacant office and shall so notify every member in the district. The election may not be less than 2 months nor more than 4 months after such notification. An election under this Section shall be conducted in the same manner as other elections of directors are conducted. The seat shall remain vacant if there is 8 months or less remaining in the term.

(7) Election rules. The board may prescribe rules for the conduct of elections and election campaigns not inconsistent with this Act. (Source: P.A. 84-1093.)

(220 ILCS 10/13)

Sec. 13. Public records. Statements filed with the corporation shall be available for public inspection at the office of the corporation during reasonable hours of the day. Such records may be copied. The corporation may charge a reasonable fee for the cost of such copies.

(Source: P.A. 83-945.)

Sec. 14. Board officers. (1) Election. The interim board of directors and the board of directors, at the first regular meeting of each at which a quorum is present, shall elect by a majority vote of the directors present and voting a president, vice president, secretary and treasurer. The board may elect such other officers as it deems necessary.

(2) Term of office.

(a) Board officers shall begin serving immediately upon their election and their term of office shall be one year. After his or her term of office has expired, a board officer shall continue to serve until his or her successor is elected and certified.

(b) If a board office is vacant, the board shall elect a successor to serve out the term of the office.

(3) Powers and duties. Board officers shall exercise powers and perform duties as prescribed by this Act or as delegated to them by the board. (Source: P.A. 83-945.)

(220 ILCS 10/15)

Sec. 15. Corrupt practices and conflicts of interest. (1) No person may offer or give anything of monetary value to any director, employee or agent of the corporation if the offer or gift influences, or is intended to influence, the action or judgment of the director, employee or agent of the corporation in his or her capacity as director, employee or agent of the corporation.

(2) No director, employee or agent of the corporation may solicit or accept anything of monetary value from any person if the solicitation or acceptance influences, or is intended to influence, the official action or judgment of the director, employee or agent in his or her capacity as director, employee or agent of the corporation.

(3) Any person who knowingly and willfully violates this Section may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

(4) The board shall remove from office any director convicted under this Section and shall fill such office under subsection (6)(h) of Section 12. (Source: P.A. 83-945.)

(220 ILCS 10/16)

Sec. 16. Corporation to be nonpartisan. The corporation may not sponsor, endorse or otherwise support, nor may it oppose any political party or the candidacy of any person for public office. The corporation and its directors and employees may not in their official capacities make statements which are intended to influence elections.

(Source: P.A. 86-101.)

State: Indiana

PUBLIC UTILITY STATUTE

IC 8-1-1.1

Chapter 1.1. Office of the Utility Consumer Counselor

IC 8-1-1.1-1

Definitions

Sec. 1. As used in this chapter:

"Council" means the advisory council to the office of utility consumer counselor created under section 7 of this chapter.

"Counselor" means the consumer counselor established under section 2 of this chapter.

"Deputy consumer counselor" means the deputy consumer counselor for Washington affairs that may be established under section 9.1 of this chapter.

"Utility" means any public utility, municipally owned utility or subscriber owned utility under the jurisdiction of the commission.

As added by Acts 1981, P.L.104, SEC.3. Amended by P.L.43-1983, SEC.6; P.L.23-1988, SEC.18; P.L.1-1990, SEC.91.

IC 8-1-1.1-2

Creation; administration

Sec. 2. There is created the office of utility consumer counselor. The office shall be administered by the consumer counselor appointed under section 3 of this chapter.

As added by Acts 1981, P.L.104, SEC.3.

IC 8-1-1.1-3

Consumer counselor

Sec. 3. The governor shall appoint a consumer counselor, for a term of four (4) years at a salary to be fixed by the governor. The counselor shall serve at the will and pleasure of the governor. The counselor shall be a practicing attorney, and qualified by knowledge and experience to practice in utility regulatory agency proceedings. The counselor shall apply the counselor's full efforts to the duties of the office and may not engage in any occupation, practice, profession or business that would conflict with the duties of the office.

As added by Acts 1981, P.L.104, SEC.3. Amended by P.L.27-2006, SEC.2.

IC 8-1-1.1-4

Repealed (Repealed by P.L.1-1990, SEC.92.)

IC 8-1-1.1-4.1

Powers and duties

Sec. 4.1. (a) The consumer counselor may appear on behalf of ratepayers, consumers, and the public in:

(1) hearings before the commission, the department of state revenue, or the Indiana department of transportation;

(2) appeals from the orders of the commission, the department of state revenue, or the Indiana department of transportation; and

(3) suits and actions in a court that may involve rates for service, services, extensions, and contracts for service, valuations of utilities, applications of utilities for authority to issue securities, applications for mergers and sales, and in all other proceedings, including proceedings before federal agencies, and suits and actions in which the subject matter of the action affects the consumers of a utility, motor carrier, or railroad doing business in Indiana.

(b) The counselor shall decide whether to appeal an order of the commission, the department of state revenue, or the Indiana department of transportation and may on the counselor's own motion initiate an appeal.

As added by P.L.1-1990, SEC.93.

IC 8-1-1.1-5

Repealed (Repealed by P.L.1-1990, SEC.94.)

IC 8-1-1.1-5.1

Proceedings before commission, department, or court; powers and duties of consumer counselor

Sec. 5.1. (a) The commission, the department of state revenue, or the Indiana department of transportation shall immediately notify the counselor of the institution of any proceeding before the commission, the department of state revenue, or the Indiana department of transportation in which the counselor is authorized to appear and shall transmit to the counselor a copy of the petition or complaint filed.

Staff Responsibilities.txt

(b) The commission, the department of state revenue, or the Indiana department of transportation may not proceed to hear a petition, complaint, or proceeding in which the counselor is entitled to appear until the counselor has been given at least ten (10) days notice, unless the counselor waived the notice.

(c) The consumer counselor may call the counselor's own witnesses to testify before a proceeding or hearing in which the counselor makes an appearance, and may require the production for examination of books and papers relating to a matter under investigation and in question before the commission, another agency, or a court.

(d) The consumer counselor has the right, with the consent of the petitioners or complainants, whenever a petition is filed on behalf of the ratepayers, consumers, or the public, to make amendments to the petition or complaint that the counselor considers advisable.

(e) In all proceedings before the commission, the department of state revenue, or the Indiana department of transportation and in a court in which the consumer counselor shall appear, the consumer counselor shall have charge of the interests of the ratepayers and consumers of the utility, motor carrier, or railroad involved. The counselor may give notice of the hearings to all municipalities,

corporations, or organizations and persons that are parties to the proceedings, suit, or action other than the utility, motor carrier, or railroad. As added by P.L.1-1990, SEC.95.

IC 8-1-1.1-6

Repealed (Repealed by P.L.1-1990, SEC.96.)

IC 8-1-1.1-6.1

Professional and other employees; access to records; charge and payment of expenses

Sec. 6.1. (a) The consumer counselor may employ and fix the compensation of, with the approval of the governor and the budget agency, accountants, utility economists, engineers, attorneys, stenographers, or other assistance necessary to carry out the duties of the office. The compensation of the consumer counselor and the counselor's staff shall be paid from an appropriation made for that purpose by the general assembly, or with the approval of the governor and the budget agency, from a contingency fund established under IC 8-1-6-1.

(b) The consumer counselor may make use of engineers, experts, and accountants employed by the commission or the Indiana department of transportation and direct them to make appraisals and audits in the performance of the consumer counselor's duties under this chapter and IC 8-1-1 and IC 8-1-2. In so doing, the consumer counselor shall have access to the records and files of the commission or the Indiana department of transportation.

(c) The consumer counselor may employ, with the approval of the governor and the budget agency, additional stenographers, examiners, experts, engineers, assistant counselors, accountants, and consulting firms with expertise in utility, motor carrier, or railroad economics or management or both, at salaries and compensation and for a length of time as the governor and the budget agency may approve for a particular case or investigation. The compensation for the additional personnel together with the cost of transportation, hotel, telegram, and telephone bills while traveling on public business shall be paid from the expert witness fee account, or, with the approval of the governor and the budget agency, from a contingency fund established under IC 8-1-6-1 on warrants drawn by the auditor of state, sworn to by the parties who incurred the expenses.

(d) Expenses incurred by the regular staff of the office and approved by the consumer counselor, or an expense incurred by the commission or the Indiana department of transportation under subsection (b), shall be charged and paid in the manner provided in IC 8-1-2-70 or IC 8-1-6, whichever is appropriate under the circumstances.

(e) Nothing in this chapter may be construed to prevent a party interested in a proceeding, suit, or action from appearing in person

or from being represented by counsel.

(f) Persons hired by the consumer counselor as provided by this section are exempt from the job classifications and compensation schedules established under IC 4-15.

(g) The consumer counselor may purchase, lease, or otherwise acquire sufficient technical equipment necessary for the consumer counselor to carry out the consumer counselor's statutory duties.

As added by P.L.1-1990, SEC.97.

IC 8-1-1.1-7

Advisory council

Sec. 7. (a) There is created the advisory council to the office of the utility consumer counselor. The council consists of ten (10) members. Each Indiana congressional district must be represented by at least one (1) individual appointed under this section who is a resident of that congressional district.

(b) Members of the council, including those filling vacancies occurring in the council membership, shall be appointed by the governor. All members shall be appointed to a term of four (4) years, except those who have been appointed to fill a vacancy in the council whose term will be the unexpired portion of the term. All members shall serve until their successor has been duly appointed and qualified.

(c) The membership shall be representative of the various sectors of Indiana economy, including, but not limited to: agriculture, business and industry, labor, and local government.

(d) The members shall annually elect of themselves a chairman.

(e) Members are entitled to receive per diem and travel expense reimbursement at the standard rates provided for state employees for expenses they incur in the performance of their duties under this chapter subject to the approval of the consumer counselor.

As added by Acts 1981, P.L.104, SEC.3. Amended by Acts 1982, P.L.1, SEC.23; P.L.170-2002, SEC.56.

IC 8-1-1.1-8

Repealed (Repealed by P.L.1-1990, SEC.98.)

IC 8-1-1.1-8.1

Meetings; duties

Sec. 8.1. (a) The council shall meet at the call of the chairman or the consumer counselor.

(b) The council shall receive, review, and advise the consumer counselor with respect to problems and concerns of ratepayers and consumers arising from the regulation of utilities, motor carriers, or railroads in Indiana. The office of consumer counselor shall provide necessary clerical and staff assistance for the council.

As added by P.L.1-1990, SEC.99.

IC 8-1-1.1-9

IC 8-1-1.1-9.1

Deputy consumer counselor for Washington affairs

Sec. 9.1. (a) The governor may appoint a deputy consumer counselor for Washington affairs. The utility consumer counselor may advise the governor in the appointment of a deputy consumer counselor for Washington affairs.

(b) The deputy consumer counselor shall serve for a term of four (4) years at a salary to be fixed by the governor. The deputy shall serve at the pleasure of the governor. The deputy consumer counselor shall be a practicing attorney, and qualified by knowledge and experience to practice in utility regulatory agency proceedings. The deputy consumer counselor shall apply full efforts to the duties of the office and may not be actively engaged in any other occupation, practice, profession, or business.

(c) The deputy consumer counselor may appear on behalf of ratepayers, consumers, and the public in:

(1) hearings before the federal energy regulatory commission;

(2) appeals from the orders of the federal energy regulatory commission; and

(3) all other proceedings, including proceedings before federal agencies, and suits and actions in which the subject matter of the action affects the consumers of a utility, motor carrier, or railroad doing business in Indiana.

(d) The deputy consumer counselor may establish and maintain an office in Washington, D.C. The deputy consumer counselor may, with the approval of the consumer counselor, the governor, and the budget agency employ and fix the compensation of accountants, utility economists, engineers, attorneys, stenographers, or other assistance necessary to carry out the duties of the office of the deputy consumer counselor. The compensation of the deputy consumer counselor and the staff shall be paid from an appropriation made for that purpose by the general assembly, or with the approval of the governor and the budget agency, from the contingency fund established under IC 8-1-6-1.

(e) The deputy consumer counselor may employ, with the approval of the consumer counselor, the governor, and the budget agency, additional stenographers, examiners, experts, engineers, assistant counselors, accountants, and consulting firms with expertise in utility, motor carrier, or railroad economics or management or both, at salaries and compensation and for a length of time as the consumer counselor, the governor, and the budget agency may approve for a particular case or investigation. The compensation for additional personnel together with the cost of transportation, hotel, telegram, and telephone bills while traveling on public business shall be paid from the expert witness fee account, or, with the approval of the governor and the budget agency, from the contingency fund established under IC 8-1-6-1 on warrants drawn by the auditor of state, sworn to by the parties who incurred the expenses.

(f) Any expenses incurred by the regular staff of the office of the deputy consumer counselor and approved by the deputy consumer counselor shall be charged and paid from the contingency fund established under IC 8-1-6-1.

As added by P.L.1-1990, SEC.101.

PUBLIC UTILITY CODE

170 IAC 1-1.1-5 Informal complaints; review by commission

Authority: IC 8-1-1-3; IC 8-1-2-34.5; IC 8-1-2-47

Affected: IC 8-1-1-5; IC 8-1-1.1-5.1; IC 8-1-2-34.5; IC 8-1-2-54

Sec. 5. (a) Any individual or entity may informally complain to the commission's consumer affairs division, with respect to any matter within the jurisdiction of the commission.

(b) An informal complaint is without prejudice to the right to file a formal petition under IC 8-1-2-54.

(c) An informal disposition rendered by the commission's consumer affairs division may be appealed by any party thereto under IC 8-1-2-34.5 upon written request for appeal filed with the commission within twenty (20) days after the informal disposition is rendered. Prior to issuing an order on the appeal, the commission shall afford the parties notice and an opportunity to be heard. (Indiana Utility Regulatory Commission; 170 IAC 1-1.1-5; filed Oct 30, 2000, 2:10 p.m.: 24 IR 656; readopted filed Apr 6, 2006, 11:00 a.m.: 29 IR 2670)

170 IAC 1-1.1-6 Office of utility consumer counselor

Authority: IC 8-1-1-3; IC 8-1-2-47

Affected: IC 8-1-1-5; IC 8-1-1.1-5.1

Sec. 6. The public, as a class, shall be deemed a party in any proceeding in which the office of utility consumer counselor shall appear on behalf of the public. However, individuals or groups may be granted intervention and be represented by independent counsel. (Indiana Utility Regulatory Commission; 170 IAC 1-1.1-6; filed Oct 30, 2000, 2:10 p.m.: 24 IR 656; readopted filed Apr 6, 2006, 11:00 a.m.: 29 IR 2670)

State: Iowa

PUBLIC UTILITY STATUTE

Chapter 475A. Consumer Advocate
475A.1. Consumer advocate

1. Appointment. The attorney general shall appoint a competent attorney to the office of consumer advocate, subject to confirmation by the senate, in accordance with section 2.32. The consumer advocate is the chief administrator of the consumer advocate division of the department of justice. The advocate's term of office is for four years. The term begins and ends in the same manner as set forth in section 69.19.
2. Vacancy. If a vacancy occurs in the office of consumer advocate, the vacancy shall be filled for the unexpired term in the same manner as an original appointment under the procedures of section 2.32.
3. Disqualification. The existence of a fact which disqualifies a person from election or acting as utilities board member under section 474.2 disqualifies the person from appointment or acting as consumer advocate.
4. Political activity prohibited. The consumer advocate shall devote the advocate's entire time to the duties of the office; and during the advocate's term of office the advocate shall not be a member of a political committee or contribute to a political campaign fund other than through the income tax checkoff for contributions to the Iowa election campaign fund and the presidential election campaign fund or take part in political campaigns or be a candidate for a political office.
5. Removal. The attorney general may remove the consumer advocate for malfeasance or nonfeasance in office, or for any cause which renders the advocate ineligible for appointment, or incapable or unfit to discharge the duties of the advocate's office; and the advocate's removal, when so made, is final.

475A.2. Duties

The consumer advocate shall:

1. Investigate the legality of all rates, charges, rules, regulations, and practices of all persons under the jurisdiction of the utilities board, and institute civil proceedings before the board or any court to correct any illegality on the part of any such person. In any such investigation, the person acting for the office of the consumer advocate shall have the power to ask the board to issue subpoenas, compel the attendance and testimony of witnesses, and the production of papers, books, and documents, at the discretion of the board.
2. Act as attorney for and represent all consumers generally and the public generally in all proceedings before the utilities board.
3. Institute as a party judicial review of any decision of the utilities board, if the consumer advocate deems judicial review to be in the public interest.
4. Appear for all consumers generally and the public generally in all actions instituted in any state or federal court which involve the validity of a rule, regulation, or order of the utilities board.
5. Act as attorney for and represent all consumers generally and the public generally in proceedings before federal and state agencies and related judicial review proceedings and appeals, at the discretion of the consumer advocate.
6. Appear and participate as a party in the name of the office of consumer advocate in the performance of the duties of the office.

475A.3. Office--employees--expenses

1. Office. The office of consumer advocate shall be a separate division of the department of justice and located at the same location as the utilities division of the department of commerce. Administrative support services may be provided to the consumer advocate division by the department of commerce.
2. Employees. The consumer advocate may employ attorneys, legal assistants, secretaries, clerks, and other employees the consumer advocate finds necessary for the full and efficient discharge of the duties and responsibilities of the office. The consumer advocate may employ consultants as expert witnesses or technical advisors pursuant to contract as the consumer advocate finds necessary for the full and efficient discharge of the duties of the office. Employees of the consumer advocate division, other than the consumer advocate, are subject to merit employment, except as provided in section 8A.412.
3. Salaries, expenses, and appropriation. The salary of the consumer advocate shall be fixed by the attorney general within the salary range set by the general assembly. The salaries of employees of the consumer advocate shall be at rates of compensation consistent with current standards in industry. The reimbursement of expenses for the employees and the consumer advocate is as provided by law. The appropriation for the office of consumer advocate shall be a separate line item contained in the appropriation from the general fund of the state.

475A.4. Utilities division records

The consumer advocate has free access to all the files, records, and documents in the office of the utilities division except:

1. Personal information in confidential personnel records of the utilities division.
2. Records which represent and constitute the work product of the general counsel of the utilities board, and records of confidential communications between utilities board members and their general counsel, where the records relate to a proceeding before the board in

which the consumer advocate is a party or a proceeding in any state or federal court in which both the board and the consumer advocate are parties.

3. Customer information of a confidential nature which could jeopardize the customer's competitive status and is provided by the utility to the division. Such information shall be provided to the consumer advocate by the division, if the board determines it to be in the public interest.

475A.5. Service

The consumer advocate is entitled to service of all documents required by statute or rule to be served on parties in proceedings before the utilities board and all notices, petitions, applications, complaints, answers, motions, and other pleadings filed pursuant to statute or rule with the board.

475A.6. Certification of expenses to utilities division

The consumer advocate shall determine the advocate's expenses, including a reasonable allocation of general office expenses, directly attributable to the performance of the advocate's duties involving specific persons subject to direct assessment, and shall certify the expenses to the utilities division not less than quarterly. The expenses shall then be includable in the expenses of the division subject to direct assessment under section 476.10.

The consumer advocate shall annually, within ninety days after the close of each fiscal year, determine the advocate's expenses, including a reasonable allocation of general office expenses, attributable to the performance of the advocate's duties generally, and shall certify the expenses to the utilities division. The expenses shall then be includable in the expenses of the division subject to remainder assessment under section 476.10.

The consumer advocate is entitled to notice and opportunity to be heard in any utilities board proceeding on objection to an assessment for expenses certified by the consumer advocate. Expenses assessed under this section shall not exceed the amount appropriated for the consumer advocate division of the department of justice.

The office of consumer advocate may expend additional funds, including funds for outside consultants, if those additional expenditures are actual expenses which exceed the funds budgeted for the performance of the advocate's duties. Before the office expends or encumbers an amount in excess of the funds budgeted, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the expenses exceed the funds budgeted by the general assembly to the office of consumer advocate and that the office does not have other funds from which such expenses can be paid. Upon approval of the director of the department of management, the office may expend and encumber funds for excess expenses. The amounts necessary to fund the excess expenses shall be collected from those utilities or persons which caused the excess expenditures, and the collections shall be treated as repayment receipts as defined in section 8.2, subsection 8.

475A.7. Consumer advisory panel

The attorney general shall appoint five members and the governor shall appoint four members to a consumer advisory panel to meet at the request of the consumer advocate for consultation regarding public utility regulation. A member shall be appointed from each congressional district with the appointee residing within the congressional district at the time of appointment. The remaining appointees shall be members at large. No more than five members shall belong to the same political party as provided in section 69.16. Not more than a simple majority of the members shall be of the same gender. The members appointed by the attorney general shall serve four-year terms at the pleasure of the attorney general and their appointments are not subject to confirmation. The members appointed by the governor shall serve four-year terms at the pleasure of the governor and their appointments are not subject to confirmation. The governor or attorney general shall fill a vacancy in the same manner as the original appointment for the unexpired portion of the member's term. Members of the consumer advisory panel shall serve without compensation, but shall be reimbursed for actual expenses from funds appropriated to the consumer advocate division.

State: Kansas

PUBLIC UTILITIES STATUTE
Chapter 66. Public Utilities
Article 12. Miscellaneous Provisions

66-1222. Citizens' utility ratepayer board; establishment; composition; terms; organization; meetings; compensation and expenses; powers and duties

(a) There is hereby established a citizens' utility ratepayer board which shall consist of five members appointed by the governor. Subject to the provisions of K.S.A. 75-4315c, the governor shall appoint one member from each congressional district and the remainder from the state at large. The members of the board shall serve for a term of four years. All vacancies in office of members so appointed shall be filled by appointment by the governor for the unexpired term of the member creating the vacancy.

(b) The board shall organize annually by the election from its membership of a chairperson and shall adopt such rules of procedure as the board deems necessary for conducting its business.

(c) The board shall hold such meetings as in its judgment may be necessary for the performance of its powers, duties and functions.

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Appointive members of the board shall receive compensation, subsistence allowances, mileage and other expenses for attending meetings of the board as provided by K.S.A. 75-3223, and amendments thereto.

(d) The state corporation commission shall provide such technical and clerical staff assistance as may be requested by the board in the administration of the provisions of this act.

(e) The board shall administer this act and shall have and may exercise the following powers, duties and functions:

- (1) Employ an attorney as a consumer counsel;
- (2) guide the activities of the consumer counsel; and
- (3) recommend legislation to the legislature which in the board's judgment would positively affect the interests of utility consumers.

66-1223. Consumer counsel, powers

The consumer counsel may do the following:

- (a) Represent residential and small commercial ratepayers before the state corporation commission;
- (b) function as an official intervenor in cases filed with the state corporation commission, including rate increase requests;
- (c) initiate actions before the state corporation commission;
- (d) represent residential and commercial ratepayers who file formal utility complaints with the state corporation commission;
- (e) intervene in formal complaint cases which would affect ratepayers; and
- (f) make application for a rehearing or seek judicial review of any order or decision of the state corporation commission.

66-1224. Limit on jurisdiction of board and counsel

Neither the board or the consumer counsel shall have the power or authority concerning any action taken by an electric or telephone cooperative with a membership of less than 15,000.

66-1225. Budgeting, purchasing and management functions; expenditures; financing

All budgeting, purchasing and related management functions of the citizens' utility ratepayer board shall be administered under the direction and supervision of the board. All vouchers for expenditures from appropriations made for the use of the board shall be approved by the chairperson of the board or by a person or persons designated by the chairperson for such purpose. The budget of the board shall be financed in the same manner as the budget of the state corporation commission is financed, except that no assessments for financing the budget of the board shall be levied against electric or telephone cooperatives specified in K.S.A. 66-1224, and amendments thereto.

66-1225a. Citizens' utility ratepayer board; negotiation for contracts for professional services; negotiating committee

(a) The citizens' utility ratepayer board is hereby authorized to negotiate for contracts for professional services. Professional services which are required to be assessed under K.S.A. 66-1502, and amendments thereto, against the public utilities involved, include, but are not limited to, the services of engineers, accountants, attorneys and economists, in order to assist in preparing and presenting the expert testimony or otherwise carrying out the duties of the board.

(b) The negotiation for the contracts shall be performed by a negotiating committee which shall consist of the following: (1) The consumer counsel of the citizens' utility ratepayer board or the consumer counsel's designee; (2) the director of the budget or that director's designee; (3) the director of accounts and reports or that director's designee; and (4) the chairperson of the citizens' utility ratepayer board or the chairperson's designee. The consumer counsel of the citizens' utility ratepayer board or the consumer counsel's designee shall convene the negotiating committee for each such contract. The negotiating committee is authorized to negotiate for the contract for the professional services with qualified parties to provide services needed by the board. The negotiating committee shall consider all proposals by parties applying to perform such contract and award the contract to the best qualified party.

(c) Contracts entered into under this section shall not be subject to the provisions of K.S.A. 75-3739 or 75-37,102, and amendments thereto.

State: Kentucky

CONSUMER PROTECTION STATUTE

Chapter 367. Consumer Protection
367.010 Legislative findings; citation--Repealed

367.020 Creation of commission; membership--Repealed

367.030 Meetings, quorum of commission; expenses of members--Repealed

367.040 Powers, duties of commission; commission's functions are unique to it--Repealed

367.050 Cooperation of other agencies; commission's duty as to confidential matters--Repealed

367.060 Directors; office space--Repealed

367.070 Prosecuting attorneys to enforce law, cooperate with commission--Repealed

367.110 Definitions

As used in KRS 367.170 to 367.300:

(1) "Person" means natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations, and any other legal entity.

(2) "Trade" and "commerce" means the advertising, offering for sale, or distribution of any services and any property, tangible or intangible, real, personal or mixed, and any other article, commodity, or thing of value, and shall include any trade or commerce directly or indirectly affecting the people of this Commonwealth.

(3) "Documentary material" means the original or a copy of any book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other tangible document or recording.

(4) "Examination" of documentary material shall include the inspection, study, or copying of any such material, and the taking of testimony under oath or acknowledgment in respect of any such documentary material or copy thereof.

367.120 Legislative intent; title

(1) The General Assembly finds that the public health, welfare and interest require a strong and effective consumer protection program to protect the public interest and the well-being of both the consumer public and the ethical sellers of goods and services; toward this end, a Consumers' Advisory Council and a Division of Consumer Protection of the Department of Law are hereby created for the purpose of aiding in the development of preventive and remedial consumer protection programs and enforcing consumer protection statutes.

(2) KRS 367.110 to 367.300 may be cited as the "Consumer Protection Act."

367.130 Consumers' Advisory Council; members; appointment

(1) The members of the Consumers' Advisory Council shall be sixteen (16) in number and shall be appointed by the Governor and shall include citizens of Kentucky generally knowledgeable in consumer affairs.

(2) In addition to the members appointed by the Governor, the Attorney General shall be an ex officio member and shall serve as the chairman of the Consumers' Advisory Council.

(3) The members of the council other than the Attorney General shall be appointed or reappointed by the Governor within sixty (60) days after July 1, 2000. Each member shall serve for a three (3) year term, except that of the members first appointed or reappointed after July 1, 2000, six (6) shall be appointed for a term of one (1) year, five (5) shall be appointed for a term of two (2) years, and five (5) shall be appointed for a term of three (3) years. Members of the council shall be eligible for reappointment by the Governor.

(4) Each member of the Consumers' Advisory Council shall be a resident of Kentucky, and except for the Attorney General, shall not be in the employ of the Commonwealth, except as a faculty member or on the staff of a school.

367.140 Consumers' Advisory Council; meetings; quorum; compensation

(1) The Consumers' Advisory Council shall be attached for administrative purposes to the Department of Law, with such duties and responsibilities to act in an advisory capacity on consumer affairs as the council deems necessary and as directed by the Governor, the Attorney General or the legislative branch of government.

(2) The Consumers' Advisory Council shall meet at least four (4) times each year at such times and places as shall be designated by its chairman, and shall hold such other meetings as shall be called by the chairman. Seven (7) members of the council shall constitute a quorum. The members of the council shall receive twenty-five dollars (\$25) per day for attending each meeting and shall receive their reasonable and necessary expenses in connection with the performance of their duties, to be paid out of sums appropriated to the Department of Law.

(3) The Consumers' Advisory Council shall prepare and publish annually a report on the state of consumer affairs in Kentucky.

367.150 Functions, powers and duties of Department of Law

The Department of Law shall have the following functions, powers and duties:

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- (1) To promote the coordination of consumer protection activities of all departments, divisions and branches of state, county and city government, concerned with activities involving consumer interests;
- (2) To assist, advise and cooperate with federal, state and local agencies and officials to protect and promote the interests of the consumer public; to advise the Governor and the legislature in all matters concerning consumer affairs;
- (3) To conduct investigations, research, studies and analysis of matters affecting health, safety, the human environment, the marketplace and all other consumer affairs, and take appropriate action; to communicate the view of the consumer to state, county, and city agencies and officials;
- (4) To study the operation of all laws, rules, regulations, orders, and state policies affecting consumers and to recommend to the Governor and to the Legislature, new legislation, rules, regulations, orders, and policies in the consumers' interest;
- (5) To organize and hold conferences on problems affecting consumers; to undertake activities to encourage business, industry, the professions, and others offering goods or services to maintain high standards of honesty, fair business practices, and public responsibility in the production, promotion and sale of consumer goods and services;
- (6) To provide a central clearing house of information for all citizens of the Commonwealth by collecting and compiling consumer complaints and inquiries, and forwarding them to the proper governmental agencies if appropriate; it shall be the further responsibility of the department to maintain records indicating the final disposition by the agency of any matter so referred;
- (7) To organize, promote and conduct consumer education programs within the Commonwealth; to cooperate with and establish necessary liaison with consumer organizations;
- (8) (a) To appear before any federal, state or local governmental branch, commission, department, rate-making or regulatory body or agency, to represent and be heard on behalf of consumers' interests; and
 (b) To be made a real party in interest to any action on behalf of consumer interests involving a quasijudicial or rate-making proceeding of any state or local governmental branch, commission, department, agency, or rate-making body whenever deemed necessary and advisable in the consumers' interest by the Attorney General.
- (9) To perform such other acts as may be incidental to the exercise of the functions, powers and duties set forth in KRS 367.120 to 367.300.

367.160 Cooperation of state agencies; access to material evidence and information by utility and health insurance intervenors

- (1) All departments, agencies, officers, and employees of the Commonwealth shall fully cooperate with the Attorney General in carrying out the functions of KRS 367.120 to 367.300.
- (2) The persons designated by the Attorney General as utility consumer intervenors shall have the same access to material evidence and information of the Public Service Commission relating to any case before it as other parties to the case.
- (3) The persons designated by the Attorney General as health insurance consumer intervenors shall have the same access to material evidence and information of the executive director of the Office of Insurance relating to any health insurance rate hearings before it as other parties to the hearing.

State: Louisiana

State: Maine

PUBLIC UTILITIES STATUTE

35-A §1701. APPOINTMENT AND STAFF

- 1. Appointment of the Public Advocate. The Public Advocate shall be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over public utilities and to confirmation by the Legislature, and shall serve at the pleasure of the Governor. Any vacancy shall be filled by similar appointment.
- 2. Staff of the Public Advocate. The staff of the Public Advocate shall consist of such other personnel, including staff attorneys, as the Public Advocate determines necessary to represent the using and consuming public, as required by subsection 1702. All such personnel shall be appointed, supervised and directed by the Public Advocate. The Public Advocate is not subject to the supervision, direction or control of the chairman or members of the commission.
- 3. Salaries of certain employees. The salaries of the following employees of the Public Advocate are within the following salary ranges:
 - A. Deputy Public Advocate, salary range 53;
 - B. Senior Counsel, salary range 36;
 - C. Economic Analyst, salary range 36;

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- D. Research Assistant, salary range 30;
- E. Business Services Manager, salary range 26; and
- F. Special Assistant to the Public Advocate, salary range 20.

The employees listed in this subsection serve at the pleasure of the Public Advocate and are confidential employees. All other employees of the Public Advocate are subject to the Civil Service Law.

The Public Advocate may, at the Public Advocate's discretion, substitute an Economic Analyst position at salary range 36 for any vacant Senior Counsel position. The Public Advocate also may compensate one or more Senior Counsels at salary range 37 if, in the judgment of the Public Advocate, an increase is necessary to provide competitive salary levels.

35-A §1702. DUTIES

The duties and responsibilities of the Public Advocate are to represent the using and consuming public in matters within the jurisdiction of the commission, including, but not limited, to the following:

1. Review and recommendations. The Public Advocate may review, investigate and make appropriate recommendations to the commission with respect to:
 - A. The reasonableness of rates charged or proposed to be charged by any public utility;
 - B. The reasonableness and adequacy of the service furnished or proposed to be furnished by any public utility or competitive service provider;
 - C. Any proposal by a public utility to reduce or abandon service to the public;
 - D. The issuance of certificates of public convenience and necessity. Recommendations may include alternative analyses and plans as necessary;
 - E. Terms and conditions of public utilities;
 - F. Mergers and consolidations of public utilities;
 - G. Contracts of public utilities with affiliates or subsidiaries; and
 - H. Securities, regulations and transactions of public utilities.
2. Intervention. The Public Advocate may intervene in any proceeding before the commission related to the activities under subsection 1, when determined necessary by the Public Advocate.
3. Petition to initiate proceedings. The Public Advocate may petition the commission to initiate proceedings to review, investigate and take appropriate action with respect to the rates or service of any public utility or competitive service provider when determined necessary by the Public Advocate.
4. Public complaints. The Public Advocate may investigate complaints affecting the using and consuming public generally, or particular groups, of consumers and, where appropriate, make recommendations to the commission with respect to these complaints.
5. Intervention on behalf of public. The Public Advocate may, on behalf of the using and consuming public, or any particular group of consumers, petition to initiate, or intervene and appear in, any proceedings before the commission, appeals from orders of the commission, or proceedings before state and federal agencies and courts in which the subject matter of the action affects the customers of any utility or competitive service provider doing business in this State, except that the Public Advocate may not intervene in any proceeding in which the commission staff is representing a position substantially similar to that of the Public Advocate, as determined by the Public Advocate.
6. Annual report. The Public Advocate shall prepare and submit an annual report of activities of the Public Advocate to the Governor and to the joint standing committee of the Legislature having jurisdiction over public utilities by August 1st of each year, with copies available to all legislators on request.
7. Assist customers of consumer-owned transmission and distribution utilities. The Public Advocate shall assist customers of consumer-owned transmission and distribution utilities in reviewing proposed rate increases and preparing questions and testimony for public hearings and, on request of a customer and when determined necessary by the Public Advocate, intervene in the proceedings conducted in accordance with chapter 35.
8. Represent interests of retail customers on regional bodies. The Public Advocate, when the Public Advocate determines it necessary, may serve as a voting member of any regional body whose decisions directly affect the prices or quality of utility services in the State, as long as that service is limited to a seat that is designated for the representation of consumer interests. Service as a voting member of a regional body in accordance with this subsection does not create or constitute a conflict of interest pursuant to section 1709.

35-A §1702-A. EVALUATION OF NEEDS AND RESOURCES

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
 - A. "Low-income consumers" means residential consumers for whom paying public utility bills is difficult or impossible without some form of assistance or government aid;
 - B. "Residential consumers" means consumers who take public utility service for domestic purposes; and
 - C. "Small business consumers" means commercial consumers that employ fewer than 100 employees.
 2. Intent. It is the intent of the Legislature that the resources of the Public Advocate be devoted to the maximum extent possible to ensuring adequate representation of the interests of those consumers whose interests would otherwise be inadequately represented in matters within the jurisdiction of the commission.
 3. Priority. When the interests of consumers differ, the Public Advocate shall give priority to representing the interests of consumers in the following order:
 - A. Low-income consumers;
 - B. Residential consumers;
 - C. Small business consumers; and
 - D. Other consumers whose interests the Public Advocate finds to be inadequately represented.
- This subsection does not require the Public Advocate to represent the interests of a consumer or group of consumers if the Public Advocate determines that such representation is adverse to the overall interests of the using and consuming public.

35-A §1703. APPEAL FROM COMMISSION ORDERS

The Public Advocate has the same rights of appeal from commission orders or decisions to which the Public Advocate has been a party as other parties to commission proceedings.

35-A §1704. LEGAL REPRESENTATION

Notwithstanding the provisions of Title 5, section 191, the Public Advocate, or a staff attorney, may act as the counsel for the office of the Public Advocate. The Public Advocate may request the assistance of the Attorney General or employ private counsel for this purpose.

35-A §1705. RELATIONSHIP WITH THE ATTORNEY GENERAL

This section in no way limits the rights of the Attorney General to intervene before the commission or to appeal from commission orders or decisions.

35-A §1706. EXPERT WITNESSES

The Public Advocate may employ expert witnesses and pay appropriate compensation and expenses to employ the witnesses.

35-A §1707. EXPENSES OF THE PUBLIC ADVOCATE

The Public Advocate, within established budgetary limits and as allowed by law, shall authorize and approve travel, subsistence and related necessary expenses of the Public Advocate or members of the staff of the Public Advocate, incurred while traveling on official business.

35-A §1708. INFORMATION FROM UTILITIES

Utilities shall provide to the Public Advocate copies of all reports and other information required to be filed with or which may be submitted to the commission, except to the extent that this requirement is waived, in writing, by the Public Advocate. The Public Advocate has the same right to request data as an intervenor in a proceeding before the commission, and, in addition, may petition the commission for good cause shown to be allowed such other information as may be necessary to carry out the purposes of this chapter.

35-A §1709. CONFLICTS OF INTEREST

In addition to the limitations of Title 5, section 18, the Public Advocate or any employee of the Public Advocate may not have any official or professional connection or relation with, or hold any stock or securities in, any public utility or competitive service provider operating within this State; render any professional service against any such public utility or competitive service provider; or be a member of a firm that renders any such service.

35-A §1710. RESTRICTION

Unless otherwise provided by law, the duties of the Public Advocate are restricted to those relating to matters within the jurisdiction of the commission

State: Maryland

PUBLIC UTILITY STATUTE

Title 2, Public Service Commission and People's Counsel

Subtitle 2 People's Counsel

§ 2-202. Appointment.

- (a) Appointment.- With the advice and consent of the Senate, the Attorney General shall appoint the People's Counsel.
- (b) Term.-
 - (1) The term of the People's Counsel is 5 years and begins on July 1.
 - (2) At the end of a term, the People's Counsel continues to serve until a successor is appointed and qualifies.
 - (3) A People's Counsel who is appointed after a term has begun serves for the rest of the term and until a successor is appointed and qualifies.
- (c) Qualification.- The People's Counsel shall have been admitted to practice law in the State.
- (d) Oath.- Before taking office, the People's Counsel shall take the oath required by Article I, § 9 of the Maryland Constitution.
- (e) Full time duty.- The People's Counsel shall devote full time to the duties of office.
- (f) Compensation.- The People's Counsel is entitled to a salary of at least \$35,000 a year as provided in the State budget.
- (g) Removal.- The Attorney General may remove the People's Counsel for good cause shown after notice and an opportunity to be heard.

§ 2-203. Staff.

(a) Budget.- The State budget shall provide sufficient money for the Office of People's Counsel to hire necessary staff in addition to the staff assistance that is provided under § 2-205(c)(2) of this subtitle.

(b) Applicability of State Personnel and Pensions Article; State Personnel Management System.-

(1) Except as provided in paragraph (2) of this subsection or otherwise by law, all personnel of the Office of People's Counsel are subject to the provisions of the State Personnel and Pensions Article.

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(2) The following are in the executive service, management service, or are special appointments in the State Personnel Management System:

- (i) the People's Counsel;
- (ii) the deputy People's Counsel; and
- (iii) attorneys that are in the management service or are special appointments.

(c) Compensation.- The compensation of the following personnel shall be determined by the People's Counsel and, if possible, in accordance with the State pay plan:

- (1) the deputy People's Counsel;
- (2) attorneys that are:
 - (i) in the management service; or
 - (ii) special appointments; and
- (3) all positions in management, professional and technical classifications unique to the Office of People's Counsel.
- (d) Change to salary plans.-

(1) At least 45 days before the effective date of the change, the People's Counsel shall submit to the Secretary of Budget and Management each change to salary plans that involves increases or decreases in salary ranges other than those associated with routine reclassifications and promotions or general salary increases approved by the General Assembly.

(2) Reportable changes include creation or abolition of classes, regrading the classes from one established range to another, changes in salary guidelines to administer the pay schedules, or creation of new pay schedules or ranges.

(3) The Secretary of Budget and Management shall:

- (i) review the proposed changes; and
 - (ii) at least 15 days before the effective date of the proposed changes, advise the People's Counsel whether the changes would have an adverse effect on comparable State jobs.
- (4) Failure of the Secretary to respond in a timely manner is not considered a statement of adverse effect.

(e) Annual report.- On or before January 31 of each year, the People's Counsel shall report to the Secretary of Budget and Management and, subject to § 2-1246 of the State Government Article, to the General Assembly setting forth all personnel positions, classifications, and salaries in the Office of People's Counsel as of the end of the preceding calendar year.

(f) Retaining or hiring experts.- The Office of People's Counsel may retain as necessary for a particular matter or hire experts in the field of utility regulation, including cost of capital experts, rate design experts, accountants, economists, engineers, transportation specialists, and lawyers.

§ 2-205. Powers.

(a) Rights.- In appearances before the Commission and courts on behalf of residential and noncommercial users, the Office of People's Counsel has the rights of counsel for a party to the proceeding, including those rights specified in § 3-107 of this article.

(b) Jurisdiction.- The Office of People's Counsel may appear before any federal or State unit to protect the interests of residential and noncommercial users.

(c) Access to Commission.-

(1) Except as otherwise provided in this article and consistent with any applicable Freedom of Information Act, the Office of People's Counsel shall have full access to the Commission's records and shall have the benefit of all other facilities or information of the Commission.

(2) The Office of People's Counsel is entitled to the assistance of the Commission's staff, if the staff determines that the assistance is consistent with the staff's responsibilities and if the staff and the Office of People's Counsel agree that the assistance, in a particular matter, is consistent with their respective interests.

(d) Legislation.- If the Office of People's Counsel considers that the legislation would affect the interests of residential and noncommercial users, the Office of People's Counsel may recommend to the General Assembly legislation on any matter related to the Commission's jurisdiction.

State: Massachusetts

ATTORNEY GENERAL STATUTE

Chapter 12. Department of the Attorney General, and the District Attorneys

§ 11E. Public utilities; office of ratepayer advocacy; intervention in legal proceedings on behalf of consumers; expenditure of funds; expert or consultant; information requests

(a) There shall be within the office of the attorney general, an office of ratepayer advocacy. The attorney general, through the office of ratepayer advocacy, may intervene, appear and participate in administrative, regulatory, or judicial proceedings on behalf of any group of consumers in connection with any matter involving rates, charges, prices and tariffs of an electric company, gas company, generator, transmission company, telephone company and telegraph company doing business in the commonwealth and subject to the jurisdiction of the department of public utilities or the department of telecommunications and cable. In addition, the attorney general may intervene, appear and participate in federal energy regulatory commission or other federal energy proceedings on behalf of rate-payers in the commonwealth.

The office of the ratepayer advocacy shall be under the direction of an assistant attorney general appointed under section 2. The assistant attorney general shall devote his full time and attention to the duties of the office.

For the purpose of such an intervention, appearance or participation, the attorney general may expend such funds as may be appropriated. These expenditures shall not exceed annually the amount assessed against such electric, gas, telephone and telegraph company under section 3 of chapter 24A, notwithstanding subsection (b). The attorney general shall not expend any of such funds if the expenditure shall conflict with his duties under section 3.

(b) In the performance of his duties under this section, the attorney general may retain an expert or a consultant to assist in proceedings before the department of public utilities or the department of telecommunications and cable. If the attorney general determines that the services of an expert or a consultant are necessary in a proceeding, he shall file notice in the proceeding that includes the type of expert or consultant sought and the anticipated cost. Upon the filing of such notice, the department before which the proceeding is commencing shall allow full parties to the proceeding the opportunity to comment regarding the necessity or desirability of such services. Absent a showing that the costs proposed are unnecessary for the attorney general to represent ratepayer interests in the proceeding or that such costs are not reasonable or proper, the use of the expert or consultant shall be approved. Costs for an expert or a consultant shall not exceed \$150,000 per proceeding unless approved by the department based upon exigent circumstances, including the complexity of the proceeding. All reasonable and proper expenses, as defined in this section, shall be borne by the affected party in the proceeding and shall be paid by such party at such times and in such manner as the attorney general directs. All reasonable and proper costs and expenses, as defined in this section, shall be recognized by the departments for all purposes as proper business expenses of the affected party, recoverable through rates without further approval from the departments.

(c) The attorney general may request, orally or in writing, that any company subject to the jurisdiction of the department of public utilities or the department of telecommunications and cable respond to not more than 15 information requests, including subparts, per calendar month regarding any matter related to the rates, charges, tariffs, books or service quality of the company, and the company shall answer these information requests fully and completely in a reasonably prompt manner, not to exceed 30 calendar days from the date of issuance, regarding any issue that is within the jurisdiction of the department. Department rules pertaining to the scope of questions and objections to discovery shall apply to any such request and the department shall have jurisdiction to rule on any objections or motions to compel. If the company fails to answer the information requests in a reasonably prompt manner, the attorney general may request enforcement of this subsection from the department having jurisdiction over the company.

State: Michigan

PUBLIC UTILITIES STATUTE

Chapter 460. Public Utilities

Public Service Commission

460.6l. Utility consumer participation board

Sec. 6l. (1) For purposes of implementing sections 6h, 6i, 6j, and 6k, [FN1] this section and section 6m [FN2] shall provide means of insuring equitable representation of the interests of energy utility customers.

(2) As used in this section and section 6m:

(a) "Annual receipts" means the payments received by the fund under section 6m(2)(a) and (b) during a calendar year.

(b) "Board" means the utility consumer participation board created under subsection (3).

(c) "Department" means the department of management and budget.

(d) "Energy cost recovery proceeding" means any proceeding to establish or implement a gas cost recovery clause or a power supply cost recovery clause as provided in sections 6h, 6i, 6j, or 6k, to set gas cost recovery factors pursuant to section 6h(17), or to set power supply cost recovery factors pursuant to section 6j(18).

(e) "Energy utility" means each electric or gas company regulated by the public service commission.

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- (f) "Fund" means the utility consumer representation fund created in section 6m.
- (g) "Household" means a single-family home, duplex, mobile home, seasonal dwelling, farm home, cooperative, condominium, or apartment which has normal household facilities such as a bathroom, individual cooking facilities, and kitchen sink facilities. Household does not include a penal or corrective institution, or a motel, hotel, or other similar structure if used as a transient dwelling.
- (h) "Jurisdictional" means subject to rate regulation by the Michigan public service commission.
- (i) "Net grant proceeds" means the annual receipts of the fund less the amounts reserved for the attorney general's use and the amounts expended for board expenses and operation.
- (j) "Residential energy utility consumer" or "consumer" means a customer of an energy utility who receives utility service for use within an individual household or an improvement reasonably appurtenant to and normally associated with an individual household.
- (k) "Residential tariff sales" means those sales by an energy utility which are subject to residential tariffs on file with the commission.
- (l) "Utility consuming industry" means a person, sole proprietorship, partnership, association, corporation, or other entity which receives utility service ordinarily and primarily for use in connection with the manufacture, sale, or distribution of goods or the provision of services, but does not include a nonprofit organization representing residential utility customers.
- (3) The utility consumer participation board is created within the department and shall exercise its powers and duties under this act independently of the department. The procurement and related management functions of the commission shall be performed under the direction and supervision of the department. The board shall consist of 5 members appointed by the governor, 1 of whom shall be chosen from 1 or more lists of qualified persons submitted by the attorney general.
- (4) For the purposes of subsection (5) only, "utility" means an electric or gas company located in or outside of this state.
- (5) Each member of the board shall meet the following requirements:
- (a) Shall be an advocate for the interests of residential utility consumers, as demonstrated by the member's knowledge of and support for consumer interests and concerns in general or specifically related to utility matters.
- (b) Shall not be, or shall not have been within the 5 years preceding appointment, a member of a governing body of, or employed in a managerial or professional or consulting capacity by a utility or an association representing utilities; an enterprise or professional practice which received over \$1,500.00 in the year preceding the appointment as a supplier of goods or services to a utility or association representing utilities; or an organization representing employees of such a utility, association, enterprise, or professional practice, or an association which represents such an organization.
- (c) Shall not have, or shall not have had within 1 year preceding appointment, a financial interest exceeding \$1,500.00 in a utility, an association representing utilities, or an enterprise or professional practice which received over \$1,500.00 in the year preceding the appointment as a supplier of goods or services to a utility or association representing utilities.
- (d) Shall not be an officer or director of an applicant for a grant under section 6m.
- (e) Shall not be a member of the immediate family of a person who would be ineligible under subdivisions (a), (b), (c), or (d).
- (6) The members of the board shall be appointed for 2-year terms beginning with the first day of a legislative session in an odd-numbered year and ending on the day before the first day of the legislative session in the next odd-numbered year or when the members' successors are appointed, whichever occurs later. The governor shall not appoint a member to the board for a term commencing after the governor's term of office has ended. A vacancy shall be filled in the same manner as the original appointment. If the vacancy is created other than by expiration of a term, the member shall be appointed for the balance of the unexpired term of the member to be succeeded.
- (7) The governor shall remove a member of the board if that member is absent for any reason from either 3 consecutive board meetings or more than 50% of the meetings held by the board in a calendar year. However, a person who is removed due to absenteeism is eligible for reappointment to fill a vacancy which occurs in the board membership. The governor also shall remove a member of the board if the member is subsequently determined to be ineligible under subsection (5).
- (8) The board shall hold bimonthly meetings and additional meetings as necessary. A quorum consists of 3 members. A majority vote of the members appointed and serving is necessary for a decision. At its first meeting following the appointment of new members, or as soon as possible after the first meeting, the board shall elect biennially from its membership a chairperson and a vice-chairperson.
- (9) The board shall not act directly to represent the interests of residential utility consumers except through administration of the fund and grant program under this section.
- (10) The business which the board may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.
- (11) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made

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available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(12) A member of the board may be reimbursed for actual and necessary expenses, including travel expenses to and from each meeting held by the board, incurred in discharging the member's duties under this section and section 6m. In addition to expense reimbursement, a board member may receive remuneration from the board of \$100.00 per meeting attended, not to exceed \$1,000.00 in a calendar year. These limits shall be adjusted proportionately to an adjustment in the remittance amounts under section 6m(4) to allow for changes in the cost of living.

(13) Until the board certifies that it is operating and ready to perform all duties under this act, the director of the energy administration created by executive directives 1976-2 and 1976-5 shall serve as temporary administrator of the fund and exercise all duties and powers of the board.

460.6m. Utility consumer representation fund

Sec. 6m. (1) The utility consumer representation fund is created as a special fund. The state treasurer shall be the custodian of the fund and shall maintain a separate account of the money in the fund. The money in the fund shall be invested in the bonds, notes, and other evidences of indebtedness issued or insured by the United States government and its agencies, and in prime commercial paper. The state treasurer shall release money from the fund, including interest earned, in the manner and at the time directed by the board.

(2) Except as provided in subsection (6), each energy utility which has applied to the public service commission for the initiation of an energy cost recovery proceeding shall remit to the fund prior to or upon filing its initial application for such a proceeding, and on or before the first anniversary of that application, an amount of money determined by the board in the following manner:

(a) In the case of an energy utility company serving at least 100,000 customers in this state, an amount which bears to \$300,000.00, multiplied by a factor as provided in subsection (4), the same proportion as the company's jurisdictional 1981 total operating revenues, as stated in its annual report, bear to the jurisdictional 1981 total operating revenues of all energy utility companies serving at least 100,000 customers in this state. This amount shall be made available by the board for use by the attorney general for the purposes described in subsection (17).

(b) In the case of an energy utility company serving at least 100,000 residential customers in this state, an amount which bears to \$300,000.00, multiplied by a factor as provided in subsection (4), the same proportion as the company's jurisdictional 1981 gross revenues from residential tariff sales bear to the jurisdictional 1981 gross revenues from residential tariff sales of all energy utility companies serving at least 100,000 residential customers in this state. This amount shall be used for grants under subsection (11).

(3) Payments made by an energy utility under subsection (2)(a) shall be operating expenses of the utility which the public service commission shall permit the utility to charge to its customers. Payments made by a utility under subsection (2)(b) shall be operating expenses of the utility which the public service commission shall permit the utility to charge to its residential customers.

(4) For purposes of subsection (2), the factor shall be set by the board at a level not to exceed the percentage increase in the index known as the consumer price index for urban wage earners and clerical workers, select areas, all items indexed, for the Detroit standard metropolitan statistical area, compiled by the bureau of labor statistics of the United States department of labor, or any successor agency, which has occurred between January 1981 and January of the year in which the payment is required to be made. In the event that more than 1 such index is compiled, the index yielding the largest payment shall be the maximum allowable factor. The board shall advise utilities of the factor.

(5) On or before the second and succeeding anniversaries of its initial application for an energy cost recovery proceeding, an energy utility shall remit to the board amounts equal to 5/6 of the amounts required under subsection (2).

(6) The remittance requirements of this section shall not apply to an energy utility organized as a cooperative corporation pursuant to sections 98 to 109 of Act No. 327 of the Public Acts of 1931, being sections 450.98 to 450.109 of the Michigan Compiled Laws, and grants from the fund shall not be used to participate in an energy cost recovery proceeding primarily affecting such a utility.

(7) In the event of a dispute between the board and an energy utility about the amount of payment due, the utility shall pay the undisputed amount and, if the utility and the board cannot agree, the board may initiate civil action in the circuit court for Ingham county for recovery of the disputed amount. The commission shall not accept or take action on an application for an energy cost recovery proceeding from an energy utility subject to this section which has not fully paid undisputed remittances required by this section.

(8) The commission shall not accept or take action on an application for an energy cost recovery proceeding from an energy utility subject to this section until 30 days after it has been notified by the board or the director of the energy administration, if section 6l(13) [FN1] is applicable, that the board or the director is ready to process grant applications, will transfer funds payable to the attorney general immediately upon the receipt of such funds, and will within 30 days approve grants and remit funds to qualified grant applicants.

(9) The board may accept a gift or grant from any source to be deposited in the fund if the conditions or purposes of the gift or grant are consistent with this section.

(10) The costs of operation and expenses incurred by the board in performing its duties under this section and section 6l, [FN2] including remuneration to board members, shall be paid from the fund. A maximum of 5% of the annual receipts of the fund may be budgeted and used to pay expenses other than grants made under subsection (11).

(11) The net grant proceeds shall finance a grant program from which the board may award to an applicant an amount which the board determines shall be used for the purposes set forth in this section.

(12) The board shall create and make available to applicants an application form. Each applicant shall indicate on the application how the

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applicant meets the eligibility requirements provided for in this section and how the applicant proposes to use a grant from the fund to participate in 1 or more proceedings as authorized in subsection (17) which have been or are expected to be filed. The board shall receive an application requesting a grant from the fund only from a nonprofit organization or a unit of local government in this state. The board shall consider only applications for grants containing proposals which are in keeping with subsections (17) and (18) and which serve the interests of residential utility consumers. For purposes of making grants, the board may consider protection of the environment, energy conservation, the creation of employment and a healthy economy in the state, and the maintenance of adequate energy resources. The board shall not consider an application which primarily benefits the applicant or a service provided or administered by the applicant. The board shall not consider an application from a nonprofit organization if 1 of the organization's principal interests or unifying principles is the welfare of a utility or its investors or employees, or the welfare of 1 or more businesses or industries, other than farms not owned or operated by a corporation, which receive utility service ordinarily and primarily for use in connection with the profit-seeking manufacture, sale, or distribution of goods or services. Mere ownership of securities by a nonprofit organization or its members shall not disqualify an application submitted by that organization.

(13) The board shall encourage the representation of the interests of identifiable types of residential utility consumers whose interests may differ, including various social and economic classes and areas of the state, and if necessary, may make grants to more than 1 applicant whose applications are related to a similar issue to achieve this type of representation. In addition, the board shall consider and balance the following criteria in determining whether to make a grant to an applicant:

- (a) Evidence of the applicant's competence, experience, and commitment to advancing the interests of residential utility consumers.
- (b) In the case of a nongovernmental applicant, the extent to which the applicant is representative of or has a previous history of advocating the interests of citizens, especially residential utility consumers.
- (c) The anticipated effect of the proposal contained in the application on residential utility consumers, including the immediate and long-term impacts of the proposal.
- (d) Evidence demonstrating the potential for continuity of effort and the development of expertise in relation to the proposal contained in the application.
- (e) The uniqueness or innovativeness of an applicant's position or point of view, and the probability and desirability of that position or point of view prevailing.

(14) As an alternative to choosing between 2 or more applications which have similar proposals, the board may invite 2 or more of the applicants to file jointly and award a grant to be managed cooperatively.

(15) The board shall make disbursements pursuant to a grant in advance of an applicant's proposed actions as set forth in the application if necessary to enable the applicant to initiate, continue, or complete the proposed actions.

(16) Any notice to utility customers and the general public of hearings or other state proceedings in which grants from the fund may be used shall contain a notice of the availability of the fund and the address of the board.

(17) The annual receipts and interest earned, less administrative costs, may be used only for participation in administrative and judicial proceedings under sections 6h, 6i, 6j, and 6k, [FN3] and in federal administrative and judicial proceedings which directly affect the energy costs paid by Michigan energy utilities. Amounts which have been in the fund more than 12 months may be retained in the fund for future grants, or may be returned to energy utility companies or used to offset their future remittances in proportion to their previous remittances to the fund, as the board determines will best serve the interests of consumers.

(18) The following conditions shall apply to all grants from the fund:

- (a) Disbursements from the fund may be used only to advocate the interests of energy utility customers or classes of energy utility customers, and not for representation of merely individual interests.
- (b) The board shall attempt to maintain a reasonable relationship between the payments from a particular energy utility and the benefits to consumers of that utility.
- (c) The board shall coordinate the funded activities of grant recipients with those of the attorney general to avoid duplication of effort, to promote supplementation of effort, and to maximize the number of hearings and proceedings with intervenor participation.

(19) A recipient of a grant pursuant to subsection (11) may use the grant only for the advancement of the proposed action approved by the board, including, but not limited to, costs of staff, hired consultants and counsel, and re-search.

(20) A recipient of a grant under subsection (11) shall file a report with the board within 90 days following the end of the year or a shorter period for which the grant is made. The report shall be made in a form prescribed by the board and shall be subject to audit by the board. The report shall include the following information:

- (a) An account of all grant expenditures made by the grant recipient. Expenditures shall be reported within the following categories:
 - (i) Employee and contract for services costs.
 - (ii) Costs of materials and supplies.

(iii) Filing fees and other costs required to effectively represent residential utility consumers as provided in this section.

(b) Any additional information concerning uses of the grant required by the board.

(21) The attorney general shall file a report with the house and senate committees on appropriations within 90 days following the end of each fiscal year. The report shall include the following information:

(a) An account of all expenditures made by the attorney general of funds received under this section. Expenditures shall be reported within the following categories:

(i) Employee and contract for services costs.

(ii) Costs of materials and supplies.

(iii) Filing fees and other costs required to effectively represent utility consumers as provided in this section.

(b) Any additional information concerning uses of the funds received under this section required by the committees.

(22) On or before July 1 of each calendar year, the board shall submit a detailed report to the legislature regarding the discharge of duties and responsibilities under this section and section 6l during the preceding calendar year.

(23) Three years after the effective date of this section, and at 3-year intervals thereafter, a senate committee chosen by the majority leader of the senate and a house committee chosen by the speaker of the house of representatives shall review the relationship between costs and benefits resulting from this section and sections 6h through 6l, [FN4] and may recommend changes to the legislature.

State: Minnesota

EXECUTIVE BRANCH ORGANIZATION STATUTE

Chapter 8. Attorney General

8.33 REPRESENTATION OF CONSUMER AND SMALL BUSINESS INTEREST IN PUBLIC UTILITY MATTERS.

Subdivision 1. Definitions. For the purposes of this section, the following terms have the meanings given them:

(1) "Public utility" means a publicly or privately owned entity engaged in supplying utility services to residential utility consumers in this state or to another public utility for ultimate distribution to residential utility consumers in this state and whose rates or charges are subject to approval by the Public Utilities Commission or an agency of the federal government. No municipal or cooperative utility shall be considered a "public utility" for the purposes of this clause.

(2) "Residential and small business utility consumer" or "consumer" means a person or small business that uses utility services at the person's residence or business location in this state and who is billed by or pays a public utility for these services. Small business has the meaning given it in section 645.445.

(3) "Utility services" means electricity, natural gas, or telephone services distributed to residential utility consumers by a public utility.

Subd. 2. Duties. The attorney general is responsible for representing and furthering the interests of residential and small business utility consumers through participation in matters before the Public Utilities Commission involving utility rates and adequacy of utility services to residential or small business utility consumers. The attorney general shall expend a reasonable portion of effort among all three kinds of utility services and shall identify and promote the needs of each class of residential and small business consumers with respect to each of the utility services. When participating in telecommunication matters that affect deployment of the infrastructure, the attorney general may apply the goals of:

(1) achieving economically efficient investment in:

(i) higher speed telecommunication services; and

(ii) greater capacity for voice, video, and data transmission; and

(2) just and reasonable rates.

Subd. 3. Right of intervention. Subject to the limitations of subdivision 2, the attorney general may intervene as of right or participate as an interested party in matters pending before the Public Utilities Commission which affect the distribution by a public utility of utility services to residential or small business utility consumers. The right of the attorney general to participate or intervene does not affect the obligation of the Public Utilities Commission to protect the public interest.

Subd. 4. Notice; procedures. The Public Utilities Commission shall give reasonable notice to the attorney general of any matter scheduled to come before the commission affecting a public utility's rates or adequacy of services to residential or small business utility consumers. Rules of the commission governing procedures before the commission apply to the attorney general and the attorney general's employees or

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representatives. The attorney general has the same rights and privileges accorded other intervenors or participants in matters pending before the commission.

Subd. 5. Appeals. The attorney general has an interest sufficient to maintain, intervene as of right in, or otherwise participate in any civil action in the courts of this state for the review or enforcement of any Public Utilities Commission action which affects a public utility's rates or adequacy of service to residential or small business utility consumers.

Subd. 6. Intervention in federal proceedings. The attorney general shall represent and further the interests of residential and small business utility consumers through participation as an intervenor or interested party in federal proceedings relating to the regulation of: (a) wholesale rates for energy delivered through interstate facilities; or (b) fuel used in generation of electricity or the manufacture of gas. The attorney general may maintain, intervene in, or otherwise participate in civil actions relating to the federal proceedings.

Subd. 7. Additional powers. The power granted by this section is in addition to powers otherwise provided by law to the attorney general.

State: Mississippi

PUBLIC UTILITY STATUTE
Title 77: Public Utilities and Carriers
Chapter 2: Public Utilities Staff
§ 77-2-1. Establishment of Public Utilities Staff

There is hereby established a Public Utilities Staff, which shall be completely separate and independent from the Public Service Commission and the Public Service Commission staff. Such staff shall consist of the personnel positions of the executive director, the economic and planning division, legal division, engineering division and accounting division with a State Personnel Board organizational code of twenty thousand (20,000) or larger which were formerly authorized and appropriated under the provisions of Section 77-3-8, Mississippi Code of 1972. The executive director shall establish the organizational structure of the staff, and shall have the authority to create units as deemed appropriate to carry out the responsibilities of the staff. The Public Utilities Staff shall represent the broad interests of the State of Mississippi by balancing the respective concerns of the residential, commercial or industrial ratepayers, and the state and its agencies and departments, and the public utilities. The staff shall consist of a sufficient number of professional, administrative, technical, clerical and other personnel as may be necessary for the staff to perform its duties and responsibilities as hereinafter provided. All such personnel shall be competitively appointed by the executive director and shall be dismissed only for cause in accordance with the rules and regulations of the State Personnel Board. All equipment, supplies, records and any funds appropriated by the Legislature to the Public Service Commission for and on behalf of the Public Utilities Staff shall be transferred to such staff on September 1, 1990. The Public Utilities Staff shall be funded separately from the Mississippi Public Service Commission. Any appropriated funds to the Public Utilities Staff shall be maintained in an account separate from any funds of the Public Service Commission and shall never be commingled therewith.

Notwithstanding any provision of this chapter to the contrary, the personnel positions of the data processing division and the gas pipeline safety division of the Public Utilities Staff shall be the Public Service Commission staff positions authorized under Section 77-3-8, and shall be under the control and supervision of the Public Service Commission from and after March 15, 1991. However, the Public Service Commission staff shall continue to provide at no cost administrative support in the nature of data processing and bookkeeping to the Public Utilities Staff in order to avoid duplication of services.

§ 77-2-3. Rights and powers of staff

- (1) The public utilities staff created pursuant to Section 77-2-1 and the Public Service Commission and commission staff shall have and possess all of the rights and powers to perform all of the duties vested by this chapter.
- (2) The functions of the commission, with the aid and assistance of its staff, shall be regulatory and quasi-judicial in nature. It may make such investigations and determinations, hold such hearings, prescribe such rules and issue such orders with respect to the control and conduct of the businesses coming within its jurisdiction. It may adjudicate all proceedings brought before it in which the violation of any law or rule administered by the commission is alleged.
- (3) The primary functions of the public utilities staff shall be investigative and advisory in nature.

§ 77-2-5. Definitions

For purposes of this chapter, the terms defined in this section shall have the meaning ascribed as follows:

- (a) "Regulatory function" means all duties and procedures concerning the execution and enforcement of the laws, rules, orders, directives, duties and obligations imposed for the control and government of the persons or businesses regulated, together with investigative activities incident thereto and procedures inherently administrative or executive in character.
- (b) "Quasi-judicial function" means the promulgation of all orders and directives of particular applicability governing the conduct of the regulated persons or businesses, together with procedures inherently judicial.
- (c) "Commission" means the Mississippi Public Service Commission.

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(d) "Public utilities staff" means those persons employed by the public utilities staff established in Section 77-2-1.

(e) "Public service commission staff" means those persons employed by the Public Service Commission pursuant to Section 77-3-8, Mississippi Code of 1972.

§ 77-2-7. Executive director of public utilities staff

(1) An executive director of the public utilities staff shall be appointed, on or before July 1, 1990, by the Governor, from recommended candidates to be selected by the Public Service Commission, with the advice and consent of the Senate, to serve for a term of six (6) years. On or before May 15, 1990, the Public Service Commission shall submit to the Governor a list of not less than three (3) and no more than six (6) qualified candidates for the position of executive director. The Governor shall appoint the executive director from the list of qualified candidates nominated. Within sixty (60) days prior to the expiration of the term of the executive director, the Public Service Commission shall submit the names of candidates to the Governor in the manner provided herein. Whenever any vacancy shall occur in the position of executive director the Public Service Commission shall nominate and the Governor shall appoint an executive director, as provided herein, to fill the unexpired term. The executive director shall serve at the will and pleasure of the Governor.

(2) The executive director of the public utilities staff shall hold at least a bachelors degree and shall have extensive managerial experience with a thorough knowledge of public utility economics and the principles of utility service and rate construction. The executive director of the public utilities staff shall possess the ability to analyze quantitative and qualitative data and to develop and adjust regulatory strategies or policies to attain commission objectives. The salary of the executive director shall be set by the Personnel Board and shall be such that it is comparable to salaries of those holding similar positions in other state and federal agencies and commensurate with the duties and responsibilities imposed on this official position which affects the broad interests of the State of Mississippi. Nothing herein shall be construed to prevent reappointment of the executive director for consecutive terms.

§ 77-2-9. Responsibilities of executive director

(1) The executive director shall have general charge of the operations and administration of the public utilities staff. It shall be the duty and responsibility of the executive director to supervise and manage the offices and personnel on the public utilities staff and formulate written policies and procedures for the effective and efficient operation thereof. The executive director shall be responsible for hiring persons on the staff who meet established qualifications for comparable positions of duty and responsibility. The public utilities staff as formerly created in Section 77-3-8, Mississippi Code of 1972, which consists of the Economic and Planning Division, Legal Division, Engineering Division, Accounting Division and Administrative Services Division, and has a State Personnel Board organizational code of twenty thousand (20,000) or larger, is abolished from and after August 31, 1990. All such former employees shall be eligible to be rehired by the executive director for positions on the public utilities staff created pursuant to Section 77-2-1. Such former employees shall not by virtue of abolishing such staff, lose any vacation or sick leave benefits previously accrued and, if rehired, shall continue vacation and sick leave as if they had not been terminated. For a period of one (1) year after July 1, 1990, the personnel actions of the public utilities staff shall be exempt from State Personnel Board procedures in order to give the public utilities staff flexibility in making an orderly, effective and timely transition to the mandated reorganization.

(2) The following personnel and members of the public utilities staff shall be competitively appointed by the executive director and shall have at least the knowledge, skills and abilities set forth herein. These requirements shall not be waived, and possession thereof shall be certified by the State Personnel Board:

(a) A chief engineer who is a graduate licensed engineer and who has a thorough knowledge of engineering principles as applied to the design, construction, operation, maintenance and expansion of utility facilities and rate structure determination. The chief engineer shall possess a thorough knowledge of techniques and practices of public utility service and regulation and shall have the ability to evaluate same and to formulate accurate conclusions therefrom.

(b) A certified public accountant who possesses a thorough knowledge of standard accounting procedures, techniques and systems with specific reference to the utility industry. Such accountant shall be experienced in public utility accounting and shall have a thorough knowledge of the financial and organizational structure of public utility companies to include knowledge of the methods by which financing of major additions and extensions to utility operations is acquired.

(c) A director of economics and planning who holds at least a bachelors degree in economics and possesses a thorough knowledge of the principles and techniques of economic and financial research and statistical analysis. The director of economics and planning shall have a thorough knowledge of the sources of economic, financial and statistical information and the methods of utilizing these sources, as well as considerable knowledge of capital markets with specific reference to utility financing. This employee shall be experienced in conducting analyses of the utility industry, the economy, cost of money, availability and cost of fuel and energy and other related matters within the authority of the commission.

(d) A communications engineer who is a graduate licensed engineer and who has a knowledge of engineering principles as applied to the design, construction, extension and expansion of complex public communications systems with extensive experience in the operation and maintenance of the same, in the application of communications regulations and in the determination of communications rates. The communications engineer shall possess a knowledge of techniques and practices for communications rate analysis and shall have the ability to evaluate same and to formulate accurate conclusions therefrom.

(e) Supportive technical personnel consisting of rate analysts, accountants, inspectors and statisticians as authorized and appropriated by the Legislature.

(f) A general counsel, who shall be a member of the Mississippi State Bar, shall have practiced law for a minimum of five (5) years and who

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shall possess considerable knowledge of utility regulation generally and of the case law, statutory law and the common law relating thereto.

(3) It shall be the duty and responsibility of the public utilities staff by and through the executive director to:

- (a) In uncontested matters review, investigate and make appropriate written recommendations to the commission with respect to the reasonableness of rates charged or proposed to be charged by any public utility and with respect to the consistency of such rates with the public policy of assuring an energy supply adequate to protect the public health and safety and to promote the general welfare;
- (b) Review, investigate and make appropriate written recommendations to the commission with respect to the service furnished or proposed to be furnished by any utility;
- (c) When deemed necessary by the executive director, in the broad public interest of the State of Mississippi, the using and consuming public, and the public utilities, make written recommendations and reports to the commission regarding all commission proceedings affecting the rates or service of any public utility;
- (d) When deemed necessary by the executive director, in the broad public interest of the State of Mississippi, the using and consuming public, and the public utilities, petition the commission to initiate proceedings to review, investigate and take appropriate action with respect to the rates or service of public utilities. Receipt of such petition shall be spread on the minutes of the Public Service Commission. The commission shall, within thirty (30) days of receipt of such petition, spread upon its minutes and forward to the executive director of the public utilities staff a response detailing actions taken or proposed to be taken;
- (e) When deemed necessary by the executive director, in the broad public interest of the State of Mississippi, the using and consuming public, and the public utilities, make written recommendations and reports to the commission regarding all certificate applications filed and provide assistance to the commission in making the analysis and plans required;
- (f) When deemed necessary by the executive director, in the broad public interest of the State of Mississippi, the using and consuming public, and the public utilities, make written recommendations and reports to the commission regarding all proceedings wherein any public utility proposes to reduce or abandon service to the public;
- (g) Make studies with respect to standards, regulations, practices or service of any public utility; however, the public utilities staff shall have no duty, responsibility or authority with respect to the enforcement of natural gas pipeline safety law, or the federal railroad safety laws, rules or regulations;
- (h) When deemed necessary by the executive director, in the broad public interest of the State of Mississippi, the using and consuming public, and the public utilities, make written recommendations and reports to the commission regarding all commission proceedings with respect to transfers of franchises, mergers, consolidation and combination of public utilities;
- (i) When deemed necessary by the executive director, in the broad public interest of the State of Mississippi, the using and consuming public and the public utilities, review and investigate contracts of public utilities with affiliates or subsidiaries;
- (j) When deemed necessary by the executive director, in the broad public interest of the State of Mississippi, the using and consuming public, and the public utilities, advise the commission with respect to regulations and transactions;
- (k) When deemed necessary by the executive director, in the broad public interest of the State of Mississippi, the using and consuming public and the public utilities, review and make recommendations to the commission on all miscellaneous uncontested filings;
- (l) Advise the Public Service Commission in writing as to the broad public interest of the State of Mississippi, the using and consuming public, and the public utilities in all major rate cases and automatic adjustment clauses;
- (m) When deemed necessary by the executive director, in the broad public interest of the State of Mississippi, the using and consuming public, and the public utilities, review and investigate the justness and reasonableness, to both the public and the public utility, of rates charged or proposed to be charged by any public utility, the rates of which are subject to regulation under the provisions of this chapter; and
- (n) Accumulate evidence and other information from public utilities and other sources as required or as may be requested by the Public Service Commission.

(4) The executive director of the public utilities staff shall employ the resources of the staff to furnish to the commission, in a timely and expeditious manner, such information and reports or conduct such investigations and provide such other assistance as may be required in order to enforce the laws providing for the regulation of public utilities.

(5) All written recommendations and reports provided to the Public Service Commission from the public utilities staff shall bear the signature of the executive director, who shall maintain a record thereof, including the date such recommendation or report was submitted to the commission.

(6) In no event shall the duties and responsibilities of the public utilities staff be exercised with regard to matters not within the jurisdiction and powers of the Public Service Commission.

State: Missouri

PUBLIC UTILITIES STATUTE
Chapter 386: Public Service Commission

Public counsel authorized--qualifications--compensation, how fixed.

386.700. The director of the department of economic development shall appoint a public counsel to serve at the pleasure of the director of the department. The public counsel shall be an attorney at law licensed to practice law in this state and whose salary shall be fixed by the department director within the appropriation made therefor.

Powers of public counsel.

386.710. 1. The public counsel shall have the following powers and duties:

(1) He shall employ a staff or hire on a contract basis such employees and experts as are necessary to carry out the purposes and responsibilities of his office, and shall set their compensation within the appropriation made for that purpose;

(2) He may represent and protect the interests of the public in any proceeding before or appeal from the public service commission;

(3) He shall have discretion to represent or refrain from representing the public in any proceeding. He shall consider in exercising his discretion the importance and the extent of the public interest involved and whether that interest would be adequately represented without the action of his office. If the public counsel determines that there are conflicting public interests involved in a particular matter, he may choose to represent one such interest based upon the considerations of this section, to represent no interest in that matter, or to represent one interest and certify to the director of the department of economic development that there is a significant public interest which he cannot represent without creating a conflict of interest and which will not be protected by any party to the proceeding. The director of the department shall select an attorney, to be paid from funds appropriated for this purpose, to represent that segment of the public certified to him by the public counsel as unrepresented. Nothing in this section shall be construed to limit the right of any person, firm or corporation specified in subsection 1 of section 386.390 to petition or make complaint to the commission or otherwise intervene in proceedings or other matters before the commission.

2. The public counsel shall be served with all proposed tariffs, initial pleadings, and applications, in all proceedings before the public service commission, and shall be served with a copy of all orders of the commission.

3. Nothing in sections 386.071, 386.150, 386.155, 386.170, 386.200, 386.330, 386.360, 386.390, 386.400, 386.410, 386.420, 386.440, 386.450, 386.480, 386.500, 386.530, 386.540, 386.600, 386.700 and 386.710, shall be construed or interpreted to mean that the public counsel shall not have the right to appeal any and all orders of the public service commission to the courts which right of appeal exists and has existed since the time of transfer as provided in section 386.500.

4. He shall have all powers necessary or proper to carry out the duties specified in this section.

State: Montana

STATE CONSTITUTION
Article XIII General Provisions

Section 2. Consumer counsel. The legislature shall provide for an office of consumer counsel which shall have the duty of representing consumer interests in hearings before the public service commission or any other successor agency. The legislature shall provide for the funding of the office of consumer counsel by a special tax on the net income or gross revenues of regulated companies.

PUBLIC UTILITIES STATUTES

69-2-102. Role of commission when consumer counsel protests. In any case involving an application by a regulated entity to the commission for authority to increase its rates which is actively contested by the consumer counsel, the commission shall leave representation of the interests of consumers to the consumer counsel when he timely petitions to become a party to such case. Nothing contained herein prohibits the commission or its staff from investigating and interrogating in any hearing to clarify the case or present an issue. Evidence may be introduced by the commission on an issue that has not been adequately addressed by any party if the commission first requests counsel of record to address such issue and such counsel fails to introduce sufficient or adequate evidence.

PUBLIC UTILITIES STATUTES
TITLE 69. PUBLIC UTILITIES AND CARRIERS
CHAPTER 1. STRUCTURE AND ORGANIZATION OF STATE AGENCIES

69-1-201. Definitions. As used in this part and part 2 of chapter 2, the following definitions apply:

(1) "Committee" means the legislative consumer committee provided for in Title 5, chapter 15, part 1.

(2) "Consumer counsel" means the consumer counsel provided for in Title 5, chapter 15, part 2.

(3) "Regulated companies" means all those organizations, corporations, associations, or other public or private entities which now are or may hereafter become subject to regulation in any manner by the department of public service regulation or the public service commission or any successor agency.

69-1-211. Meetings of committee. The committee shall meet at least once each quarter to advise and consult with the consumer counsel.

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69-1-221. Staff of consumer counsel. The consumer counsel may, with the approval of the committee, appoint employees and consultants necessary to carry out the provisions of this part and part 2 of chapter 2, within the limits of legislative appropriation.

69-1-222. Annual report. The consumer counsel shall prepare and submit a yearly report and such other interim reports he determines advisable concerning his activities during the year and may recommend appropriate remedial legislation to the committee.

69-1-223. Funding of office of consumer counsel. (1) There is an account in the state special revenue fund to which all fees collected under this section must be deposited and from which all appropriations to the office of the consumer counsel must be paid. An appropriation to the office of the consumer counsel may consist of a base appropriation for regular operating expenses and a contingency appropriation for expenses due to an unanticipated caseload.

(2) In addition to all other licenses, fees, and taxes imposed by law, all regulated companies shall:

(a) within 30 days after the close of each calendar quarter, file with the department of public service regulation and the department of revenue a statement, in a form that the commission and department may determine, showing the gross operating revenue from all activities regulated by the commission within the state for that calendar quarter of operation or portion of a quarter, separately stating gross revenue from sales to other regulated companies for resale; and

(b) at that time pay to the department of revenue a fee based on a percentage of the gross operating revenue reported, as determined by the department of revenue under 69-1-224.

(3) The amount of money which may be raised by the fee on the regulated companies during a fiscal year may not be increased, except as provided in 69-1-224(1)(c), from the amount appropriated, including both base and contingency appropriations, by the legislature for that fiscal year. Any additional money required for operation of the office of the consumer counsel must be obtained from other sources in a manner authorized by the legislature.

PUBLIC UTILITY CODE
TITLE 69. PUBLIC UTILITIES AND CARRIERS
CHAPTER 2. GENERAL REGULATORY PROVISIONS

69-2-201. Appearance at hearings by counsel. The consumer counsel may appear at public hearings conducted by the commission, as the representative of the consuming public, on all matters which come before the commission which in any way affect the consuming public and shall have all the rights and powers of any party in interest appearing before the commission regarding examination and cross-examination of witnesses, presentation of evidence, and other matters.

69-2-202. Institution of and intervention in proceedings involving regulated companies. (1) The consumer counsel may institute proceedings before the commission against regulated companies.

(2) The consumer counsel may institute, intervene in, or otherwise participate in appropriate proceedings in the state and federal courts and administrative agencies in the name of and on behalf of the utility and transportation consuming public of the state of Montana or substantial elements thereof, including review of decisions rendered by or failure to act by the commission and applications for restraining orders pending the investigation of and decision upon a matter by the commission, pursuant to 27-19-203.

69-2-203. Investigatory powers of counsel. (1) The consumer counsel has all the investigatory powers necessary to perform his duties as provided herein and all discovery powers sanctioned by the Montana Rules of Civil Procedure and the Montana Administrative Procedure Act. It is the specific intent of this section to provide the authority and availability of the process of discovery to the consumer counsel in administrative contested-case procedure. Violations of discovery procedure shall be heard and administered by the district court. In the event of an appeal to district court for enforcement of discovery procedures, the time limits imposed by 69-3-302 and 69-3-303 shall be suspended pending order of the district court.

(2) The consumer counsel may examine in any commission proceedings, under oath, any officer, director, manager, or employee of any regulated company and inspect the business and corporate records of any regulated company in accordance with the law to aid in the exercise of his duties.

69-2-204. Representation of consuming public. (1) The consumer counsel shall meet and confer with members or representatives of the consuming public at such times and places as he determines appropriate.

(2) The consumer counsel has such other powers necessary to fully represent the interests of the consuming public before the commission as may be granted and promulgated by the committee, in accordance with the provisions of the Montana Administrative Procedure Act.

69-2-211. Notice to consumer counsel. In addition to all other forms of notice of hearings conducted by the commission provided for in this title, notices of all hearings shall be served upon the consumer counsel.

69-2-212. Notice to advise public of availability of consumer counsel. All forms of notice of public hearings conducted by the commission under this title, including all notices posted in public places or published in the legal advertising sections of newspapers, shall advise members of the consuming public of the existence of the office of the consumer counsel and its availability to function on behalf of members of the consuming public.

State: Nebraska

State: Nevada

PUBLIC UTILITIES STATUTE

Nevada Revised Statutes Section 702.170 - Energy - Public Utilities

Powers and duties of Commission; regulations and enforcement; reports; audits and investigations; administrative charge; deposit of money; civil action for recovery of money.

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2. In carrying out the provisions of NRS 702.160, the Commission shall solicit advice from the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General, public utilities and municipal utilities and other knowledgeable persons.

PUBLIC UTILITIES STATUTE

Nevada Revised Statutes Section 701.040 - Energy - Public Utilities

"Consumer's Advocate" defined. "Consumer's Advocate" means the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General.

PUBLIC UTILITIES STATUTE

Nevada Revised Statutes CHAPTER 228 - ATTORNEY GENERAL

NRS 228.310 Creation; executive head.

1. The Bureau of Consumer Protection is hereby created within the Office of the Attorney General.
2. The executive head of the Bureau of Consumer Protection is the Consumer's Advocate.

(Added to NRS by 1981, 1674; A 1997, 1968)

NRS 228.320 Appointment of Consumer's Advocate; term of office; qualifications; removal from office.

1. The Attorney General shall appoint the Consumer's Advocate for a term of 4 years. The Consumer's Advocate is in the unclassified service of the State. The person appointed:

(a) Must be knowledgeable in the various areas of the regulation of public utilities;

(b) Must be independent of and have no pecuniary interest in any utility or industry regulated by the Public Utilities Commission of Nevada;

(c) Except as otherwise provided in NRS 284.143, shall devote all of his time to the business of his office and shall not pursue any other business or vocation or hold any other office of profit; and

(d) Must not be a member of any political convention or a member of any committee of any political party.

2. The Attorney General may remove the Consumer's Advocate from office for inefficiency, neglect of duty or malfeasance in office.

(Added to NRS by 1981, 1674; A 1987, 704; 1997, 616)

NRS 228.330 Employees; equipment; office space; subpoenas; other necessary functions and arrangements. The Consumer's Advocate may:

1. Employ such staff as is necessary to carry out his duties and the functions of his office, in accordance with the personnel practices and procedures established within the Attorney General's Office. The Consumer's Advocate has sole discretion to employ and remove any member of his staff.

2. Purchase necessary equipment.

3. Lease or make other suitable arrangements for office space, but any lease which extends beyond the term of 1 year must be reviewed and approved by a majority of the members of the State Board of Examiners.

4. Apply for an order or subpoena for the appearance of witnesses or the production of books, papers and documents in any proceeding in which he is a party or intervener, in the same manner as any other party or intervener, and make arrangements for and pay the fees or costs of any witnesses and consultants necessary to the proceeding. If any person ordered by the Public Utilities Commission of Nevada to appear before it as a witness pursuant to this subsection fails to obey the order, the Commission shall apply for a subpoena commanding the attendance of the witness.

5. Perform such other functions and make such other arrangements as may be necessary to carry out his duties and the functions of his office.

(Added to NRS by 1981, 1674; A 1987, 704; 1997, 1968)

NRS 228.340 Account for the Bureau of Consumer Protection: Deposits; use; claims.

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1. Except as otherwise provided by NRS 598A.260, all money collected by the Bureau of Consumer Protection pursuant to NRS 704.033 and chapter 711 of NRS and pursuant to those provisions of NRS relating to private investigators and unfair trade practices must be deposited with the State Treasurer for credit to the Account for the Bureau of Consumer Protection.

2. Money in the Account may be used only to defray the costs of maintaining the Office of the Consumer's Advocate and for carrying out the provisions of NRS 228.300 to 228.390, inclusive.

3. All claims against the Account must be paid as other claims against the State are paid.

(Added to NRS by 1981, 1675; A 1989, 1470; 1997, 1969; 2007, 1377)

NRS 228.350 Account for the Consumer's Advocate: Gifts and grants. All gifts and grants of money which the Consumer's Advocate is authorized to accept must be deposited with the State Treasurer for credit to the Account for the Consumer's Advocate.

(Added to NRS by 1981, 1675; A 1989, 1470)

NRS 228.360 Powers regarding certain public utilities.

1. The Consumer's Advocate:

(a) Shall intervene in and represent the public interest in:

(1) All proceedings conducted pursuant to NRS 704.7561 to 704.7595, inclusive; and

(2) All proceedings conducted pursuant to NRS 704.061 to 704.110, inclusive, in which an electric utility has filed a general rate application or an annual deferred energy accounting adjustment application.

(b) May, with respect to all public utilities except railroads and cooperative utilities, and except as otherwise provided in NRS 228.380:

(1) Conduct or contract for studies, surveys, research or expert testimony relating to matters affecting the public interest or the interests of utility customers.

(2) Examine any books, accounts, minutes, records or other papers or property of any public utility subject to the regulatory authority of the Public Utilities Commission of Nevada in the same manner and to the same extent as authorized by law for members of the Public Utilities Commission of Nevada and its staff.

(3) Except as otherwise provided in paragraph (a), petition for, request, initiate, appear or intervene in any proceeding concerning rates, charges, tariffs, modifications of service or any related matter before the Public Utilities Commission of Nevada or any court, regulatory body, board, commission or agency having jurisdiction over any matter which the Consumer's Advocate may bring before or has brought before the Public Utilities Commission of Nevada or in which the public interest or the interests of any particular class of utility customers are involved. The Consumer's Advocate may represent the public interest or the interests of any particular class of utility customers in any such proceeding, and he is a real party in interest in the proceeding.

2. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

State: New Hampshire

PUBLIC UTILITIES STATUTE
Title XXXIV
CHAPTER 363 THE PUBLIC UTILITIES COMMISSION
Support Personnel to Commission
Section 363:28

363:28 Office of the Consumer Advocate. –

I. The office of the consumer advocate shall be an independent agency administratively attached to the public utilities commission pursuant to RSA 21-G:10. The office shall consist of the following:

(a) A consumer advocate, appointed by the governor and council, who shall be a qualified attorney admitted to practice in this state. The consumer advocate shall serve a 4-year term and until a successor is appointed and qualified.

(b) An assistant consumer advocate appointed by the consumer advocate, who shall be a full-time classified employee.

(c) A secretary appointed by the consumer advocate.

(d) Two additional staff people appointed by the consumer advocate. When filling these positions, the consumer advocate should consider appointing rate analysts or economists.

II. The consumer advocate shall have the power and duty to petition for, initiate, appear or intervene in any proceeding concerning rates, charges, tariffs, and consumer services before any board, commission, agency, court, or regulatory body in which the interests of residential utility consumers are involved and to represent the interests of such residential utility consumers.

III. The consumer advocate shall have authority to contract for outside consultants within the limits of funds available to the office.

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IV. The consumer advocate shall have authority to promote and further consumer knowledge and education.

V. The consumer advocate shall publicize the Link-Up New Hampshire and Lifeline Telephone Assistance programs in order to increase public awareness and utilization of these programs.

363:28-a Residential Ratepayers Advisory Board. –

I. There is established the residential ratepayers advisory board. The advisory board shall consist of the following public members:

(a) Three members appointed by the speaker of the house. One shall represent the interests of residential ratepayers; one shall represent the interests of the elderly; and one shall be a member of the public.

(b) Three members appointed by the senate president. One shall represent the interests of residential ratepayers; one shall represent the interests of the disabled; and one shall represent environmental concerns.

(c) Three members appointed by the governor and council. One shall represent the interests of persons of low income; one shall represent the interests of small business owners; and one shall represent the interests of residents of low-income housing.

II. Members shall serve 3-year terms. In the event of death or resignation of any member of the advisory board, the person or entity that made the original appointment shall appoint a successor, and the successor appointed to the vacancy shall serve for the remainder of the unexpired term. The members of the board shall receive no compensation but shall be entitled to reimbursement for mileage at the same rate provided for state employees.

III. The board shall elect annually a chairperson from among its membership.

IV. The board shall receive administrative support from the office of the consumer advocate.

V. (a) The board shall meet at least quarterly and at the call of the chairperson or 3 board members. The consumer advocate shall be present for all board meetings to inform the board of the actions of the office of the consumer advocate and to respond to the board's inquiries.

(b) The board shall advise the consumer advocate on matters concerning residential ratepayers.

(c) Prior to the expiration of the consumer advocate's term, the board shall recommend to the governor and council whether to reappoint the consumer advocate. If the board does not recommend reappointment or the governor and council do not accept the board's recommendation to reappoint, the board shall then recommend 3 persons to the governor and council to fill the position.

State: New Jersey

STATE ORGANIZATION STATUTE

Title 52. State Government, Departments and Officers

Subtitle 3. Executive and Administrative Departments, Officers and Employees

Chapter 27ee. Public Advocate

Article 7. Division of Rate Counsel

52:27EE-46. Division of Rate Counsel established

There is hereby established in the Department of the Public Advocate the Division of Rate Counsel to be under the supervision of the Director of the Division of Rate Counsel.

52:27EE-47. Director; staff; assignment of cases

a. The Director of the Division of Rate Counsel shall be an attorney-at-law of this State, appointed by the Public Advocate.

b. When exceptional circumstances arise, the Director of the Division of Rate Counsel, with the approval of the Public Advocate, may on a temporary basis retain such expert assistants as are necessary to protect the public in-terest, pursuant to a reasonable fee schedule established in advance by the Public Advocate.

c. Cases shall be assigned to staff attorneys or to attorneys hired on a case by case basis calculated to provide competent representation in the light of the nature of the case, the services to be performed, the experience of the particular attorney, and other relevant factors.

52:27EE-48. Jurisdiction of Division of Rate Counsel; representation of public interest in certain proceedings

The Division of the Rate Counsel shall have the authority to conduct investigations, initiate studies, conduct re-search, present comments and testimony before governmental bodies, issue reports, and produce and disseminate consumer guides on any matters that fall within the Rate Counsel's jurisdiction. The Rate Counsel shall also have the authority to represent the public interest as set forth below.

a. Utilities. The Division of Rate Counsel may represent and protect the public interest as defined in section 12 of this act [FN1] in proceedings before and appeals from any State department, commission, authority, council, agency, or board charged with the regulation or control of any business, industry, or utility regarding a require-ment that the business, industry, or utility provide a service or regarding the fixing of a rate, toll, fare, or charge for a product or service. The Division of Rate Counsel may initiate any such proceedings when the director de-termines that a discontinuance or change in a required service or a rate, toll, fare, or charge for a product or ser-vice is in the public interest.

b. Insurance; limited jurisdiction. The Department of the Public Advocate shall represent and protect the public in-terest with respect to insurance matters through the Division of Rate Counsel, which may represent and protect the public interest as defined in section 12 of this act in significant proceedings that pertain solely to prior approval rate increases for personal lines property casualty coverages or Medicare supplemental coverages. The Division of Rate Counsel shall have no jurisdiction or authority to participate or intervene in (1) expedited prior approval rate filings made by an insurer or affiliated group of insurers pursuant to section 34 of P.L.1997, c. 151 (C.17:29A-46.6) or section 3 of P.L.2001, c. 409 (C.17:36-5.35), or (2) prior approval rate filings of seven percent or less, or (3) rule or form filings for any other form of insurance.

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In determining, in his or her discretion, whether a proceeding is significant, the Director of the Division of Rate Counsel shall consider the following factors:

- (1) the overall dollar impact of the requested increase, considering the filer's market share and the magnitude of the requested rate change;
- (2) whether the increase, if granted, will increase the filer's rates significantly above market norms;
- (3) whether the filer is advancing a significantly different alternate ratemaking methodology to the standard methodology established pursuant to section 8 of P.L.1988, c. 119 (C.17:29A-36.2);
- (4) whether the insurer is experiencing financial difficulties at its present rate level, as evidenced by the filing of rehabilitation proceedings, recent downgrading by insurance rating services, or significant losses reported on the filer's public financial statement.

Upon the effective date of this act, the Director of the Division of Rate Counsel in the Department of the Public Advocate shall, in addition to the powers set forth in this act, have the express authority to intervene in public hearings pursuant to section 66 of P.L.1998, c. 21 (C.17:29A-46.8).

[FN1] N.J.S.A. § 52:27EE-12.

52:27EE-49. Legislative intent

It is the intent of the Legislature that the resources of the Division of Rate Counsel be devoted to the maximum extent possible to ensuring adequate representation of the interests of those consumers whose interests would otherwise be inadequately represented in matters within the jurisdiction of the Division of Rate Counsel.

When the interests of consumers differ, the Director of the Division of Rate Counsel shall give priority to representing the interests of consumers whose interests the Director of the Division of Rate Counsel finds to be inadequately represented.

This section does not require the Division of Rate Counsel to represent the interests of a consumer or group of consumers if the Director of the Division of Rate Counsel determines that such representation is adverse to the overall interests of the using and consuming public.

52:27EE-50. Division to receive prior approval rate filings seeking consumer insurance rate increases; exceptions

The Division of Rate Counsel shall receive a copy from the filer of any prior approval rate filing seeking consumer insurance rate increases, including any amendments or supplements thereto. A copy of such rate filing shall be received by the Division of Rate Counsel concurrent with any rate filing with the Commissioner of Banking and Insurance; except, however, the filer is not required to provide a copy of such rate filing with the Division of Rate Counsel if: (a) the filing is an expedited prior approval rate filing made pursuant to either section 34 of P.L.1997, c. 151 (C.17:29A-46.6) or section 3 of P.L.2001, c. 409 (C.17:36-5.35); or (b) the filing is made pursuant to any statutory change in coverage provided under a policy of private passenger automobile insurance; or (c) the filing is a prior approval rate filing of seven percent or less.

52:27EE-51. Public notice of certain consumer insurance rate increases; exceptions; form of communication

The Division of Rate Counsel and the Department of Banking and Insurance may publish on their respective official websites, to the extent practicable, as the case may be: (a) notice of all filings for consumer insurance rate increases; (b) all requests for hearing dates for such increases; and (c) the date or dates a hearing is to be held. The Division of Rate Counsel and the Department of Banking and Insurance, pursuant to regulations established by the Division of Rate Counsel, shall establish operational links such that each respective website may be accessed from the other. Publication on the applicable website shall take place within three business days of the applicable notice of filing, request for hearing, and date or dates of hearings.

If an insurer or rating organization files for a personal lines prior approval rate increase, excluding rating system changes made pursuant to P.L.1997, c. 151 (C.17:29A-46.1 et seq.), the insurer or ratings organization shall, in conjunction with such filing, notify the public of the proposed rate change; except, however, the filer is not required to notify the public of the proposed rate change if the rate increase pertains to: (a) an expedited prior approval rate filing made pursuant to either section 34 of P.L.1997, c. 151 (C.17:29A-46.6) or section 3 of P.L.2001, c. 409 (C.17:36-5.35); or (b) a rate filing made pursuant to any statutory change in coverage provided under a policy of private passenger automobile insurance; or (c) a prior approval rate filing of seven percent or less.

Such notice shall be communicated through regular or electronic mail to the named policy holders who use the products and services subject to the rate increase, within seven business days of the applicable filing and shall conform to a form prescribed by the Department of Banking and Insurance pursuant to regulations established in conjunction with the Rate Counsel.

52:27EE-52. Annual utility assessment; calculation; payment to division

a. Annual utility assessment. The Division of Rate Counsel shall annually make an assessment against each public utility consistent with, but separate from, the Board of Public Utilities' assessments under the provisions of P.L.1968, c. 173 (C.48:2-59 et seq.). All assessments due and owing to the Division of Rate Counsel as of the effective date of this act shall be deemed due and owing to the Division of Rate Counsel in the Department of the Public Advocate as of the effective date of this act.

b. Calculation of annual utility assessment. The annual assessment shall be equal to a percentage of the gross operating revenue of the public utilities under the jurisdiction of the Board of Public Utilities derived from intrastate operations during the preceding calendar year at a

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rate determined annually by the Director of the Division of Rate Counsel in the manner set forth in section 2 of P.L.1968, c. 173 (C.48:2-60), except that the total amount assessed to any public utility shall not exceed 1/4 of 1 percent of the gross operating revenue subject to assessment here-under. The minimum annual assessment under this section shall not be less than \$500.

c. Levy and payment of annual assessment. The annual assessment set forth in subsections a. and b. above shall be levied by the Division of the Rate Counsel no later than August 15, and shall be paid within 30 days of mailing notice thereof and a statement of the amount by first class mail to any public utility, except that for Fiscal Year 2006 this assessment shall be levied no later than August 1, 2005.

52:27EE-53. Annual certification of expenses in connection with insurance rate cases; special insurance as-sessment; calculation

a. Annual insurance assessment. The Director of the Division of Budget and Accounting in the Department of the Treasury shall, on or before August 15 in each year, ascertain and certify to the Commissioner of Banking and In-surance by category the total amount of expenses incurred by the State in connection with the administration of the special functions of the Division of Rate Counsel in the Department of the Public Advocate relative to the ex-penses of the Division of Rate Counsel in connection with the administration of insurance rate cases during the preceding fiscal year. The Department of Banking and Insurance shall make a separate special assessment on lines of insurance subject to the jurisdiction of the Rate Counsel pursuant to subsection b. of section 48 of this act, [FN1] on an annual basis, in accordance with the formula set forth in P.L.1995 c.156 (C.17:1C-19 et seq.).

b. Calculation of annual insurance assessment. The annual assessment shall be no more than a specified aggregate amount adjusted annually for inflation, which shall be calculated and applied separately from the maximum total assessment set forth in section 13 of P.L.1995, c. 156 (C.17:1C-31). The amount collected for expenses pursuant subsection a. of this section, shall not exceed the amount appropriated by the Legislature for those expenses.

52:27EE-54. Transfer of powers and duties to Division of Rate Counsel

All functions, powers, and duties which had been vested in the Division of Rate Counsel in the Department of the Public Advocate prior to the effective date of P.L.1994, c. 58 (C.52:27E-50 et al.) and which were transferred by P.L.1994, c. 58 (C.52:27E-50 et al.) to the Department of Insurance and to the Division of the Ratepayer Advocate established by Reorganization Plan 94-001, are hereby transferred to and assumed by the Division of Rate Coun-sel in the Department of the Public Advocate.

Whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Department of Banking and Insurance, or to the Division of the Ratepayer Advocate concerning functions, powers and duties which had been vested in the Division of Rate Counsel in the Department of the Public Advocate prior to the effective date of P.L.1994, c. 58 (C.52:27E-50 et al.), the same shall mean and refer to the Division of Rate Counsel in the Department of the Public Advocate.

52:27EE-55. Right of division to represent public interest in federal proceedings

The Division of Rate Counsel shall have the right to represent the public interest in any federal proceeding, in-cluding but not limited to proceedings before the Federal Communications Commission, the Federal Energy Regulatory Commission, and the Federal Trade Commission.

State: New Mexico

STATE ORGANIZATION STATUTE
Chapter 8. Elected Officials
Article 5. Attorney General

§ 8-5-2. Duties of attorney general

Except as otherwise provided by law, the attorney general shall:

- A. prosecute and defend all causes in the supreme court and court of appeals in which the state is a party or inter-ested;
- B. prosecute and defend in any other court or tribunal all actions and proceedings, civil or criminal, in which the state may be a party or interested when, in his judgment, the interest of the state requires such action or when re-quested to do so by the governor;
- ...
- J. appear before local, state and federal courts and regulatory officers, agencies and bodies, to represent and to be heard on behalf of the state when, in his judgment, the public interest of the state requires such action or when re-quested to do so by the governor; and
- K. perform all other duties required by law.

§ 8-5-17. Attorney general; consumer representation before commission

- A. The attorney general shall represent residential and small business consumers in matters before the public regu-lation commission as the attorney general deems appropriate.
- B. The attorney general:

- (1) shall research, study and analyze residential and small business consumer interests;
- (2) shall prepare and present briefs, arguments, proposed rates or orders and intervene or appear on behalf of residential and small business consumers before the public regulation commission as a party in interest;
- (3) may accept grants and donations in the name of the state to carry out the provisions of this section;
- (4) may cooperate with tribal and pueblo governments in New Mexico to ensure that the interests of Indian residential and small business consumers are being represented appropriately before the public regulation commission; and
- (5) shall report by December 1 of each year to the legislature and the governor on the activities of his office on behalf of residential and small business consumers.

State: New York

CONSUMER PROTECTION STATUTE
EXECUTIVE
ARTICLE 20 STATE CONSUMER PROTECTION BOARD

§ 550. State consumer protection board. There is hereby created in the executive department a state consumer protection board, hereafter referred to in this article as the board, which shall consist of the chairman of the public service commission, the superintendents of banking and insurance, the commissioners of agriculture and markets, environmental conservation, commerce and health, the secretary of state and the executive director of the board. Members of the board other than the executive director shall receive no compensation for their services as members, but shall be allowed their actual and necessary expenses incurred in the performance of their duties. The attorney general shall coordinate the enforcement powers of his office with the activities of the board.

§ 551. Executive director. The executive director shall be the chairman of the board. He shall be appointed by the governor with the advice and consent of the senate and shall hold office during the pleasure of the governor and shall receive an annual salary to be fixed by the governor within the amount available therefor by appropriation. He shall also receive his reasonable expenses in connection with the performance of his duties within the amount available therefor by appropriation.

§ 552. Organization of the board. The executive director may establish, consolidate, reorganize or abolish any organizational units under the board as he determines to be necessary for efficient operation. He shall assign appropriate functions to any such unit and may appoint such staff, agents and consultants as he may deem necessary and prescribe their duties and fix their compensation within the appropriation provided by law.

§ 553. Powers and duties of the board and the executive director.

1. The board shall have the power and duty to:

a. prepare quarterly a report to the governor, the speaker of the assembly and the temporary president of the senate of the category and number of complaints received by the board during the previous quarter in sufficient detail to assist the recipients in determining the need for additional laws for the protection of the consumer. Additionally, all such complaints received by the board shall be maintained on a category by category basis;

a-1. implement the provisions of articles twelve and seventeen of the energy law;

b. coordinate the activities of all state agencies performing consumer protection functions; and

c. prepare each year a report to the governor and to the legislature of its activities.

d. Implement other powers and duties by regulation and otherwise as prescribed by any provision of law.

* 2. The executive director shall have the power and duty to:

a. receive complaints of consumers and refer them to the appropriate federal, state or local agency authorized by law for appropriate action on such complaints;

b. advise and make recommendations to the governor on matters affecting the consumers of the state and promote and encourage the protection of the legitimate interests of consumers within the state;

c. on behalf of the board, initiate, intervene in, or participate in any proceedings before the public service commission, to the extent authorized by section twenty-four-a, seventy-one, eighty-four or ninety-six of the public service law or any other applicable provision of law, where he deems such initiation, intervention or participation to be necessary or appropriate; and

d. on behalf of the board, initiate, investigate, attempt to resolve, and if necessary refer to the attorney general any matters or complaints received pursuant to article twenty-four-B of the general business law as provided in such article.

* NB Effective until October 21, 2007

* 2. The executive director shall have the power and duty to:

a. receive complaints of consumers and refer them to the appropriate federal, state or local agency authorized by law for appropriate action on such complaints;

b. advise and make recommendations to the governor on matters affecting the consumers of the state and promote and encourage the protection of the legitimate interests of consumers within the state; and

c. on behalf of the board, initiate, intervene in, or participate in any proceedings before the public service commission, to the extent

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authorized by sections twenty-four-a, seventy-one, eighty-four or ninety-six of the public service law or any other applicable provision of law, where he deems such initiation, intervention or participation to be necessary or appropriate.

* NB Effective October 21, 2007

3. The executive director when so directed by the board shall have the power and duty to:

- a. conduct investigations, research, studies and analyses of matters affecting the interests of consumers;
- b. cooperate with and assist the attorney general in the carrying out of his legal enforcement responsibilities for the protection of consumers;
- c. cooperate with and assist consumers in class actions in proper cases;
- d. represent the interests of consumers of the state before federal, state and local administrative and regulatory agencies;
- e. study the operation of consumer protection laws and recommend to the governor new laws and amendments of laws for consumer protection;
- f. conduct product research and testing and, where appropriate, contract with private agencies and firms for the performance of such services;
- g. initiate and encourage consumer education programs;
- h. cooperate with and assist local governments in the development of consumer protection activities;
- i. establish advisory councils to assist in policy formulation on specific consumer problems; and
- j. undertake activities to encourage business and industry to maintain high standards of honesty, fair business practices, and public responsibility in the production, promotion and sale of consumer goods and services.

State: North Carolina

PUBLIC UTILITIES STATUTE

§ 62 20. Participation by Attorney General in Commission proceedings.

The Attorney General may intervene, when he deems it to be advisable in the public interest, in proceedings before the Commission on behalf of the using and consuming public, including utility users generally and agencies of the State. The Attorney General may institute and originate proceedings before the Commission in the name of the State, its agencies or citizens, in matters within the jurisdiction of the Commission. The Attorney General may appear before such State and federal courts and agencies as he deems it advisable in matters affecting public utility services. In the performance of his responsibilities under this section, the Attorney General shall have the right to employ expert witnesses, and the compensation and expenses therefor shall be paid from the Contingency and Emergency Fund. The Commission shall furnish the Attorney General with copies of all applications, petitions, pleadings, order and decisions filed with or entered by the Commission. The Attorney General shall have access to all books, papers, studies, reports and other documents filed with the Commission.

§ 62 15. Office of executive director; public staff, structure and function.

- (d) It shall be the duty and responsibility of the public staff to:
 - (1) Review, investigate, and make appropriate recommendations to the Commission with respect to the reasonableness of rates charged or proposed to be charged by any public utility and with respect to the consistency of such rates with the public policy of assuring an energy supply adequate to protect the public health and safety and to promote the general welfare;
 - (2) Review, investigate, and make appropriate recommendations to the Commission with respect to the service furnished, or proposed to be furnished by any public utility;
 - (3) Intervene on behalf of the using and consuming public, in all Commission proceedings affecting the rates or service of any public utility;
 - (4) When deemed necessary by the executive director in the interest of the using and consuming public, petition the Commission to initiate proceedings to review, investigate, and take appropriate action with respect to the rates or service of public utilities;
 - (5) Intervene on behalf of the using and consuming public in all certificate applications filed pursuant to the provisions of G.S. 62 110.1, and provide assistance to the Commission in making the analysis and plans required pursuant to the provisions of G.S. 62 110.1 and 62 155;
 - (6) Intervene on behalf of the using and consuming public in all proceedings wherein any public utility proposes to reduce or abandon service to the public;
 - (7) Investigate complaints affecting the using and consuming public generally which are directed to the Commission, members of the Commission, or the public staff and where appropriate make recommendations to the Commission with respect to such complaints;
 - (8) Make studies and recommendations to the Commission with respect to standards, regulations, practices, or service of any public utility pursuant to the provisions of G.S. 62 43; provided, however, that the public staff shall have no duty, responsibility, or authority with respect to the enforcement of natural gas pipeline safety laws, rules, or regulations;
 - (9) When deemed necessary by the executive director, in the interest of the using and consuming public, intervene in Commission proceedings with respect to transfers of franchises, mergers, consolidations, and combinations of public utilities pursuant to the provisions of G.S. 62 111;
 - (10) Investigate and make appropriate recommendations to the Commission with respect to applications for certificates by radio common carriers, pursuant to the provisions of Article 6A of this Chapter;
 - (11) Review, investigate, and make appropriate recommendations to the Commission with respect to contracts of public utilities with affiliates or subsidiaries, pursuant to the provisions of G.S. 62 153;
 - (12) When deemed necessary by the executive director, in the interest of the using and consuming public, advise the Commission with respect to securities, regulations, and transactions, pursuant to the provisions of Article 8 of this Chapter.
- (e) The public staff shall have no duty, responsibility, or authority with respect to the laws, rules or regulations pertaining to the physical facilities or equipment of common, contract and exempt carriers, the registration of vehicles or of insurance coverage of vehicles of common, contract and exempt carriers; the licensing, training, or qualifications of drivers or other persons employed by common, contract and exempt carriers, or the operation of motor vehicle equipment by common, contract and exempt carriers in the State.
- (f) The executive director representing the public staff shall have the same rights of appeal from Commission orders or decisions as other

parties to Commission proceedings.

(g) Upon request, the executive director shall employ the resources of the public staff to furnish to the Commission, its members, or the Attorney General, such information and reports or conduct such investigations and provide such other assistance as may reasonably be required in order to supervise and control the public utilities of the State as may be necessary to carry out the laws providing for their regulation.

(h) The executive director is authorized to employ, subject to approval by the State Budget Officer, expert witnesses and such other professional expertise as the executive director may deem necessary from time to time to assist the public staff in its participation in Commission proceedings, and the compensation and expenses therefor shall be paid by the utility or utilities participating in said proceedings. Such compensation and expenses shall be treated by the Commission, for rate-making purposes, in a manner generally consistent with its treatment of similar expenditures incurred by utilities in the presentation of their cases before the Commission. An accounting of such compensation and expenses shall be reported annually to the Joint Legislative Utility Review Committee and to the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

(i) The executive director, within established budgetary limits, and as allowed by law, shall authorize and approve travel, subsistence, and related necessary expenses of the executive director or members of the public staff, incurred while traveling on official business.

State: North Dakota

PUBLIC UTILITIES STATUTE
CHAPTER 54-12 ATTORNEY GENERAL

54-12-08. Assistant and special assistant attorneys general - Appointment - Revocation - Compensation. After consultation with the head of the state department or institution or with the state board, commission, committee, or agency affected, the attorney general may appoint assistant or special assistant attorneys general to represent the state board, commission, committee, or agency. A state officer, head of any state department, whether elected or appointed, or state department, board, commission, committee, or agency may not employ legal counsel, and no person may act as legal counsel in any matter, action, or proceeding in which the state or any state department, board, commission, committee, or agency is interested or is a party, except upon written appointment by the attorney general. Workforce safety and insurance, the department of transportation, the state tax commissioner, the public service commission, the insurance commissioner, the board of higher education, and the securities commissioner may employ attorneys to represent them. These entities shall pay the salaries and expenses of the attorneys they employ within the limits of legislative appropriations. The attorneys that represent these entities must be special assistant attorneys general appointed by the attorney general pursuant to this section. Absent good cause, the attorney general shall appoint as special assistant attorneys general licensed attorneys selected by these entities. The attorney general may revoke the appointment only for good cause or upon the request of the entity. Good cause means an inadequate level of experience, competence, or ethical standards. The powers conferred upon special assistant attorneys general are the same as are exercised by the regular assistant attorneys general, unless the powers are limited specifically by the terms of the appointment. Except as otherwise provided by this section, an appointment is revocable at the pleasure of the attorney general. The appointment may be made with or without compensation, and when compensation is allowed by the attorney general for services performed, the compensation must be paid out of the funds appropriated therefor. The attorney general may require payment for legal services rendered by any assistant or special assistant attorney general to any state official, board, department, agency, or commission and those entities shall make the required payment to the attorney general. Moneys received by the attorney general in payment for legal services rendered must be deposited into the attorney general's operating fund. General fund moneys may not be utilized for the payment of legal services provided by the attorneys employed by the attorney general, except for those payments required of the department of human services, state department of health, and the state hospital.

State: Ohio

PUBLIC UTILITIES STATUTE

Title 49 Public Utilities

4911.01 Consumers' counsel definitions.

As used in this chapter:

(A) "Public utility" means every one as defined in divisions (A)(1), (2), (4), (5), (6), (7), (8), (9), and (14) of section 4905.03 of the Revised Code, including all public utilities that operating their utilities not for profit, except the following:

- (1) Electric light companies that operate their utilities not for profit;
- (2) Public utilities, other than telephone companies, that are owned and operated exclusively by and solely for the utilities' customers;
- (3) Public utilities that are owned or operated by any municipal corporation;
- (4) Railroads as defined in sections 4907.02 and 4907.03 of the Revised Code.

(B) "Residential consumer" means urban, suburban, and rural patrons of public utilities insofar as their needs for utility services are limited to their residence.

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4911.02 Consumers' counsel - powers and duties.

(A) The consumers' counsel shall be appointed by the consumers' counsel governing board, and shall hold office at the pleasure of the board.

(B)(1) The counsel may sue or be sued and has the powers and duties granted him under this chapter, and all necessary powers to carry out the purposes of this chapter.

(2) Without limitation because of enumeration, the counsel:

(a) Shall have all the rights and powers of any party in interest appearing before the public utilities commission regarding examination and cross-examination of witnesses, presentation of evidence, and other matters;

(b) May take appropriate action with respect to residential consumer complaints concerning quality of service, service charges, and the operation of the public utilities commission;

(c) May institute, intervene in, or otherwise participate in proceedings in both state and federal courts and administrative agencies on behalf of the residential consumers concerning review of decisions rendered by, or failure to act by, the public utilities commission;

(d) May conduct long range studies concerning various topics relevant to the rates charged to residential consumers.

4911.021 Repealed.

4911.03 Qualifications.

(A) No person may be appointed consumers' counsel unless he is admitted to the practice of law in this state and is qualified by knowledge and experience to practice in public utility proceedings.

(B) No person who is in the employ of or acting in an official capacity with any public utility, subject to regulation by the public utilities commission or who is pecuniarily interested in, or holds stocks or bonds of any such utility or is a candidate for elective public office may be appointed to the office of the consumers' counsel or be appointed or employed by the counsel. If any such appointed or employed person becomes, subsequent to his initial appointment or employment, the owner of such stocks or bonds, or otherwise becomes pecuniarily interested in such utility, he shall divest himself, within a reasonable time, of such ownership or interest. If he fails to do so, his tenure shall be terminated. If any such appointed or employed person becomes a candidate for elective public office his tenure shall be terminated.

4911.04 Residency requirement - other employment prohibited.

The consumers' counsel shall be a resident of this state and during the counsel's term of office shall not hold any other office of either trust or profit under the government of the United States, this state, or any political subdivision of this state, except that this section shall not be construed to preclude the consumers' counsel from serving as a member of the reserve of the armed forces of the United States or the Ohio organized militia. The counsel shall not engage in any other occupation or business, but shall devote full time to the duties of the office of consumers' counsel.

4911.05 Oath of office - surety bond.

Before entering upon the duties of his office, the consumers' counsel shall subscribe to an oath of office, which shall be filed in the office of the secretary of state, and shall give bond of five thousand dollars with a sufficient surety approved by the treasurer of state. After approval the bond shall be filed with the secretary of state.

4911.06 Consumers' counsel considered state officer.

The consumers' counsel shall be considered a state officer for the purpose of section 24 of Article II, Ohio constitution.

4911.09 Public utilities commission to furnish materials.

The public utilities commission shall supply the consumers' counsel, without cost to the counsel, with all books, maps, charts, and such other items as may be necessary for carrying out the purposes of Chapters 4909. and 4911. of the Revised Code.

4911.12 Employees.

(A) Notwithstanding Chapter 4117. of the Revised Code, the consumers' counsel may employ and fix the compensation of such officers, experts, lawyers, engineers, economists, statisticians, accountants, investigators, and employees in fiduciary, supervisory, or policy-making positions as are necessary to carry out Chapters 4909. and 4911. of the Revised Code or to perform the powers and duties conferred or imposed upon him by law. These employees shall be in the unclassified civil service, shall not be considered public employees for purposes of Chapter 4117. of the Revised Code, and shall serve at the pleasure of the counsel. The counsel may also employ such clerical employees, including clerks and stenographers, as are necessary to carry out Chapters 4909. and 4911. of the Revised Code or to perform his duties and exercise the powers conferred by law upon him. These clerical employees shall be in the classified civil service. All officers, lawyers, engineers, economists, statisticians, accountants, investigators, stenographers, clerks, and other employees of the counsel and the expenses of the office of the counsel, the expenses of the counsel, and the expenses of the employees of such office shall be paid from funds appropriated for the use of the consumers' counsel after being approved by the consumers' counsel.

(B) The consumers' counsel may contract for the services of technically qualified persons in the area of public utility matters to assist him in carrying out the duties of his office. Such persons shall be paid from funds appropriated for the use of the consumers' counsel after being approved by the consumers' counsel.

4911.13 Using engineers and experts employed by state universities.

In the employment of engineers, experts, or other assistants, the consumers' counsel may make use of the services of engineers and experts employed by any university operated by this state in a manner provided by mutual arrangement between the counsel and the trustees and

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faculty of the university. Any necessary information, data, and equipment of the university shall be placed at the disposal of the counsel and paid for by the office of the consumers' counsel at the university's cost.

4911.14 Jurisdiction.

The jurisdiction of the consumers' counsel extends to every case that he or another party brings before the public utilities commission involving the fixing of any rate, joint rate, fare, charge, toll, or rental charged for commodities or services by any public utility, the plant or property of which lies wholly within this state. Where the property of a public utility lies partly within this state, the jurisdiction of the consumers' counsel extends to that part of the plant or property which lies within this state, the persons or companies owning, leasing, or operating the public utility, and the records and accounts of the business thereof done within this state.

4911.15 Counsel may represent residential consumer or municipal corporation.

The consumers' counsel, at the request of one or more residential consumers residing in, or municipal corporations located in, an area served by a public utility or whenever in his opinion the public interest is served, may represent those consumers or corporations whenever an application is made to the public utilities commission by any public utility desiring to establish, modify, amend, change, increase, or reduce any rate, joint rate, toll, fare, classification, charge, or rental.

The consumers' counsel may appear before the public utilities commission as a representative of the residential consumers of any public utility when a complaint has been filed with the commission that a rate, joint rate, fare, toll, charge, classification, or rental for commodities or services rendered, charged, demanded, exacted, or proposed to be rendered, charged, demanded, or exacted by the utility is in any respect unjust, unreasonable, unjustly discriminatory, unjustly preferential, or in violation of the law.

Nothing in Chapter 4911. of the Revised Code shall be construed to restrict or limit in any manner the right of a municipal corporation to represent the residential consumers of such municipal corporation in all proceedings before the public utilities commission, and in both state and federal courts and administrative agencies on behalf of such residential consumers concerning review of decisions rendered by, or failure to act by, the public utilities commission.

4911.16 Access to materials possessed by public utilities commission.

For the purpose of carrying out the duties given him in Chapter 4911. of the Revised Code, the consumers' counsel shall have access to all books, contracts, records, documents, and papers in the possession of the public utilities commission at any time.

4911.17 Consumers' counsel governing board.

There is hereby created a nine-member consumers' counsel governing board consisting of three representatives of organized groups representing each of the following areas: labor; residential consumers; and family farmers. No more than five members of this board may be members of the same political party.

The members of the board shall be appointed by the attorney general with the advice and consent of the senate.

No later than January 1, 1977, the attorney general shall make initial appointments to the board. Of the initial appointments made to the board, three shall be for a term ending one year after September 1, 1976, three shall be for a term ending two years after that date, and three shall be for a term ending three years after that date. Thereafter, terms of office shall be for three years, each term ending on the same day of the same month of the year as did the term that it succeeds. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office.

The governing board shall meet at least every third month of the year. Meetings may be held more often at the request of a majority of the members or upon call of the chairperson. At the first meeting of each year, the board shall select a chairperson and vice-chairperson. With the approval of the board, the chairperson may designate the vice-chairperson to perform the duties of the chairperson, including those provided in section 4901.021 of the Revised Code.

A majority of the members constitutes a quorum. No action shall be taken without the concurrence of a majority of the full membership of the board. The consumers' counsel shall at all times remain responsible to the governing board. Members of the board shall be compensated at the rate of one hundred fifty dollars per board meeting attended in person, not to exceed one thousand two hundred dollars per year. All members shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

The board shall submit to the general assembly no later than the first day of April, annually, a report outlining the expenditures of the office of consumers' counsel, a full record of participation in any and all proceedings, and an outline of other relevant activities of the office.

4911.20 Appointment of deputy consumers' counsel.

If the consumers' counsel governing board determines that the appointment of a deputy consumers' counsel is necessary to ensure the full and proper performance of the powers and duties of the consumers' counsel, the board may appoint a deputy consumers' counsel. The board may assign the deputy consumers' counsel any of the duties and powers of the consumers' counsel, and the deputy shall perform the assigned duties and powers. The deputy consumers' counsel shall report to the board on all matters assigned to him by the board, and shall serve at the pleasure of the board. The board may appoint an employee of the office of the consumers' counsel as deputy consumers' counsel. The board shall determine the salary of the deputy consumers' counsel.

If a deputy consumers' counsel is appointed, the consumers' counsel shall not perform the duties and powers that are assigned by the governing board to the deputy.

State: Oklahoma

PUBLIC UTILITIES STATUTE

Title 74. State Government
Chapter 2. Attorney General
General Provisions

§ 18b. Duties of Attorney General--Counsel of Corporation Commission as representative on ap-pel from Commission

A. The duties of the Attorney General as the chief law officer of the state shall be:

- 1. To appear for the state and prosecute and defend all actions and proceedings, civil or criminal, in the Supreme Court and Court of Criminal Appeals in which the state is interested as a party;
- 2. To appear for the state and prosecute and defend all actions and proceedings in any of the federal courts in which the state is interested as a party;
- 3. To initiate or appear in any action in which the interests of the state or the people of the state are at issue, or to appear at the request of the Governor, the Legislature, or either branch thereof, and prosecute and defend in any court or before any commission, board or officers any cause or proceeding, civil or criminal, in which the state may be a party or interested; and when so appearing in any such cause or proceeding, the Attorney General may, if the Attorney General deems it advisable and to the best interest of the state, take and assume control of the prosecution or defense of the state's interest therein;
- ...
- 20. To represent and protect the collective interests of all utility consumers of this state in rate-related proceedings before the Corporation Commission or in any other state or federal judicial or administrative proceeding;
- 21. To represent and protect the collective interests of insurance consumers of this state in rate-related proceedings before the Insurance Property and Casualty Rate Board or in any other state or federal judicial or administrative proceeding;

C. In all appeals from the Corporation Commission to the Supreme Court of Oklahoma in which the state is a party, the Attorney General shall have the right to designate counsel of the Corporation Commission as the Attorney General's legally appointed representative in such appeals, and it shall be the duty of the said Corporation Commission counsel to act when so designated and to consult and advise with the Attorney General regarding such appeals prior to taking action therein.

State: Oregon

PUBLIC UTILITIES STATUTE

Title 57. Utility Regulation
Chapter 774. Citizens' Utility Board
774.010. Definitions

As used in this chapter, except as otherwise specifically provided or unless the context requires otherwise:

- (1) "Board" means the Citizens' Utility Board of Governors.
- (2) "Consumer" or "utility consumer" means any natural person 18 years of age or older who is a resident of the State of Oregon.
- (3) "District" means an electoral district for members of the Citizens' Utility Board of Governors.
- (4) "Member" means a member of the Citizens' Utility Board.
- (5) "Utility" means any utility regulated by the Public Utility Commission pursuant to ORS chapters 757 and 759, which furnishes electric, telephone, gas or heating service. However, "utility" does not include any municipality, cooperative, or people's utility district.

774.020. Policy

The people of the State of Oregon hereby find that utility consumers need an effective advocate to assure that public policies affecting the quality and price of utility services reflect their needs and interests, that utility consumers have the right to form an organization which will represent their interests before legislative, administrative and judicial bodies, and that utility consumers need a convenient manner of contributing to the funding of such an organization so that it can advocate forcefully and vigorously on their behalf concerning all matters of public policy affecting their health, welfare and economic well-being.

774.030. Citizens' Utility Board; powers and duties

- (1) The Citizens' Utility Board is hereby created as an independent nonprofit public corporation and is authorized to carry out the provisions of this chapter.
- (2) The Citizens' Utility Board has perpetual succession and it may sue and be sued, and may in its own name purchase and dispose of any interest in real and personal property, and shall have such other powers as are granted to corporations by ORS 65.077. No part of its net earnings shall inure to the benefit of any individual or member of the Citizens' Utility Board.

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(3) The Citizens' Utility Board shall have all rights and powers necessary to represent and protect the interests of utility consumers, including but not limited to the following powers:

- (a) To conduct, fund or contract for research, studies, plans, investigations, demonstration projects and surveys.
- (b) To represent the interests of utility consumers before legislative, administrative and judicial bodies.
- (c) To accept grants, contributions and appropriations from any source, and to contract for services.
- (d) To adopt and modify bylaws governing the activities of the Citizens' Utility Board.

774.040. Board membership

(1) All consumers are eligible for membership in the Citizens' Utility Board. A consumer shall become a member of the Citizens' Utility Board upon contribution of at least \$5 but not more than \$100 per year to the Citizens' Utility Board. Each member shall be entitled to cast one vote for the election of the Citizens' Utility Board of Governors. The board shall establish a method whereby economically disadvantaged individuals may become members of the Citizens' Utility Board without full payment of the yearly contribution.

(2) Each year the Citizens' Utility Board shall cause to be prepared, by a certified public accountant authorized to do business in this state, an audit of its financial affairs. The audit is a public record subject to inspection in the manner provided in ORS 192.410 to 192.505.

774.060. Board of Governors; powers and duties; executive committees

The Citizens' Utility Board of Governors shall manage the affairs of the Citizens' Utility Board. The board may delegate to an executive committee composed of not fewer than five members of the board the authority as would be allowed by ORS 65.354.

774.070. Elections and terms; qualifications; financial interest statements; candidate disqualification; recalls; vacancies

(1) The Citizens' Utility Board of Governors shall be comprised of three persons elected from each congressional district described in ORS 188.135 by a majority of the votes cast by members residing in that district. The election shall be conducted by mail ballot in such manner as the Citizens' Utility Board of Governors may prescribe.

(2) The term of office of a member of the Citizens' Utility Board of Governors is four years. No person may serve more than two consecutive terms on the Citizens' Utility Board of Governors.

(3) Each candidate and each member of the Citizens' Utility Board of Governors must be a member of the Citizens' Utility Board and must be a resident of the district from which the candidate seeks to be or is elected.

(4) At least 45 days before an election each candidate shall file with the Citizens' Utility Board of Governors a statement of financial interests, which shall contain the information in such form as the Citizens' Utility Board of Governors shall determine. Each candidate shall maintain a complete record of contributions received and expenditures made with regard to an election campaign. Each candidate shall make the records available for public inspection at such reasonable times as the Citizens' Utility Board of Governors considers appropriate.

(5) No member who is employed by a utility shall be eligible for appointment or election to the Citizens' Utility Board of Governors, and no member of the Citizens' Utility Board of Governors who obtains employment by a utility may maintain a position on the Citizens' Utility Board of Governors. While on the board, no director elected under this section may hold elective public office, be a candidate for any elective public office, or be a state public official. No person who owns or controls, either singly or in combination with any immediate family member, utility stocks or bonds of a total value in excess of \$3,000 is eligible to serve as an elected member of the Citizens' Utility Board of Governors.

(6) The Citizens' Utility Board of Governors may disqualify any candidate or member of the Citizens' Utility Board of Governors for any violation of this chapter or of the bylaws of the Citizens' Utility Board.

(7) Upon petition signed by 20 percent of the members in a district for the recall of a member of the Citizens' Utility Board of Governors elected from the district, the Citizens' Utility Board of Governors shall mail ballots to each member in the district, submitting the question whether the member of the Citizens' Utility Board of Governors shall be recalled. If a majority of the members voting at the election vote in favor of the recall, then the member of the Citizens' Utility Board of Governors shall be recalled. Elections and recall proceedings shall be conducted in a manner as the Citizens' Utility Board of Governors may prescribe. Ballots for all election and recall proceedings shall be counted at a regular meeting of the Citizens' Utility Board of Governors.

(8) The remaining members of the Citizens' Utility Board of Governors shall have the power to fill vacancies on the Citizens' Utility Board of Governors.

774.110. Meetings

All meetings of the Citizens' Utility Board of Governors shall be open to the public, except under the same circumstances in which a public agency would be allowed to hold executive meetings under ORS 192.660.

774.120. Utility billings, information included; notice; board mail, duty of utility to forward

(1) Upon request by the Citizens' Utility Board pursuant to this section, each utility shall include in billings to a utility consumer materials prepared and furnished by the Citizens' Utility Board, not exceeding in folded size the dimensions of the envelope customarily used by such utility to send billings to its customers.

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(2) The Citizens' Utility Board shall not intentionally make any false material statement in any material submitted to a utility for inclusion with a billing. If the utility believes that the Citizens' Utility Board has intentionally made false material statements in an enclosure, it may file a complaint with the Public Utility Commission of Oregon within five days of receipt. The Public Utility Commission of Oregon must review the complaint within 10 days, and if the commission determines that the Citizens' Utility Board has intentionally made false material statements, the commission shall give the Citizens' Utility Board of Governors written notification that specifies any false material statements made and the reasons why the commission determines the statements to be false.

(3) No utility shall be required to enclose Citizens' Utility Board material with a billing more than six times in any calendar year.

(4) The Citizens' Utility Board shall notify a utility of its intention to include under the provisions of this chapter any material in any specified periodic billing or billings not fewer than 30 calendar days prior to the mailing of the periodic billings and shall supply the utility with the material not fewer than 20 calendar days prior to the mailing of the periodic billings.

(5) All material submitted by the Citizens' Utility Board for inclusion in a utility billing must include the return address of the Citizens' Utility Board. A utility is not required to deliver or forward to the Citizens' Utility Board material intended for the Citizens' Utility Board mistakenly sent to the utility. However, a utility shall retain such materials for a period of 60 days from the date of receipt. The utility shall notify the Citizens' Utility Board that such materials have been received and make these materials available to the Citizens' Utility Board on demand.

774.130. Mailing costs; reimbursement

(1) The Citizens' Utility Board shall not be required to pay any postage charges for materials submitted by the Citizens' Utility Board for inclusion in a utility billing if such materials weigh four-tenths of one ounce avoirdupois or less. If the materials submitted weigh over four-tenths of one ounce avoirdupois, then the Citizens' Utility Board shall reimburse the utility for a portion of the postage costs which is equal to that portion of the Citizens' Utility Board material over four-tenths of one ounce avoirdupois in proportion to the total weight of the billing. In addition to postage costs, the Citizens' Utility Board shall reimburse such other reasonable costs, as determined by the Public Utility Commission of Oregon, incurred by a utility in complying with ORS 774.120.

(2) Reimbursement of a utility by the Citizens' Utility Board shall be made within 60 days of the date the utility submits to the Citizens' Utility Board an itemized statement of the costs incurred by the utility. In no event shall such reimbursement exceed the fair market value for the services provided by the utility.

774.140. Mailings or contributions, interference prohibited

(1) No utility, nor any of its employees, officers, members of the board of directors, agents, contractors or assignees, shall in any manner interfere with, delay, alter or otherwise discourage the distribution of any material or statement authorized by the provisions of this chapter for inclusion in periodic utility billings, nor in any manner interfere with, hamper, hinder or otherwise infringe upon a utility consumer's right to contribute to Citizens' Utility Board, nor in any manner hamper, hinder, harass, penalize or retaliate against any utility consumer because of the consumer's contribution to, or participation in, any activities of the Citizens' Utility Board.

(2) No utility may change its mailing, accounting, or billing procedures if such change will hamper, hinder, or otherwise interfere with the ability of the Citizens' Utility Board to distribute materials or statements authorized by this chapter.

774.160. Complaints, disposition

Citizens' Utility Board may submit to the appropriate agency any complaint it receives regarding a utility company. Public agencies shall periodically inform Citizens' Utility Board of any action taken on complaints received pursuant to this section.

774.180. Intervention in agency proceedings affecting utility consumers; standing to request judicial or administrative review

Notwithstanding any other provision of law:

(1) Whenever the board determines that any agency proceeding may affect the interests of utility consumers, Citizens' Utility Board may intervene as of right as an interested party or otherwise participate in the proceeding.

(2) Citizens' Utility Board shall have standing to obtain judicial or administrative review of any agency action, and may intervene as of right as a party or otherwise participate in any proceeding which involves the review or enforcement of any action by an agency, if the board determines that the action may affect the interests of utility consumers.

774.190. Laws inapplicable to Board; liability

(1) ORS 279.835 to 279.855 and ORS chapters 278, 279A, 279B, 279C, 282, 283, 291, 292, 293, 295 and 297 do not apply to Citizens' Utility Board or to the administration and enforcement of this chapter. An employee of Citizens' Utility Board shall not be considered an "employee" as the term is defined in the public employees retirement laws. Citizens' Utility Board and its employees shall be exempt from the provisions of the State Personnel Relations Law.

(2) ORS chapter 183 does not apply to determinations and actions by the board.

(3) The board, and any of the officers, employees, agents or members of Citizens' Utility Board shall be provided the same protections from liability as the board, officers, employees, agents, or members of any nonprofit corporation of the State of Oregon.

774.210. Remedies; attorney fees

(1) Any utility, and any of its employees, officers, members of the board of directors, agents, contractors or as-signees which does, or causes or permits to be done, any matter, act or other thing prohibited by this chapter, or omits to do any act, matter or other thing required to be done by this chapter, is liable for any injury to Citizens' Utility Board and to any other person in the amount of damages sustained in consequence of such violation. The court may award reasonable attorney fees to the prevailing party in an action under this section.

(2) Citizens' Utility Board may obtain equitable relief, without bond, to enjoin any violation of this chapter.

(3) Any recovery or enforcement obtained under this section shall be in addition to any other recovery or enforcement under this section or under any statute or common law. Any recovery under this section shall be in addition to recovery by the state of the penalty or fine prescribed for such violation by this chapter. The rights and remedies provided by this chapter shall be in addition to all other rights and remedies available under law.

774.250. Severability

If any section, portion, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional the remaining sections, portions, clauses and phrases shall not be affected but shall remain in full force or effect, and to this end the provisions of this chapter are severable.

774.990. Penalties

Willful violation of ORS 774.120 (1) or (5) or 774.140 is a Class A misdemeanor.

State: Pennsylvania

PUBLIC UTILITIES STATUTE

Title 71 P.S. State Government
I. The Administrative Codes and Related Provisions
Chapter 2. The Administrative Code of 1929
Article IX-A. Office of Consumer Advocate
§ 309-1. (Adm. Code § 901-A). Definitions

As used in this article:

"Commission" means the Pennsylvania Public Utility Commission.

"Consumer" means any person (i) who makes a direct use or is the ultimate recipient of a product or a service supplied by any person or public utility subject to the authority of the commission or (ii) who may be a direct user or ultimate recipient of a product or service supplied by any person or public utility subject to the authority of the commission and may be affected in any way by any action within the authority of the commission. The term "consumer" includes any "person," "corporation" or "municipal corporation" as defined in section 2 of the act of May 28, 1937 (P.L. 1053, No. 286), known as the "Public Utility Law." [FN1]

"Public utility" means public utility as defined in section 2(17), act of May 28, 1937 (P.L. 1053, No. 286), known as the "Public Utility Law." [FN2]

[FN1] 66 P.S. § 1102.

[FN2] 66 P.S. § 1102, subsec. (17).

§ 309-2. (Adm. Code § 902-A). Office of Consumer Advocate

(a) There is hereby established within the Department of Justice an Office of Consumer Advocate to represent the interest of consumers before the Pennsylvania Public Utility Commission.

(b) The Consumer Advocate shall be a person who by reason of training, experience and attainment is qualified to represent the interest of consumers. Compensation shall be set by the Executive Board.

(c) No individual who serves as a Consumer Advocate shall, while serving in such position, engage in any business, vocation, other employment, or have other interests, inconsistent with his official responsibilities, nor shall he seek or accept employment nor render beneficial services for compensation with any "person" or "corporation," as defined in section 2 of the act of May 28, 1937 (P.L. 1053, No. 286), known as the "Public Utility Law," [FN1] subject to the authority of the commission during the tenure of the appointment and for a period of two years after the appointment is served or terminated.

(d) Any individual who is appointed to the position of Consumer Advocate shall not seek election nor accept appointment to any political office during the tenure as Consumer Advocate and for a period of two years after the appointment is served or terminated.

[FN1] 66 P.S. § 1102.

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§ 309-3. (Adm. Code § 903-A). Assistant consumer advocates; employes

The Consumer Advocate with the approval of the Attorney General shall appoint attorneys as assistant consumer advocates and such additional clerical, technical and professional staff as may be appropriate, and may contract for such additional services as shall be necessary for the performance of his function. The compensation of assistant consumer advocates and such clerical, technical and professional staff shall be set by the Executive Board. No assistant consumer advocate or other staff employe shall, while serving in such position, engage in any business, vocation, other employment, or have other interests, inconsistent with his official responsibilities.

§ 309-4. (Adm. Code § 904-A). Powers and duties of the Consumer Advocate

(a) In addition to any other authority conferred upon him by this act, the Consumer Advocate is authorized, and it shall be his duty, in carrying out his responsibilities under this act, to represent the interest of consumers as a party, or otherwise participate for the purpose of representing an interest of consumers, before the commission in any matter properly before the commission, and before any court or agency, initiating proceedings if in his judgment such may be necessary, in connection with any matter involving regulation by the commission or the corresponding regulatory agency of the United States whether on appeal or otherwise initiated.

(a.1) The Consumer Advocate may monitor all cases before corresponding regulatory agencies of the United States, including the Federal Communications Commission and the Federal Energy Regulatory Commission, which impact upon the interests of Pennsylvania consumers and may formally participate in those proceedings which in his judgment warrant such participation.

(b) The Consumer Advocate may exercise discretion in determining the interests of consumers which will be advocated in any particular proceeding and in determining whether or not to participate in or initiate any particular proceeding and, in so determining, shall consider the public interest, the resources available and the substantiality of the effect of the proceeding on the interest of consumers. The Consumer Advocate may refrain from intervening when in the judgment of the Consumer Advocate such is not necessary to represent adequately the interest of consumers.

(c) In addition to any other authority conferred upon him by this act, the Consumer Advocate is authorized to represent an interest of consumers which is presented to him for his consideration upon petition in writing by a substantial number of persons, who make direct use or are ultimate recipients of a product or service supplied by a person, corporation, or municipal corporation subject to regulation by the commission. The Consumer Advocate shall notify the principal sponsors of any such petition within a reasonable time after receipt of any such petition of the action taken or intended to be taken by him with respect to the interest of consumers presented in such petition. If the Consumer Advocate declines or is unable to represent such interest, he shall notify such sponsors and shall state his reasons therefor.

(d) Any action brought by the Consumer Advocate before a court or an agency of this Commonwealth shall be brought in the name of the Consumer Advocate. The Consumer Advocate may name a consumer or group of consumers in whose name the action may be brought or may join with a consumer or group of consumers in bringing the action.

(e) At such time as the Consumer Advocate determines, in accordance with applicable time limitations, to initiate, intervene, or otherwise participate in any commission, agency, or court proceeding, he shall issue publicly a written statement, a copy of which he shall file in the proceeding in addition to any required entry of his appearance, stating concisely the specific interest of consumers to be protected.

§ 309-4.1. (Adm. Code § 904-A.1). Assessment upon public utilities, disposition, appropriation and disbursement of such assessments

(a) Before November 1, 1983 for fiscal year 1984-1985 and before November 1 of each year hereafter, the Office of Consumer Advocate shall estimate the total expenditures for the Office of Consumer Advocate and submit the estimate to the Governor in accordance with section 610 of the act. [FN1] At the same time the Consumer Advocate submits his estimate to the Governor, the Consumer Advocate shall also submit that estimate to the General Assembly. Such estimate shall not exceed five one hundredths of one per centum (.05%) of the total gross intra-state operating revenues of all public utilities subject to the jurisdiction of the Pennsylvania Public Utility Commission for the preceding calendar year. The Consumer Advocate or his designated representatives shall be afforded an opportunity to appear before the Governor and the Senate and House Appropriations Committees regarding his estimate. If the General Assembly fails to approve the Consumer Advocate's budget for the purposes of this section by March 30, the Public Utility Commission shall assess public utilities on the basis of the last approved allocation. At such time as the General Assembly approves the proposed budget, the Consumer Advocate and the commission shall make an adjustment in the assessments to reflect the approved budget. The Office of Consumer Advocate shall subtract from the budget finally approved by the General Assembly any balance of the appropriation to be carried over into such fiscal year from the preceding one. The remainder so determined shall constitute the total assessment, and shall be allocated to, and paid by, public utilities in the manner hereafter prescribed.

(b) For the fiscal year 1977-1978, the allocation shall be made as described in subsection (c) but for each fiscal year thereafter the allocation shall be made as follows:

(1) The Office of Consumer Advocate shall determine for the preceding calendar year the amount of its expenditures directly attributable, or in its judgment properly allocable, to its activities in connection with each group of utilities furnishing the same kind of service and debit the amount so determined to such group.

(2) The Office of Consumer Advocate shall then allocate the total assessment prescribed by subsection (a) to each group in the proportion which the sum of the debits made to it bears to the sum of the debits made to all groups. The Office of Consumer Advocate shall transmit to the Pennsylvania Public Utility Commission the result of the aforesaid allocation.

(c) The Pennsylvania Public Utility Commission shall thereafter complete the assessment procedure and collect the assessments as follows:

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each public utility within a group shall then be assessed for and shall pay to the Pennsylvania Public Utility Commission such proportion of the amount allocated to its group as the gross intrastate operating revenues of the public utility for the preceding calendar year bear to the total gross intrastate operating revenues of its group for that year, but for the fiscal year 1977-1978 every public utility shall be assessed for and shall pay to the commission such proportion of the total assessment as the gross intrastate operating revenues of the public utility for the preceding calendar year bear to the total gross intrastate operating revenues of all public utilities that are assessed. The Pennsylvania Public Utility Commission shall give notice by registered or certified mail to each public utility of the amount lawfully charged against it under the provisions of this section, which amount shall be paid by the public utility within thirty (30) days of receipt of such notice, unless the commission specifies on the notices sent to all public utilities an installment plan of payment, in which case each public utility shall pay each installment on or before the date specified therefor by the commission. Within fifteen (15) days after receipt of such notice, the public utility against which such assessment has been made may file with the commission objections setting out in detail the grounds upon which the objector regards such assessment to be excessive, erroneous, unlawful or invalid. The commission, after notice to the objector, shall hold a hearing upon such objections. After such hearing, the commission shall record upon its minutes its findings on the objections and shall transmit to the objector, by registered or certified mail, notice of the amount, if any, charged against it in accordance with such findings, which amount, or any installment thereof, then due shall be paid by the objector within ten (10) days after receipt of notice of the findings of the commission with respect to such objections. If any payment prescribed by this subsection is not made as aforesaid, the commission may suspend or revoke certificates of public convenience, certify automobile registrations to the Secretary of Transportation for suspension or revocation or, through the Department of Justice, may institute an appropriate action at law for the amount lawfully assessed, together with any additional cost incurred by the commission or the Department of Justice by virtue of such failure to pay.

(d) No suit or proceeding shall be maintained in any court for the purpose of restraining or in anywise delaying the collection or payment of any assessment made under subsections (a), (b) and (c), but every public utility against which an assessment is made shall pay the same as provided in subsection (c). Any public utility making any such payment may, at any time within two (2) years from the date of payment, sue the Commonwealth in an action at law to recover the amount paid, or any part thereof, upon the ground that the assessment was excessive, erroneous, unlawful, or invalid, in whole or in part, provided objections, as hereinbefore provided, were filed with the commission, and payment of the assessment was made under protest either as to all or part thereof. In any action for recovery of any payments made under this section, the claimant shall be entitled to raise every relevant issue of law, but the findings of fact made by the commission, pursuant to this section, shall be prima facie evidence of the facts therein stated. Any records, books, data, documents, and memoranda relating to the expenses of the Office of Consumer Advocate shall be admissible in evidence in any court and shall be prima facie evidence of the truth of their contents. If it is finally determined in any such action that all or any part of the assessment for which payment was made under protest was excessive, erroneous, unlawful, or invalid, the Office of Consumer Advocate shall make a refund to the claimant out of the appropriation specified herein as directed by the court.

(e) The procedure in this section providing for the determination of the lawfulness of assessments and the recovery back of payments made pursuant to such assessments shall be exclusive of all other remedies and procedures.

(f) It is the intent and purpose of this section that each public utility shall advance to the Office of Consumer Advocate its reasonable share of the cost of administering this act. The Office of Consumer Advocate shall keep records of the costs incurred in connection with the administration and enforcement of this act or any other act. The Office of Consumer Advocate and the Pennsylvania Public Utility Commission shall also keep a record of the manner in which it shall have computed the amount assessed against every public utility. Such records shall be open to inspection by all interested parties. The determination of such costs and assessments by the Office of Consumer Advocate and the Pennsylvania Public Utility Commission, and the records and data upon which the same are made, shall be considered prima facie correct. In any proceeding instituted to challenge the reasonableness or correctness of any assessment under this section, the party challenging the same shall have the burden of proof.

(g) All assessments received, collected, or recovered under this act shall be paid by the commission into the General Fund of the State Treasury through the Department of Revenue.

(h) All such assessments, allocated to and paid by public utilities shall be held in trust solely for the purpose of defraying the cost of the administration and performance of the duties of the Office of Consumer Advocate relating to proceedings before the Pennsylvania Public Utility Commission, the corresponding regulatory agencies of the United States, related judicial proceedings, and other such matters within the jurisdiction of the Office of Consumer Advocate, and shall be earmarked for the use of, and annually appropriated to, the Office of Consumer Advocate for disbursement solely for that purpose.

(i) All requisitions upon such appropriation shall be signed by the Consumer Advocate or such deputies as he may designate in writing to the State Treasurer and shall be presented to the State Treasurer and dealt with by him and the Treasury Department in the manner prescribed by the act of April 9, 1929 (P.L. 343, No. 176), known as "The Fiscal Code." [FN2]

[FN1] Section 230 of this title.

[FN2] 72 P.S. § 1 et seq.

§ 309-5. (Adm. Code § 905-A). Duties of the commission

In dealing with any proposed action which may substantially affect the interest of consumers, including but not limited to a proposed change of rates and the adoption of rules, regulations, guidelines, orders, standards or final policy decisions, the commission shall:

(1) Notify the Consumer Advocate when notice of the proposed action is given to the public or at a time fixed by agreement between the Consumer Advocate and the commission in a manner to assure the Consumer Advocate reasonable notice and adequate time to determine whether to intervene in such matter.

(2) Consistent with its other statutory responsibilities, take such action with due consideration to the interest of consumers.

§ 309-6. (Adm. Code § 906-A). Savings provision; construction

(a) Nothing contained herein shall in any way limit the right of any consumer to bring a proceeding before either the commission or a court.

(b) Nothing contained herein shall be construed to impair the statutory authority or responsibility of the commission to regulate public utilities in the public interest.

§ 309-7. (Adm. Code § 907-A). Reports

The Consumer Advocate shall annually transmit to the Governor and the Attorney General and to the General Assembly and shall make available to the public an annual report on the conduct of the Office of Consumer Advocacy. The Consumer Advocate shall make recommendations as may from time to time be necessary or desirable to protect the interest of consumers.

§ 309-8. (Adm. Code § 908-A). Repealed. 1989, Dec. 20, P.L. 664, No. 84, § 1, imd. effective

State: Rhode Island

PUBLIC UTILITIES STATUTE

Title 39. Public Utilities and Carriers

Chapter 1. Public Utilities Commission

§ 39-1-17. Consumers' council participation

In any inquiry into or examination of any matter wherein tariffs, rates, or charges for or the cost of or the quality, standard, or extent of any service or commodities are requested by the division, and in every formal hearing conducted by the division, the consumers' council shall be deemed to be an interested party for all purposes, and as such, shall receive all notices and may file complaints, institute proceedings, participate as a party in administrative hearings, and institute or participate in any appeal to the supreme court as an aggrieved party.

ATTORNEY GENERAL STATUTE

TITLE 42 State Affairs and Government

CHAPTER 42-9 Department of Attorney General

§ 42-9-6 Legal adviser – Representation of state officers and agencies. – Except as otherwise in the general laws provided, the attorney general, whenever requested, shall act as the legal adviser of the individual legislators of the general assembly, of all state boards, divisions, departments, and commissions and the officers thereof, of all commissioners appointed by the general assembly, of all the general officers of the state, and of the director of administration, in all matters pertaining to their official duties, and shall institute and prosecute, whenever necessary, all suits and proceedings which they may be authorized to commence, and shall appear for and defend the above-named individual legislators, boards, divisions, departments, commissions, commissioners, and officers, in all suits and proceedings which may be brought against them in their official capacity.

State: South Carolina

PUBLIC UTILITIES STATUTE

Title 58 - Public Utilities, Services and Carriers

CHAPTER 4. OFFICE OF REGULATORY STAFF

SECTION 58-4-10. Office of Regulatory Staff created; representation of "public interest" in actions before commission; restrictions of communications.

(A) There is hereby created the Office of Regulatory Staff as a separate agency of the State with the duties and organizations as hereinafter provided.

(B) Unless and until it chooses not to participate, the Office of Regulatory Staff must be considered a party of record in all filings, applications, or proceedings before the commission. The regulatory staff must represent the public interest of South Carolina before the commission. For purposes of this chapter, "public interest" means a balancing of the following:

- (1) concerns of the using and consuming public with respect to public utility services, regardless of the class of customer;
- (2) economic development and job attraction and retention in South Carolina; and
- (3) preservation of the financial integrity of the state's public utilities and continued investment in and maintenance of utility facilities so as to provide reliable and high quality utility services.

(C) The Office of Regulatory Staff is subject to the provision of Section 58-3-260 prohibiting ex parte communications with the commission,

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and any advice given to the commission by the regulatory staff must be given in a form, forum, and manner as may lawfully be given by any other party or person.

SECTION 58-4-20. Staff makeup, supervision and location.

(A) The Office of Regulatory Staff shall consist of the executive director, transportation inspectors, pipeline safety inspectors, railway safety inspectors, and other professional, administrative, technical, and clerical personnel as may be necessary in order for the regulatory staff to represent the public interest, as hereinafter provided. All such personnel must be appointed, supervised, and directed by the executive director.

(B) The regulatory staff is not subject to the supervision, direction, or control of the commission, the chairman, or members of the commission.

(C) The Office of Regulatory Staff must not be physically housed in the same location as the Public Service Commission. The review committee must approve the location of the Office of Regulatory Staff.

SECTION 58-4-30. Appointment of executive director; qualifications; term of office; removal; vacancies; oath of office.

(A) The Executive Director of the Office of Regulatory Staff must be an attorney qualified to practice in all courts of this State with a minimum of eight years' practice experience and must be appointed pursuant to the procedure set forth in Section 58-3-530(1)(b).

(B) The review committee must nominate one candidate as qualified to serve as executive director for the Governor's consideration.

(1) A person must not be appointed to serve as Executive Director of the Office of Regulatory Staff unless the review committee nominates the person.

(2) If the Governor rejects a person nominated by the review committee for executive director, the review committee must nominate another candidate for the Governor to consider, until the Governor makes an appointment.

(C) The executive director must be appointed by the Governor for a term of six years and until his successor is appointed.

(D) The executive director must be initially appointed by the Governor on or before May 1, 2004. Thereafter, the executive director must be appointed by the Governor on or before April first of the year in which the term of the executive director begins.

(E) The initial term of office for the executive director begins July 1, 2004.

(F) The executive director may be removed from office by the Governor in the event of his incapacity to serve. In addition, the executive director may be removed for cause from office by the Governor pursuant to Section 1-3-240(C).

(G) In case of a vacancy in the office of executive director for any reason prior to the expiration of his term of office, the name of a nominee for the executive director's successor must be submitted by the review committee to the Governor.

(H) The executive director must take the oath of office provided by the Constitution and the oaths prescribed by law for state officers.

(I) The Office of Regulatory Staff shall be subject to annual review by the review committee; however, decisions of the Office of Regulatory Staff with respect to duties and responsibilities contained in Section 58-4-50 are in the sole discretion of the executive director, except as modified by order of a court of competent jurisdiction.

(J) The salary of the executive director must be set by the review committee.

SECTION 58-4-40. Conflict of interest.

(A) Unless otherwise provided by law, no person may serve as the Executive Director of the Office of Regulatory Staff if the commission regulates any business with which that person is associated.

(B) If the commission regulates a business with which an employee of the Office of Regulatory Staff is associated, the employee must annually file a statement of economic interests notwithstanding the provisions of Section 8-13-1110.

(C) No person may be an employee of the Office of Regulatory Staff if the Public Service Commission regulates a business with which he is associated and this relationship creates a continuing or frequent conflict with the performance of his official responsibilities.

SECTION 58-4-50. Regulatory staff duties and responsibilities; providing assistance to commission; ethics and Administrative Procedures Act workshop attendance.

(A) It is the duty and responsibility of the regulatory staff to:

(1) when considered necessary by the Executive Director of the Office of Regulatory Staff and in the public interest, review, investigate, and make appropriate recommendations to the commission with respect to the rates charged or proposed to be charged by any public utility;

(2) when considered necessary by the Executive Director of the Office of Regulatory Staff and in the public interest, make inspections, audits, and examinations of public utilities regarding matters within the jurisdiction of the commission. The regulatory staff has sole responsibility for

this duty but shall also make such inspections, audits, or examinations of public utilities as requested by the commission;

(3) when considered necessary by the Executive Director of the Office of Regulatory Staff and in the public interest, review, investigate, and make appropriate recommendations to the commission with respect to the service furnished or proposed to be furnished by any public utility;

(4) represent the public interest in commission proceedings, hearings, rulemakings, adjudications, arbitrations, and other regulatory matters unless the Executive Director of the Office of Regulatory Staff chooses to opt out as a participant under the provisions of item 10;

(5) investigate complaints affecting the public interest generally, including those which are directed to the commission, commissioners, or commission employees, and where appropriate, make recommendations to the commission with respect to these complaints;

(6) upon request by the commission, make studies and recommendations to the commission with respect to standards, regulations, practices, or service of any public utility pursuant to the provisions of this title;

(7) make recommendations to the commission with respect to standards, regulations, practices, or service of any public utility pursuant to the provisions of this title;

(8) when considered necessary by the Executive Director of the Office of Regulatory Staff and in the public interest, provide legal representation of the public interest before state courts, federal regulatory agencies, and federal courts in proceedings that could affect the rates or service of any public utility;

(9) to serve as a facilitator or otherwise act directly or indirectly to resolve disputes and issues involving matters within the jurisdiction of the commission;

(10) when considered appropriate by the Executive Director of the Office of Regulatory Staff and not adverse to the public interest, choose to not participate in any commission proceeding; and

(11) when considered necessary by the Executive Director of the Office of Regulatory Staff and in the public interest, educate the public on matters affecting public utilities which are of special interest to consumers.

(B) Subject to the provisions of Section 58-3-260 and, upon request, the Executive Director of the Office of Regulatory Staff must employ the resources of the regulatory staff to furnish to the commission, or its members, such information and reports or conduct such investigations and provide other assistance as may reasonably be required in order to supervise and control the public utilities of the State and to carry out the laws providing for their regulation.

(C) Each year, the Executive Director of the Office of Regulatory Staff and the regulatory staff employees must attend a workshop of at least six contact hours concerning ethics and the Administrative Procedures Act. This workshop must be developed with input from the review committee.

State: South Dakota

State: Tennessee

PUBLIC UTILITIES STATUTE
Title 65 Public Utilities and Carriers
Chapter 4 Regulation of Public Utilities by Authority
Part 1 General Provisions

65-4-118. Consumer advocate division. —

(a) There is created a consumer advocate division in the office of the attorney general and reporter which shall consist of various positions which may include attorneys, accountants/financial analysts, support personnel and other personnel as determined by the attorney general and reporter to be appropriate and necessary to accomplish the purposes of this section. As part of the annual appropriations process, the attorney general and reporter may request the general assembly to increase or eliminate positions within the division. The offices of the division shall be located wherever the attorney general and reporter, in the attorney general and reporter's discretion, shall so choose.

(b) (1) The consumer advocate division has the duty and authority to represent the interests of Tennessee consumers of public utilities services. The division may, with the approval of the attorney general and reporter, participate or intervene as a party in any matter or proceeding before the authority or any other administrative, legislative or judicial body and initiate such proceeding, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and the rules of the authority.

(2) If the consumer advocate division concludes that it is without sufficient information to initiate a proceeding, it may petition the authority, after notice to the affected utility, to obtain information from the utility. The petition shall state with particularity the information sought and the type of proceeding that may be initiated if the information is obtained. Additionally, the consumer advocate division may request information

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from the authority staff, and, if the authority staff is in possession of the requested information, such information shall be provided within ten (10) days of the request.

(c) If the consumer advocate division initiates an appeal of an authority decision, the defense of the appeal shall be the responsibility of the authority through its legal staff.

(d) The consumer advocate division may enter into agreements regarding the nondisclosure of trade secrets or other confidential commercial information obtained by the division.

(e) The attorney general and reporter shall hire, fire, supervise, direct and control the personnel and activities of the consumer advocate division, and the employees of the division shall be employees of the attorney general and reporter for the purposes of title 8, chapter 6.

(f) The attorney general and reporter shall prepare, each year, a budget for the consumer advocate division for the next fiscal year and submit the budget for inclusion in the attorney general and reporter's budget request for review and final approval by the general assembly. Reports on the operations and other matters relative to the consumer advocate division shall be filed by the attorney general and reporter with the general assembly and other governmental entities.

(g) The division shall be funded from the general fund as appropriated in the general appropriations act.

65-4-119. Complaints referred to employees. —

Any person employed by the authority in the consumer advocate division may be assigned by the authority to investigate, hear, and, wherever possible, adjust any individual or general complaint made by any person against any such public utility, wherein its investment, property, service charges, or claims preferred against it, may be involved, and may hear and take proof, and, in the event the authority employee is unable to effect a satisfactory adjustment of any such complaint, then the authority employee shall certify the same to the authority, with recommendations in the premises, whereupon the authority shall, after hearing, make its final order, which shall be binding upon the parties to any such controversy.

State: Texas

PUBLIC UTILITY STATUTE
TITLE 2. PUBLIC UTILITY REGULATORY ACT
SUBTITLE A. PROVISIONS APPLICABLE TO ALL UTILITIES
CHAPTER 13. OFFICE OF PUBLIC UTILITY COUNSEL
SUBCHAPTER A. GENERAL PROVISIONS; POWERS AND DUTIES

Sec. 13.001. OFFICE OF PUBLIC UTILITY COUNSEL.

The independent office of public utility counsel represents the interests of residential and small commercial consumers.

Sec. 13.003. OFFICE POWERS AND DUTIES.

(a) The office:

- (1) shall assess the effect of utility rate changes and other regulatory actions on residential consumers in this state;
- (2) shall advocate in the office's own name a position determined by the counsellor to be most advantageous to a substantial number of residential consumers;
- (3) may appear or intervene, as a party or otherwise, as a matter of right on behalf of:
 - (A) residential consumers, as a class, in any proceeding before the commission, including an alternative dispute resolution proceeding; and
 - (B) small commercial consumers, as a class, in any proceeding in which the counsellor determines that small commercial consumers are in need of representation, including an alternative dispute resolution proceeding;
- (4) may initiate or intervene as a matter of right or otherwise appear in a judicial proceeding:
 - (A) that involves an action taken by an administrative agency in a proceeding, including an alternative dispute resolution proceeding, in which the counsellor is authorized to appear; or
 - (B) in which the counsellor determines that residential electricity consumers or small commercial electricity consumers are in need of representation;
- (5) is entitled to the same access as a party, other than commission staff, to records gathered by the commission under Section 14.204;
- (6) is entitled to discovery of any nonprivileged matter that is relevant to the subject matter of a proceeding or petition before the commission;
- (7) may represent an individual residential or small commercial consumer with respect to the consumer's disputed complaint concerning utility services that is unresolved before the commission; and
- (8) may recommend legislation to the legislature that the office determines would positively affect the interests of residential and small commercial consumers.

- (b) This section does not limit the authority of the commission to represent residential or small commercial consumers.
- (c) The appearance of the counsellor in a proceeding does not preclude the appearance of other parties on behalf of residential or small commercial consumers. The counsellor may not be grouped with any other party.

SUBCHAPTER B. PUBLIC UTILITY COUNSEL

Sec. 13.021. APPOINTMENT; TERM.

- (a) The chief executive of the office is the counsellor.
- (b) The counsellor is appointed by the governor with the advice and consent of the senate.
- (c) The appointment of the counsellor shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.
- (d) The counsellor serves a two-year term that expires on February 1 of the final year of the term

Sec. 13.022. QUALIFICATIONS.

- (a) The counsellor must:
 - (1) be licensed to practice law in this state;
 - (2) have demonstrated a strong commitment to and involvement in efforts to safeguard the rights of the public; and
 - (3) possess the knowledge and experience necessary to practice effectively in utility proceedings.
- (b) A person is not eligible for appointment as counsellor if:
 - (1) the person or the person's spouse:
 - (A) is employed by or participates in the management of a business entity or other organization that is regulated by or receives funds from the commission;
 - (B) directly or indirectly owns or controls more than a 10 percent interest or a pecuniary interest with a value exceeding \$10,000 in:
 - (i) a business entity or other organization that is regulated by or receives funds from the commission or the office; or
 - (ii) a utility competitor, utility supplier, or other entity affected by a commission decision in a manner other than by the setting of rates for that class of customer;
 - (C) uses or receives a substantial amount of tangible goods, services, or funds from the commission or the office, other than compensation or reimbursement authorized by law for service as counsellor or for commission membership, attendance, or expenses; or
 - (D) notwithstanding Paragraph (B), has an interest in a mutual fund or retirement fund in which more than 10 percent of the fund's holdings is in a single utility, utility competitor, or utility supplier in this state and the person does not disclose this information to the governor, senate, or other entity, as appropriate; or
 - (2) the person is not qualified to serve under Section 13.042.
- (c) Repealed by Acts 2005, 79th Leg., Ch. 300, Sec. 7, eff. September 1, 2005.
- (d) A person otherwise ineligible because of Subsection (b)(1)(B) may be appointed and serve as counsellor if the person:
 - (1) notifies the attorney general and commission that the person is ineligible because of Subsection (b)(1)(B); and
 - (2) divests the person or the person's spouse of the ownership or control:
 - (A) before beginning service; or
 - (B) if the person is already serving, within a reasonable time.

Sec. 13.023. GROUNDS FOR REMOVAL. (a) It is a ground for removal from office if the counsellor:

- (1) does not have at the time of taking office or maintain during service as counsellor the qualifications required by Section 13.022;
- (2) is ineligible for service as counsellor under Section 13.022, 13.042, or 13.043; or
- (3) cannot discharge the counsellor's duties for a substantial part of the term for which the counsellor is appointed because of illness or disability.
- (b) The validity of an action of the office is not affected by the fact that the action is taken when a ground for removal of the counsellor exists.
- (c) If an employee has knowledge that a potential ground for removal of the counsellor exists, the employee shall notify the next highest ranking employee of the office, other than the counsellor, who shall then notify the governor and the attorney general that a potential ground for removal exists.

Sec. 13.024. PROHIBITED ACTS. (a) The counsellor may not have a direct or indirect interest in a utility company regulated under this title, its parent, or its subsidiary companies, corporations, or cooperatives or a utility competitor, utility supplier, or other entity affected in a manner other than by the setting of rates for that class of customer.

- (b) The prohibition under Subsection (a) applies during the period of the counsellor's service.

SUBCHAPTER C. OFFICE PERSONNEL

Sec. 13.041. PERSONNEL. (a) The counsellor may employ lawyers, economists, engineers, consultants, statisticians, accountants, clerical staff, and other employees as the counsellor considers necessary to carry out this chapter.

- (b) An employee receives compensation as prescribed by the legislature from the assessment imposed by Subchapter A, Chapter 16.

State: Utah

PUBLIC UTILITY STATUTE
Utah Code

Title 54 Public Utilities
Chapter 4a Division of Public Utilities
Section 1 Establishment of division -- Functions.

54-4a-1. Establishment of division -- Functions.

(1) There is established within the Department of Commerce a Division of Public Utilities that may:

(a) commence original proceedings, file complaints, appear as a party, present factual information and evidence, examine witnesses, advocate policy recommendations, commence appeals, otherwise participate in proceedings before the Public Service Commission, and engage in all other activities consistent with its statutory responsibilities;

(b) commence original proceedings, file complaints, appear as a party, appeal, and otherwise represent the public interest in matters and proceedings involving regulation of a public utility pending before any officer, department, board, agency, commission, governmental authority, or court of Utah, of another state, or of the United States, and may intervene in, protest, resist, or advocate the granting, denial, or modification of any petition, application, complaint, or other proceeding, or any decision or order of any of those governmental authorities;

(c) investigate or study, upon complaint, upon order of the Public Service Commission, or upon its own initiative, any matter within the jurisdiction of the commission;

(d) conduct audits and inspections, or take enforcement actions regarding any matter within the jurisdiction of the commission in order to insure compliance with decisions, orders, and policies of the Public Service Commission, either upon order of the commission or upon its own initiative;

(e) require any person or entity subject to the jurisdiction of the Public Service Commission to:

(i) provide information, reports, and other data compilations relevant to matters within the jurisdiction of the commission;

(ii) provide access to inspect and copy records and other data compilations relevant to matters within the jurisdiction of the commission;

(iii) permit inspection of properties and tangible things used in providing public utility service; and

(iv) engage in other methods of discovery authorized by the commission;

(v) receive complaints from any person or entity regarding matters within jurisdiction of the Public Service Commission;

(g) review applications filed with the Public Service Commission and present recommendations to the commission on the disposition of those applications;

(h) make recommendations regarding public utility regulatory policy and long-range planning on matters within the jurisdiction of the Public Service Commission; and

(i) engage in settlement negotiations and make stipulations or agreements regarding matters within the jurisdiction of the Public Service Commission.

(2) (a) Any investigations, studies, audits, inspections, enforcement actions, or requests for discovery of information pursuant to Subsection (1) (c), (d), or (e), shall be preceded by reasonable advance notice to the person or entity against whom investigation, study, audit, inspection, enforcement, or discovery is sought.

(b) The targeted person or entity may require that a complaint or other formal proceeding be instituted with the Public Service Commission prior to the commencement of the investigation, study, audit, inspection, enforcement, or discovery by the division pursuant to Subsection (1) (c), (d), or (e).

(3) Any settlements, stipulations, or other forms of compromise or agreement negotiated by the division shall be approved by the commission before becoming effective.

54-4a-2. Director of division -- Appointment -- Authority and responsibility.

The director of the Division of Public Utilities shall be appointed by the executive director of the Department of Commerce and shall serve at the pleasure of the executive director. The director of the Division of Public Utilities is subject to the administrative authority of the executive director of the Department of Commerce and is responsible for the administration and supervision of the division. The director of the Division of Public Utilities shall have authority to adopt internal organizational measures to effectuate efficiency and economy in the management and operation of the division.

54-4a-3. Budget of division -- Employment of personnel.

(1) The annual budget of the Division of Public Utilities shall provide sufficient funds for the division to hire, develop, and organize a technical and professional staff to perform the duties, powers, and responsibilities committed to it by statute.

(2) The division director may:

(a) hire economists, accountants, engineers, inspectors, statisticians, lawyers, law clerks, and other technical and professional experts as may be required;

(b) retain additional experts as required for a particular matter, but only to the extent that it is necessary to supplement division staff in order to fulfill its duties; and

(c) employ necessary administrative and support staff.

(3) (a) The Department of Human Resource Management shall determine pay schedules using standard techniques for determining compensation.

(b) The Department of Human Resource Management may make its compensation determinations based upon compensation common to utility companies throughout the United States.

54-4a-4. Legal counsel.

The attorney general shall appoint sufficient full time legal counsel to assist, advise, and represent the division and its staff in the discharge of its duties and in all proceedings before the Public Service Commission, and in all other proceedings.

54-4a-5. Interests, relationships and actions by employees prohibited.

No employee of the Division of Public Utilities shall, while so employed:

(1) have any pecuniary interest, whether as the holder of stock or other securities, or otherwise have any conflict of interest with any public utility or other entity subject to the jurisdiction of the commission;

(2) have any office, position, or relationship, or be engaged in any business or avocation which interferes or is incompatible with the

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effective and objective fulfillment of the duties of office or employment with the division;

(3) accept any gift, gratuity, emolument, or employment from any public utility or any other entity subject to the jurisdiction of the commission or from any officer, agent, or employee thereof; or

(4) solicit, suggest, request, or recommend, directly or indirectly, the appointment of any person or entity to any office or employment with any public utility or other entity subject to the jurisdiction of the Public Service Commission.

54-4a-6. Objectives.

In the performance of the duties, powers, and responsibilities committed to it by law, the Division of Public Utilities shall act in the public interest in order to provide the Public Service Commission with objective and comprehensive information, evidence, and recommendations consistent with the following objectives:

(1) promote the safe, healthy, economic, efficient, and reliable operation of all public utilities and their services, instrumentalities, equipment, and facilities;

(2) provide for just, reasonable, and adequate rates, charges, classifications, rules, regulations, practices, and services of public utilities;

(3) make the regulatory process as simple and understandable as possible so that it is acceptable to the public; feasible, expeditious, and efficient to apply; and designed to minimize controversies over interpretation and application;

(4) for purposes of guiding the activities of the Division of Public Utilities, the phrase "just, reasonable, and adequate" encompasses, but is not limited to the following criteria:

(a) maintain the financial integrity of public utilities by assuring a sufficient and fair rate of return;

(b) promote efficient management and operation of public utilities;

(c) protect the long-range interest of consumers in obtaining continued quality and adequate levels of service at the lowest cost consistent with the other provisions of Subsection (4).

(d) provide for fair apportionment of the total cost of service among customer categories and individual customers and prevent undue discrimination in rate relationships;

(e) promote stability in rate levels for customers and revenue requirements for utilities from year to year; and

(f) protect against wasteful use of public utility services.

State: Vermont

PUBLIC UTILITY STATUTE

Title Thirty. Public Service

Part 1. Department of Public Service

Chapter 1. Appointment, General Powers and Duties

§ 1. Composition of department

(a) The department of public service shall consist of the commissioner of public service, a director for regulated utility planning, a director for public advocacy, a director for energy efficiency and such other persons as the commissioner considers necessary to conduct the business of the department.

(b) The commissioner of public service shall be appointed by the governor with the advice and consent of the senate. The commissioner of public service shall serve for a term of two years beginning February 1 of the year in which the appointment is made. The commissioner shall serve at the pleasure of the governor. The directors for regulated utility planning, for energy efficiency and for public advocacy shall be appointed by the commissioner.

(c) The director for public advocacy may employ, with the approval of the commissioner, legal counsel and other experts, and clerical assistance, and the directors of regulated utility planning and energy efficiency may employ with the approval of the commissioner experts and clerical assistance.

§ 2. Department of public service; powers

(a) The department of public service shall supervise and direct the execution of all laws relating to public service corporations and firms and individuals engaged in such business, including the:

(1) Formation, organization, ownership and acquisition of facilities of public service corporations under chapter 3 of this title;

(2) Participation in planning for proper utility service as provided in section 202 of this title through the director for regulated utility planning;

(3) Supervision and evaluation under chapters 5 and 77 of this title of the quality of service of public utility companies;

(4) Interconnection and interchange of facilities of electric companies under sections 210, 213 and 214 of this title;

(5) Representation of the state in the negotiations and proceedings for the procurement of electric energy from any source outside of this state and from any generation facility inside the state under sections 211 and 212 of this title;

(6) Review of proposed changes in rate schedules and petition to the public service board, and representation of the interests of the consuming public in proceedings to change rate schedules of public service companies under chapter 5 of this title;

- (7) Siting of electric generation and transmission facilities under section 248 of this title;
- (8) Consolidations and mergers of public service corporations under chapter 7 of this title;
- (9) Supervision and regulation of cable television systems under chapter 13 of this title;
- (10) Supervision and regulation of telegraph and telephone companies under chapters 71, 73 and 75 of this title;
- (11) Supervision and regulation of the organization and operation of municipal plants under chapter 79 of this title;
- (12) Supervision and regulation of the organization and operation of electric cooperatives under chapter 81 of this title.

(b) In cases requiring hearings by the board, the department, through the director for public advocacy shall represent the interests of the people of the state, unless otherwise specified by law. In any hearing, the board may, if it determines that the public interest would be served, request the attorney general or a member of the Vermont bar to represent the public or the state.

(c) The department may bring proceedings on its own motion before the public service board, with respect to any matter within the jurisdiction of the public service board, and may initiate rule-making proceedings before that board. The public service board, with respect to any matter within its jurisdiction, may issue orders on its own motion and may initiate rule-making proceedings.

(d) In any proceeding where the decommissioning fund for the Vermont Yankee nuclear facility is involved, the department shall represent the consuming public in a manner that acknowledges that the general public interest requires that the consuming public, rather than either the state's future consumers who never obtain benefits from the facility or the state's taxpayers, ought to provide for all costs of decommissioning. The department shall seek to have the decommissioning fund be based on all reasonably expected costs.

State: Virginia

STATE ORGANIZATION STATUTE

Title 2.2. Administration of Government

Subtitle 1. Organization of State Government

Chapter 5. Department of Law

Article 2. Division of Consumer Counsel

§ 2.2-517. Division of Consumer Counsel created; duties

A. There is created in the Department of Law a Division of Consumer Counsel (the "Division") that shall represent the interests of the people as consumers.

B. The duties of the Division shall be to:

- 1. Appear before governmental commissions, agencies and departments, including the State Corporation Commission, to represent and be heard on behalf of consumers' interests, and investigate such matters relating to such appearance.
- 2. Make such studies related to enforcing consumer laws of the Commonwealth as deemed necessary to protect the interests of the consumer and recommend to the Governor and General Assembly the enactment of such legislation deemed necessary to promote and protect the interests of the people as consumers.

C. The Division, in all investigations connected with enforcing consumer laws and appearances before governmental bodies shall, on behalf of the interests of the consumer, cooperate and coordinate its efforts with such commissions, agencies and departments in ensuring that any matters adversely affecting the interests of the consumer are properly controlled and regulated. The appearance of a representative of the Division before any governmental body shall in no way limit or alter the duties of such governmental body.

D. The Attorney General may employ and fix the salaries of such attorneys, employees and consultants, within the amounts appropriated to the Attorney General for providing legal service for the Commonwealth, and other services as may be provided for by law, as he may deem necessary in the operation of the Division of Consumer Counsel to carry out its functions.

State: Washington

PUBLIC UTILITIES STATUTE

Title 80. Public Utilities

Chapter 80.01 Utilities and Transportation Commission

80.01.100. Duties of attorney general

It shall be the duty of the attorney general to represent and appear for the people of the state of Washington and the commission in all actions

and proceedings involving any question under this title or Title 81 RCW, or under or in reference to any act or order of the commission; and it shall be the duty of the attorney general generally to see that all laws affecting any of the persons or corporations herein enumerated are complied with, and that all laws, the enforcement of which devolves upon the commission, are enforced, and to that end he is authorized to institute, prosecute and defend all necessary actions and proceedings.

State: West Virginia

State: Wisconsin

PUBLIC UTILITIES CODE

Chapter PSC 2 PROCEDURE AND PRACTICE

PSC 2.03 Role of commission staff.

(1) Except as provided in sub. (2), members of commission staff appear neither in support of nor in opposition to any cause, but solely to discover and present, if necessary, information pertinent to the docket. (2) The commission may designate staff as a party in any class 2 contested case. Where a party, staff has the same rights and obligations as the other parties.
History: CR 00-187: cr. Register June 2002 No. 558, eff. 7-1-02.

PSC 2.04 Role of administrative law judge.

(1) POWERS GENERALLY. Except as otherwise provided, the administrative law judge assigned in a docket shall perform all of the activities identified in s. 227.46 (1) (a) to (g) and (i), Stats., and shall make all of the decisions in the docket.
(2) POWERS RESERVED TO THE COMMISSION. Only the commission may do the following:
(a) Decide motions for interlocutory review, under s. PSC 2.27.
(b) Decide requests to reopen dockets, under s. PSC 2.28.
(c) Make findings of fact, conclusions of law and final decisions.
(d) Informally dispose of a proceeding, in accordance with s. 227.44 (5), Stats

State: Wyoming

PUBLIC UTILITIES STATUTE

Title 37 - Public Utilities

ARTICLE 4 - CONSUMER ADVOCATE

37-2-401. Office of consumer advocate created; purpose.

The office of consumer advocate is created as a separate division within the public service commission. The office of consumer advocate shall represent the interests of Wyoming citizens and all classes of utility customers in matters involving public utilities. In the exercise of its powers the office of the consumer advocate shall consider all relevant factors, including, but not limited to, the provision of safe, efficient and reliable utility services at just and reasonable prices.

37-2-402. Consumer advocate; powers and duties.

(a) The consumer advocate shall have the power to:
(i) Act as a party in any proceeding before the commission, with the same rights and subject to the same obligations and requirements and limitations on ex parte communications, including confidentiality requirements, as other parties to the proceeding;
(ii) Appeal actions of the commission in accordance with W.S. 37-2-219;
(iii) Seek permission to appear as amicus curiae in any court proceeding in order to accomplish the purposes specified in this article;
(iv) Provide information and assistance to individual consumers regarding proceedings within the jurisdiction of the commission.
(b) In any commission docketed case initiated by the regulated company in which the consumer advocate is a party, the consumer advocate shall have the same access to books, maps, contracts, reports and records of every description as the commission. For all other instances, the consumer advocate shall have the same access as other parties.
(c) The consumer advocate shall not advocate for or on behalf of any individual, organization or entity.
(d) The consumer advocate may enter into stipulations with other parties in any proceeding to balance the interests of those it represents with the interests of the public utilities as means of minimizing the weaknesses of the adversarial process, improving the quality of resulting decisions in a highly technical environment and minimizing the cost of regulation.

37-2-403. Consumer advocate; administrator and staff.

The administrative head of the division shall be an administrator appointed by the governor not later than July 1, 2003. The administrator shall employ and supervise personnel as authorized by legislative appropriation. Except as provided in W.S. 37-2-404 the employees of the office of consumer advocate shall not be supervised or directed by the commission.

37-2-404. Consumer advocate; funding and expenses.

(a) Funding for the office of consumer advocate shall be included in the commission's budget and collected through the uniform utility assessment. Incidental administrative and clerical services for the office of consumer advocate shall be provided by the commission. The

commission shall decide all matters of shared administrative and clerical personnel.
(b) This article is repealed effective July 1, 2013.

State: Federal

State: NARUC

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Rule: Nepotism

State: Alabama

PUBLIC UTILITY LAW

Section 36-25-9 Service on regulatory boards and commissions regulating business with which person associated; members who have financial interest in matter prohibited from voting. (a) Unless expressly provided otherwise by law, no person shall serve as a member or employee of a state, county, or municipal regulatory board or commission or other body that regulates any business with which he is associated. Nothing herein shall prohibit real estate brokers, agents, developers, appraisers, mortgage bankers, or other persons in the real estate field, or other state-licensed professionals, from serving on any planning boards or commissions, housing authorities, zoning board, board of adjustment, code enforcement board, industrial board, utilities board, state board, or commission. (b) All county or municipal regulatory boards, authorities, or commissions currently comprised of any real estate brokers, agents, developers, appraisers, mortgage bankers, or other persons in the real estate industry may allow these individuals to continue to serve out their current term if appointed before December 31, 1991, except that at the conclusion of such term subsequent appointments shall reflect that membership of real estate brokers and agents shall not exceed more than one less of a majority of any county or municipal regulatory board or commission effective January 1, 1994. (c) No member of any county or municipal agency, board, or commission shall vote or participate in any matter in which the member or family member of the member has any financial gain or interest. (d) All acts, actions, and votes taken by such local boards and commissions between January 1, 1991 and December 31, 1993 are affirmed and ratified. (Acts 1973, No. 1056, p. 1699, §7; Acts 1975, No. 130, p. 603, §1; Acts 1992, No. 92-342, p. 719, §1; Acts 1995, No. 95-194, p. 269, §1.)

State: Alaska

STATE ETHICS LAW

AS 39.52.150. Improper Influence in State Grants, Contracts, Leases, or Loans.

(a) A public officer, or an immediate family member, may not attempt to acquire, receive, apply for, be a party to, or have a personal or financial interest in a state grant, contract, lease, or loan if the public officer may take or withhold official action that affects the award, execution, or administration of the state grant, contract, lease, or loan.

(b) The prohibition in (a) of this section does not apply to a state grant, contract, or lease competitively solicited unless the officer

- (1) is employed by the administrative unit awarding the grant, contract, or lease or is employed by the administrative unit for which the grant, contract, or lease is let; or
(2) takes official action with respect to the award, execution, or administration of the grant, contract, or lease.

(c) The prohibition in (a) of this section does not apply to a state loan if

- (1) the public officer does not take or withhold official action that affects the award, execution, or administration of the loan held by the officer, or an immediate family member;
(2) the loan is generally available to members of the public; and
(3) the loan is subject to fixed eligibility standards.

(d) A public officer shall report in writing to the designated supervisor a personal or financial interest held by the officer, or an immediate family member, in a state grant, contract, lease, or loan that is awarded, executed, or administered by the agency the officer serves.

State: Arizona

STATE ETHICS LAW

38-481. Employment of relatives; violation; classification; definition

A. It is unlawful, unless otherwise expressly provided by law, for an executive, legislative, ministerial or judicial officer to appoint or vote for appointment of any person related to him by affinity or consanguinity within the third degree to any clerkship, office, position, employment or duty in any department of the state, district, county, city or municipal government of which such executive, legislative, ministerial or judicial officer is a member, when the salary, wages or compensation of such appointee is to be paid from public funds or fees of such office, or to appoint, vote for or agree to appoint, or to work for, suggest, arrange or be a party to the appointment of any person in consideration of the appointment of a person related to him within the degree provided by this section.

B. Any executive, legislative, ministerial or judicial officer who violates any provision of this section is guilty of a class 2 misdemeanor.

C. The designation executive, legislative, ministerial or judicial officer includes all officials of the state, or of any county or incorporated city within the state, holding office either by election or appointment, and the heads of the departments of state, county or incorporated cities, officers and boards or managers of the universities.

38-503. Conflict of interest; exemptions; employment prohibition

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A. Any public officer or employee of a public agency who has, or whose relative has, a substantial interest in any contract, sale, purchase or service to such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale or purchase.

B. Any public officer or employee who has, or whose relative has, a substantial interest in any decision of a public agency shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.

C. Notwithstanding the provisions of subsections A and B of this section, no public officer or employee of a public agency shall supply to such public agency any equipment, material, supplies or services, unless pursuant to an award or contract let after public competitive bidding, except that:

1. A school district governing board may purchase, as provided in sections 15-213 and 15-323, supplies, materials and equipment from a school board member.

2. Political subdivisions other than school districts may purchase through their governing bodies, without using public competitive bidding procedures, supplies, materials and equipment not exceeding three hundred dollars in cost in any single transaction, not to exceed a total of one thousand dollars annually, from a member of the governing body if the policy for such purchases is approved annually.

D. Notwithstanding subsections A and B of this section and as provided in sections 15-421 and 15-1441, the governing board of a school district or a community college district may not employ a person who is a member of the governing board or who is the spouse of a member of the governing board.

State: Arkansas

STATE ETHICS LAW
§ 21-8-101. Nepotism

(a) A person who is related within the second degree, by consanguinity or affinity, to a member or employee of a state board or commission shall not be eligible for appointment as a member of the board.

(b) A person who is related within the second degree, by consanguinity or affinity, to a member of a state board or commission shall not be eligible for employment by the board or commission.

(c) This section shall apply only to persons hired or appointed after July 28, 1995.

§ 21-8-202. Penalty

(a) Any employee of the State of Arkansas, including employees of the state-supported institutions of higher learning, who fails to file or who shall falsely file any statement as required under the provisions of this subchapter shall be guilty of a violation.

(b) Upon conviction, he or she shall be fined in an amount not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500).

State: California

State: Colorado

State: Connecticut

STATE ETHICS LAW
Sec. 1-84. (Formerly Sec. 1-66). Prohibited activities.

(f) No person shall offer or give to a public official or state employee or candidate for public office or his spouse, his parent, brother, sister or child or spouse of such child or a business with which he is associated, anything of value, including, but not limited to, a gift, loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action or judgment of the public official, state employee or candidate for public office would be or had been influenced thereby.

State: Delaware

State: District of Columbia

State: Florida

STATE ETHICS LAW
112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.--

(1) DEFINITION.--As used in this section, unless the context otherwise requires, the term "public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(2) SOLICITATION OR ACCEPTANCE OF GIFTS.--No public officer, employee of an agency, local government attorney, or candidate for nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney, or candidate would be influenced thereby.

(3) DOING BUSINESS WITH ONE'S AGENCY.--No employee of an agency acting in his or her official capacity as a purchasing agent, or public officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the officer or employee or the officer's or employee's spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer's or employee's spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the officer's or employee's own agency, if he or she is a state officer or employee, or to any political subdivision or any agency thereof, if he or she is serving as an officer or employee of that political subdivision. The foregoing shall not apply to district offices maintained by legislators when such offices are located in the legislator's place of business or when such offices are on property wholly or partially owned by the legislator. This subsection shall not affect or be construed to prohibit contracts entered into prior to:

- (a) October 1, 1975.
- (b) Qualification for elective office.
- (c) Appointment to public office.
- (d) Beginning public employment.

State: Georgia

STATE EXECUTIVE ORDER
Executive Order by the Governor of Georgia Dated 01/13/03

Section 7: Nepotism
An employee shall not advocate for or cause the advancement, appointment, employment, promotion, or transfer of a family member to an office or position with an agency or with the Office of the Governor.

State: Hawaii

State: Idaho

STATE CRIMINAL STATUTE
West's Idaho Code Annotated Currentness
Title 18. Crimes and Punishments
Chapter 13A. Bribery and Corrupt Influence

§ 18-1359. Using public position for personal gain

(1) No public servant shall:

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(e) Appoint or vote for the appointment of any person related to him by blood or marriage within the second degree, to any clerkship, office, position, employment or duty, when the salary, wages, pay or compensation of such appointee is to be paid out of public funds or fees of office, or appoint or furnish employment to any person whose salary, wages, pay or compensation is to be paid out of public funds or fees of office, and who is related by either blood or marriage within the second degree to any other public servant when such appointment is made on the agreement or promise of such other public servant or any other public servant to appoint or furnish employment to anyone so related to the public servant making or voting for such appointment. Any public servant who pays out of any public funds under his control or who draws or authorizes the drawing of any warrant or authority for the payment out of any public fund of the salary, wages, pay, or compensation of any such ineligible person, knowing him to be ineligible, is guilty of a misdemeanor and shall be punished as provided in this chapter.

State: Illinois

State: Indiana

State: Iowa

State: Kansas

STATE UTILITIES STATUTE
West's Kansas Statutes Annotated Currentness
Chapter 74. State Boards, Commissions and Authorities
Article 6. State Corporation Commission

74-605. Corporation commission; qualifications and oaths of members, secretary and attorney; extra employees
No person owning any bonds, stock or property in any railroad company or other common carrier or public utility, or who is in the employment of, or who is in any way or manner pecuniarily interested in, any railroad company or other common carrier or public utility, shall be eligible, except as hereinafter provided, to the office of commissioner, attorney or secretary of said commission, nor shall such commissioner, attorney or secretary hold any office of profit or any position under any committee of any political party, or hold any other position of honor, profit or trust under or by virtue of any of the laws of the United States or of the state of Kansas. Said commissioners shall be qualified electors of the state, and shall not while such commissioners engage in any occupation or business inconsistent with their duties as such commissioners. And if any member of the commission, at the time of his appointment, shall own any bonds, stock or property in any railroad company or other common carrier or public utility, or is in the employment of, or is in any way or manner pecuniarily interested in any railroad company or any common carrier or public utility, such commissioner or other appointee shall within thirty (30) days divest himself of such interest or employment, and upon his failing to do so he shall forfeit his office, and the governor shall remove such commissioner and shall appoint his successor, who shall hold until a successor is appointed and qualified. Each of said commissioners, attorney and secretary shall be sworn, before entering upon the discharge of the same, to faithfully perform the duties of the respective offices. Said commission is authorized and empowered to employ, subject to the approval of the governor, such extra accountants, engineers, experts and special assistants as in its judgment may be necessary and proper to carry the provisions of this act into effect, and to fix their compensation; and such employees shall hold their office during the pleasure of said commission: Provided, That no person related by blood or marriage to any member of such commission shall be appointed or employed by said commission.

STATE ETHICS STATUTE
West's Kansas Statutes Annotated Currentness
Chapter 46. Legislature
Article 2. State Governmental Ethics

46-246a. Nepotism; exceptions

- (a) From and after the effective date of this act, no state officer or employee shall advocate or cause the employment, appointment, promotion, transfer or advancement to any office or position of the state, of a member of such officer's or employee's household or a family member.
- (b) No state officer or employee shall participate in an action relating to the employment or discipline of a member of the officer's or employee's household or a family member.
- (c) The provisions of this section shall not apply to appointments of members of the governor's staff, nor to any action involving the employment, appointment, promotion, transfer or advancement of any officer or employee occurring prior to the effective date of this act.
- (d) The provisions of this section shall be subject to interpretation and enforcement by the governmental ethics commission in the manner provided by K.S.A. 46-253 through 46-263, and amendments thereto.

State: Kentucky

STATE CODE OF ETHICS

Baldwin's Kentucky Revised Statutes Annotated Currentness

Title III. Executive Branch

Chapter 11A. Executive Branch Code of Ethics

11A.020 Public servant prohibited from certain conduct; exception; disclosure of personal or private interest

(1) No public servant, by himself or through others, shall knowingly:

(a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;

...

(c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or

(d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

11A.040 Acts prohibited for public servant or officer; exception

(3) A public servant shall not knowingly act as a representative or agent for the Commonwealth or any agency in the transaction of any business or regulatory action with himself, or with any business in which he or a member of his family has any interest greater than five percent (5%) of the total value thereof.

(4) A public servant shall not knowingly himself or through any business in which he owns or controls an interest of more than five percent (5%), or by any other person for his use or benefit or on his account, undertake, execute, hold, bid on, negotiate, or enjoy, in whole or in part, any contract, agreement, lease, sale, or purchase made, entered into, awarded, or granted by the agency by which he is employed or which he supervises, subject to the provisions of KRS 45A.340. This provision shall not apply to:

(a) A contract, purchase, or good faith negotiation made pursuant to KRS Chapter 416 relating to eminent domain; or

(b) Agreements which may directly or indirectly involve public funds disbursed through entitlement programs; or

(c) A public servant's spouse or child doing business with any state agency other than the agency by which the public servant is employed or which he supervises; or

(d) Purchases from a state agency that are available on the same terms to the general public or that are made at public auction; or

(e) Sales of craft items to a state park by interim state employees designated as craftspersons under KRS 148.257.

State: Louisiana

STATE ETHICS LAW

PART II. ETHICAL STANDARDS FOR PUBLIC SERVANTS

§1119. Nepotism

A. No member of the immediate family of an agency head shall be employed in his agency.

B.(1) No member of the immediate family of a member of a governing authority or the chief executive of a governmental entity shall be employed by the governmental entity.

(2) Notwithstanding the provisions of Paragraph B(1):

(a)(i) Any local school board may employ any member of the immediate family of any board member or of the superintendent as a classroom teacher provided that such family member is certified to teach. Any school board member or superintendent whose immediate family member is employed by the school board shall recuse himself from any decision involving the promotion or assignment of teaching location of such employee.

(ii) Any local school board with a student enrollment population of four thousand nine hundred fifty or less may employ any member of the immediate family of any board member as a school electrician provided that such family member has at least twenty years of experience as an electrician.

Any school board member whose immediate family member is employed by the school board shall recuse himself from any decision involving the promotion or assignment of such electrician.

(iii) In addition, within thirty days after the beginning of each school year, any school board member or superintendent whose immediate family member is employed by the school board shall file a disclosure statement with the Board of Ethics stating the facts of such employment. Any person who fails to timely file a disclosure statement under this Item may be assessed a late fee of fifty dollars per day, not to exceed one thousand five hundred dollars, subject to the provisions of R.S. 42:1157.2.

(iv) Any local school board in a parish with a population of twenty-five thousand five hundred persons or less according to the most recent

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federal decennial census may employ any member of the immediate family of any board member or of the superintendent as a school guidance counselor provided that such family member is certified as a guidance counselor and that such family member is the only applicant who meets the qualifications for the position set by the school board who has applied for the position after it has been advertised for at least thirty days in the official journal of the parish and in all newspapers of general circulation in the parish. Any school board member or superintendent whose

immediate family member is employed by the school board shall recuse himself from any decision involving the promotion or assignment of such employee.

(v) In a parish with a population of twenty-six thousand or less, an immediate family member of a member of a local school board or of a superintendent who is employed pursuant to Item (B)(2)(a)(i) of this Paragraph may be promoted to an administrative position by such school board provided that such family member has the appropriate qualifications and certifications for such position. A school board member whose immediate family member is to be promoted to an administrative position pursuant to this Item shall recuse himself from any action involving the promotion or assignment of job location of such employee, and a superintendent whose immediate family member is to be promoted to an administrative position shall disqualify himself from any action involving the promotion or assignment of job location of such employee. For purposes of this Item, the term "certifications" shall not include any temporary or provisional certification or certifications.

(b)(i) Any hospital service district with a population of one hundred thousand persons or less as of the most recent federal decennial census or hospital public trust authority located in such a district may enter into an initial recruiting contract with or employ as a health care provider, a licensed physician, a registered nurse, or an allied health professional who is a member of the immediate family of any district board, authority, or parish governing authority member or of the chief executive of the district or authority provided that such family member is the only qualified applicant who has applied for the position after it has been advertised for at least thirty days in the official journal of the parish and in all newspapers of general circulation in the parish where the hospital is located. The chief executive and any member of a board of a hospital service district or hospital public trust authority which enters into an initial recruiting contract with or employs such physician, registered nurse, or allied health professional shall recuse himself from any decision involving the promotion, discipline, discharge, or assignment of any such employee who is a member of his immediate family.

(ii) In addition, no later than January thirtieth of each year, any chief executive and any member of a board of a hospital service district or hospital public trust authority whose immediate family member enters into an initial recruiting contract with or is employed by the hospital service district or hospital public trust authority shall file a disclosure statement with the Board of Ethics stating the facts of such employment. Any person who fails to timely file a disclosure statement under this Item may be assessed a late fee of fifty dollars per day, not to exceed one thousand five hundred dollars, subject to the provisions of R.S. 42:1157.2.

C.(1) Any person serving in public employment on the effective date of this Section, whose employment is in violation of this Section, may continue in such employment and the provisions of this Section shall not be construed to hinder, alter, or in any way affect normal promotional advancements in public employment for such employee.

(2) The provisions of this Section shall not prohibit the continued employment of any public employee nor shall it be construed to hinder, alter, or in any way affect normal promotional advancements for such public employee where a member of public employees' immediate family becomes the agency head of such public employee's agency, provided that such public employee has been employed in the agency for a period of at least one year prior to the member of the public employee's immediate family becoming the agency head.

(3) The provisions of the Section shall not apply to pilots appointed by the governor pursuant to R.S. 34:943, 34:992, 34:1043, and 34:1072.

(4) The provisions of this Section shall not apply to the hiring of immediate family members of members of a governing authority of a municipality with less than two thousand population and which owns an electrical or gas distribution system. Any member of the governing authority which employs an immediate family member shall recuse himself from any decision involving the promotion, discipline, discharge, or assignment of work of his immediate family member. However, the provisions of this Paragraph shall only apply when, after proper advertisement, there is no other resident of the municipality who is qualified and has applied for the position of employment.

(5) The provisions of this Section shall not be construed to prohibit the reemployment of a retiree whose employment was allowed under the provisions of this Section on the date of his retirement. Any such reemployment shall be in compliance with all other applicable laws.

(6) The provisions of this Section shall not apply to the employment of a volunteer firefighter or to any decision regarding the employment of a volunteer firefighter by an agency head, a chief executive of a governmental entity, or a member of a governing authority. For purposes of this Paragraph, "volunteer firefighter" shall mean a member of a volunteer fire department who participates in fire and rescue functions and who receives no remuneration for his services, and "decision regarding employment" shall include any decision involving the employment, promotion, discipline, discharge, or assignment of the firefighter.

D. A willful violation of this Section shall subject the agency head, member of the governing authority, the public employee having authority to hire and fire the employee, the immediate supervisor of the employee, whether or not such persons are immediate family members of the employee, and such employee, to disciplinary action and penalties provided by this Chapter.

LOUISIANA PUBLIC SERVICE COMMISSION
EX PARTE SPECIAL ORDER NO. 46-2003

Effective the date of this Order, the entities over which the Commission has jurisdiction shall be prohibited from hiring the immediate family members, as defined in La. R.S. 42:1102(13), of Commissioners and non-classified staff personnel. "Immediate family" as the term relates to a public servant means his children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse. Further, commissioners and non-classified staff personnel shall not have immediate family members who become employed by the entities subject to Commission jurisdiction or their affiliates after the effective date of this Order.

LOUISIANA PUBLIC SERVICE COMMISSION
EX PARTE SPECIAL ORDER NO. 6-2009

1. Commissioners shall be prohibited from accepting anything of value (including gifts, tickets, food, beverages or any item), other than campaign contributions, from any person or entity conducting activities or operations regulated by the Commission or having business pending before the Commission. Said prohibition shall also apply to those providing or requesting to provide professional services on behalf of the Commission, as well as those employed by the Commission or having business pending before the Commission. Commission Staff shall also be prohibited from accepting the aforementioned prohibited items. Similarly, it shall be forbidden for any person or entity conducting activities or operations regulated by the Commission or having business pending before the Commission, including those contracting with or requesting

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to contract with the Commission to provide professional services, or persons employed by or representing such persons or entities, to offer or purchase the aforementioned prohibited items on behalf of Commissioners or Commission Staff. Nothing in this rule shall prohibit food and/or beverages consumed while attending a reception, banquet, or educational seminar held in conjunction with a national/regional regulatory conference or trade association meeting. In the event that a Commissioner or Commission Staff member unwittingly accepts food or beverage prohibited under this rule, then, in order to prevent a violation of this rule, the Commissioner or Commission Staff member shall remit reimbursement for his or her pro rata food and/or beverage expense.

...

3. Commissioners and Commission Staff shall continue to be allowed to accept those promotional items which are considered by the Louisiana Code of Governmental Ethics to have no economic value.

4. Commissioners and Commission Staff shall continue to abide by the provisions of the Louisiana Code of Governmental Ethics that do not conflict with this Order.

State: Maine

State: Maryland

State: Massachusetts

State: Michigan

State: Minnesota

State: Mississippi

State: Missouri

STATE ETHICS STATUTE

Prohibited acts by persons in judicial or quasi-judicial positions.
105.464. 1. No person serving in a judicial or quasi-judicial capacity shall participate in such capacity in any proceeding in which the person knows that a party is any of the following: the person or the person's great-grandparent, grandparent, parent, stepparent, guardian, foster parent, spouse, former spouse, child, stepchild, foster child, ward, niece, nephew, brother, sister, uncle, aunt, or cousin.
2. No provision in the section shall be construed to prohibit him from entering an order disqualifying himself or herself or transferring the matter to another court, body, or person for further proceedings.

State: Montana

STATE ETHICS LAWS

2-2-301. Nepotism defined. Nepotism is the bestowal of political patronage by reason of relationship rather than of merit.
2-2-302. Appointment of relative to office of trust or emolument unlawful -- exceptions -- publication of notice. (1) Except as provided in subsection (2), it is unlawful for a person or member of any board, bureau, or commission or employee at the head of a department of this state or any political subdivision of this state to appoint to any position of trust or emolument any person related or connected by consanguinity within the fourth degree or by affinity within the second degree.
(2) The provisions of 2-2-303 and this section do not apply to:

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- (a) a sheriff in the appointment of a person as a cook or an attendant;
 - (b) school district trustees if all the trustees, with the exception of any trustee who is related to the person being appointed and who must abstain from voting for the appointment, approve the appointment of a person related to a trustee;
 - (c) a school district in the employment of a person as a substitute teacher who is not employed as a substitute teacher for more than 30 consecutive school days as defined by the trustees in 20-1-302;
 - (d) the renewal of an employment contract of a person who was initially hired before the member of the board, bureau, or commission or the department head to whom the person is related assumed the duties of the office;
 - (e) the employment of election judges;
 - (f) the employment of pages or temporary session staff by the legislature; or
 - (g) county commissioners of a county with a population of less than 10,000 if all the commissioners, with the exception of any commissioner who is related to the person being appointed and who must abstain from voting for the appointment, approve the appointment of a person related to a commissioner.
- (3) Prior to the appointment of a person referred to in subsection (2)(b) or (2)(g), written notice of the time and place for the intended action must be published at least 15 days prior to the intended action in a newspaper of general circulation in the county in which the school district is located or the county office or position is located.

2-2-303. Agreements to appoint relative to office unlawful. It shall further be unlawful for any person or any member of any board, bureau, or commission or employee of any department of this state or any political subdivision thereof to enter into any agreement or any promise with other persons or any members of any boards, bureaus, or commissions or employees of any department of this state or any of its political subdivisions thereof to appoint to any position of trust or emolument any person or persons related to them or connected with them by consanguinity within the fourth degree or by affinity within the second degree.

2-2-304. Penalty for violation of nepotism law. A public officer or employee or a member of any board, bureau, or commission of this state or any political subdivision who, by virtue of the person's office, has the right to make or appoint any person to render services to this state or any subdivision of this state and who makes or appoints a person to the services or enters into any agreement or promise with any other person or employee or any member of any board, bureau, or commission of any other department of this state or any of its subdivisions to appoint to any position any person or persons related to the person making the appointment or connected with the person making the appointment by consanguinity within the fourth degree or by affinity within the second degree is guilty of a misdemeanor and upon conviction shall be punished by a fine not less than \$50 or more than \$1,000, by imprisonment in the county jail for not more than 6 months, or both.

State: Nebraska

STATE ETHICS LAWS

49-1499.01. Executive branch; employment of family member; when; exception; violation; penalty. (1) An official or employee of the executive branch of state government shall not employ or recommend or supervise the employment of an immediate family member in state government.

(2) This section does not apply to an immediate family member of an official or employee of the executive branch of state government who (a) was previously employed in a position subject to this section prior to the election or appointment of the official or employee or (b) was employed in a position subject to this section prior to September 1, 2001.

(3) Prior to, upon, or as soon as reasonably possible after the official date of taking office, a newly elected or appointed official or employee in the executive branch of state government shall make a full disclosure of any immediate family member employed in a position subject to subdivision (2)(a) or (b) of this section.

(4) Any person violating this section shall be guilty of a Class III misdemeanor.

49-1499.02. Executive branch; discharge of official duties; potential conflict; actions required. (1) An official or employee of the executive branch of state government who would be required to take any action or make any decision in the discharge of his or her official duties that may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business with which he or she is associated, which is distinguishable from the effects of such action on the public generally or a broad segment of the public, shall take the following actions as soon as he or she is aware of such potential conflict or should reasonably be aware of such potential conflict, whichever is sooner:

- (a) Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict; and
- (b) Deliver a copy of the statement to the commission and to his or her immediate superior, if any, who shall assign the matter to another. If the immediate superior does not assign the matter to another or if there is no immediate superior, the official or employee shall take such action as the commission shall advise or prescribe to remove himself or herself from influence over the action or decision on the matter.

(2) This section does not prevent such a person from (a) making or participating in the making of a governmental decision to the extent that the individual's participation is legally required for the action or decision to be made or (b) making or participating in the making of a governmental decision if the potential conflict of interest is based upon a business association and the business association exists only as the result of his or her position on a commodity board. A person acting pursuant to subdivision (a) of this subsection shall report the occurrence to the commission.

(3) For purposes of this section, commodity board means only the following: (a) Corn Development, Utilization, and Marketing Board; (b) Nebraska Dairy Industry Development Board; (c) Grain Sorghum Development, Utilization, and Marketing Board;

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(d) Nebraska Wheat Development, Utilization, and Marketing Board; (e) Dry Bean Commission; (f) Nebraska Potato Development Committee; and (g) Nebraska Poultry and Egg Development, Utilization, and Marketing Committee.

49-1499.05. Official or employee; abuse of official position. An official or employee shall not abuse his or her official position. Abuse of an official position includes, but is not limited to, employing an immediate family member (1) who is not qualified for and able to perform the duties of the position, (2) for any unreasonably high salary, or (3) who is not required to perform the duties of the position.

State: Nevada

STATE CODE OF ETHICS

NRS 281A.400 General requirements; exceptions. A code of ethical standards is hereby established to govern the conduct of public officers and employees:

2. A public officer or employee shall not use his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person. As used in this subsection:

(a) "Commitment in a private capacity to the interests of that person" has the meaning ascribed to "commitment in a private capacity to the interests of others" in subsection 8 of NRS 281A.420.

(b) "Unwarranted" means without justification or adequate reason.

State: New Hampshire

State: New Jersey

STATE ETHICS LAW

52:13D-21.2. Restrictions on certain State employment for certain relatives of State employees, officers; definition

a. (1) A relative of the Governor shall not be employed in an office or position in the unclassified service of the civil service of the State in the Executive Branch of State Government.

(2) A relative of the commissioner or head of a principal department in the Executive Branch of State Government shall not be employed in an office or position in the unclassified service of the civil service of the State in the principal department over which the commissioner or head of the principal department exercises authority, supervision, or control.

(3) A relative of an assistant or deputy commissioner or head of a principal department in the Executive Branch of State Government who is employed in an office or position in the unclassified service of the civil service of the State may be employed in the principal department in which the assistant or deputy commissioner or head serves, but shall not be assigned to a position over which the assistant or deputy commissioner or head exercises authority, supervision, or control.

(4) A relative of a head or assistant head of a division of a principal department in the Executive Branch of State government who is employed in an office or position in the unclassified service of the civil service of the State may be employed in the principal department in which the head or assistant head of a division serves, but shall not be assigned to a position over which the head or assistant head exercises authority, supervision, or control.

b. (1) A relative of an appointed member of a governing or advisory body of an independent authority, board, commission, agency or instrumentality of the State shall not be employed in an office or position in that independent authority, board, commission, agency or instrumentality.

(2) A relative of an appointed New Jersey member of a governing body of a bi-state or multi-state agency shall not be employed in an office or position in that bi-state or multi-state agency, to the extent permitted by law.

c. A State officer or employee or a special State officer or employee of a State agency in the Executive Branch shall not supervise, or exercise authority with regard to personnel actions over, a relative of the officer or employee.

d. As used in this section, "relative" means an individual's spouse or the individual's or spouse's parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half brother or half sister, whether the relative is related to the individual or the individual's spouse by blood, marriage or adoption.

State: New Mexico

State: New York

STATE ETHICS LAW

§ 73. Business or professional activities by state officers and employees and party officers.

14. (a) No statewide elected official, state officer or employee, member of the legislature or legislative employee may participate in any

decision to hire, promote, discipline or discharge a relative for any compensated position at, for or within any state agency, public authority or the legislature.

(b) This paragraph shall not apply to (i) the hiring of a relative by a legislator with a physical impairment, for the sole purpose of assisting with that impairment, as necessary and otherwise permitted by law; (ii) the temporary hiring of legislative pages, interns and messengers; or (iii) responding to inquiries with respect to prospective hires related to an individual covered by this paragraph.

State: North Carolina

State: North Dakota

State: Ohio

State: Oklahoma

State: Oregon

STATE ETHICS LAW
Chapter 244 Government Ethics
NEPOTISM

244.175 Definitions for ORS 244.177 and 244.179. As used in ORS 244.177 and 244.179:

- (1) "Governing body" has the meaning given that term in ORS 192.610.
- (2) "Member of the household" means any person who resides with the public official.
- (3) "Public body" has the meaning given that term in ORS 174.109.
- (4) "Relative" means the spouse or domestic partner of the public official, any children of the public official or of the public official's spouse or domestic partner, and brothers, sisters, half brothers, half sisters, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, mothers-in-law, fathers-in-law, aunts, uncles, nieces, nephews, stepparents, stepchildren or parents of the public official or of the public official's spouse or domestic partner. [2007 c.865 §26b]

244.177 Employment of relative or member of household; exceptions. (1) Except as provided in subsections (2) to (4) of this section:

(a) A public official may not appoint, employ or promote a relative or member of the household to, or discharge, fire or demote a relative or member of the household from, a position with the public body that the public official serves or over which the public official exercises jurisdiction or control, unless the public official complies with the conflict of interest requirements of this chapter.

(b) A public official may not participate as a public official in any interview, discussion or debate regarding the appointment, employment or promotion of a relative or member of the household to, or the discharge, firing or demotion of a relative or member of the household from, a position with the public body that the public official serves or over which the public official exercises jurisdiction or control. As used in this paragraph, "participate" does not include serving as a reference, providing a recommendation or performing other ministerial acts that are part of the normal job functions of the public official.

(2) A member of the Legislative Assembly may appoint, employ, promote, discharge, fire or demote, or advocate for the appointment, employment, promotion, discharge, firing or demotion of, a relative or member of the household to or from a position on the personal legislative staff of the member of the Legislative Assembly.

(3)(a) A public official may appoint, employ, promote, discharge, fire or demote, or advocate for the appointment, employment, promotion, discharge, firing or demotion of, a relative or member of the household to or from a position as an unpaid volunteer with the public body that the public official serves or over which the public official exercises jurisdiction or control.

(b) Paragraph (a) of this subsection does not apply to the appointment, employment, promotion, discharge, firing or demotion of a relative or member of the household to a position as an unpaid member of a governing body of the public body that the public official serves or over

which the public official exercises jurisdiction or control.

(c) A relative or member of the household described in paragraph (a) of this subsection may receive reimbursement of expenses provided in the ordinary course of business to similarly situated unpaid volunteers.

(4) This section does not prohibit a public body from appointing, employing, promoting, discharging, firing or demoting a person who is a relative or member of the household of a public official serving the public body. [2007 c.865 §26c]

244.179 Supervision of relative or member of household; exceptions. (1) Notwithstanding ORS 659A.309 and except as provided in subsections (2) to (4) of this section, a public official acting in an official capacity may not directly supervise a person who is a relative or member of the household.

(2) A member of the Legislative Assembly may directly supervise a person who:

(a) Is a relative or member of the household; and

(b) Serves as a public official in a position on the personal legislative staff of the member of the Legislative Assembly.

(3)(a) A public official acting in an official capacity may directly supervise a person who is a relative or member of the household if the person serves as an unpaid volunteer.

(b) Paragraph (a) of this subsection does not apply to service by a person in a position as an unpaid member of a governing body that a public official of whom the person is a relative or member of the household serves or over which the public official exercises jurisdiction or control.

(c) A relative or member of the household serving as an unpaid volunteer described in paragraph (a) of this subsection may receive reimbursement of expenses provided in the ordinary course of business to similarly situated unpaid volunteers.

(4) A public body may adopt policies specifying when a public official acting in an official capacity may directly supervise a person who is a relative or member of the household. [2007 c.865 §26d]

State: Pennsylvania

State: Rhode Island

State: South Carolina

STATE ETHICS LAW
SECTION 8-13-750. Employment, promotion, advancement, or discipline of family member of public official, member, or employee.
(A) No public official, public member, or public employee may cause the employment, appointment, promotion, transfer, or advancement of a family member to a state or local office or position in which the public official, public member, or public employee supervises or manages.
(B) A public official, public member, or public employee may not participate in an action relating to the discipline of the public official's, public member's, or public employee's family member.

State: South Dakota

State: Tennessee

PUBLIC UTILITIES STATUTE
§ 65-1-102. Conflict of interest

(a) No director shall hold any other public office, under either the government of the United States or the government of this or any other state, nor shall any director, while acting as such, engage in any business or occupation inconsistent with such person's duties as a director. No

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director shall be eligible to qualify as a candidate for any elected office unless such director resigns from the authority prior to qualifying as a candidate. For the purposes of this section, "qualify as a candidate" means filing a statement certifying the name and address of a political treasurer pursuant to the provisions of § 2-10-105(e).

(b) No person who owns jointly or severally any bonds, stocks, or other property in any business or entity regulated by the Tennessee regulatory authority, or who is an agent or employee in any way of any such business or entity, or who has any interest personally in any way or manner in any such business or entity, shall be eligible to serve as a director of the Tennessee regulatory authority.

(c)(1) No director shall raise funds or solicit contributions for any political candidate or political party, or, except as provided in subdivision (c)(2), actively campaign for any candidate for public office.

(2)(A) A director shall be permitted to actively campaign for an "immediate family member" as that phrase is defined in § 8-50-502(8).

(B) The mere attendance of a director at a political event or politically oriented event shall not constitute a violation of subdivision (c)(1).

(C) A director's alleged violation of this subsection (c) shall be treated in the same manner as if such commissioner were a judge covered by Rule 10 of the Rules of the Supreme Court.

(d) No director shall enter into an employment relationship, a consulting or representation agreement, or other similar contract or agreement with either an entity regulated by the authority or a subcontractor of such an entity for a period of one (1) year after the director ceases to serve as a director of the authority.

8-31-103. Direct supervision of relatives prohibited. —

Within each governmental entity, no state employees who are relatives shall be placed within the same direct line of supervision whereby one (1) relative is responsible for supervising the job performance or work activities of another relative; provided, that to the extent possible, the provisions of this chapter shall not be construed to prohibit two (2) or more such relatives from working within the same state governmental entity.

State: Texas

State: Utah

State: Vermont

State: Virginia

State: Washington

STATE ETHICS STATUTE

RCW 42.52.070

Except as required to perform duties within the scope of employment, no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons.
[1994 c 154 § 107.]

State: West Virginia

State: Wisconsin

State: Wyoming

State: Federal

FEDERAL ETHICS LAW

5 U.S.C. § 3110. Employment of relatives; restrictions

(a) For the purpose of this section—

(1) agency means—

(A) an Executive agency;

(B) an office, agency, or other establishment in the legislative branch;

(C) an office, agency, or other establishment in the judicial branch; and

(D) the government of the District of Columbia;

(2) "public official" means an officer (including the President and a Member of Congress), a member of the uniformed service, an employee and any other individual, in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in an agency; and

(3) "relative" means, with respect to a public official, an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,

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brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(b) A public official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position in the agency in which he is serving or over which he exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a civilian position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual.

(c) An individual appointed, employed, promoted, or advanced in violation of this section is not entitled to pay, and money may not be paid from the Treasury as pay to an individual so appointed, employed, promoted, or advanced.

(d) The Office of Personnel Management may prescribe regulations authorizing the temporary employment, in the event of emergencies resulting from natural disasters or similar unforeseen events or circumstances, of individuals whose employment would otherwise be prohibited by this section.

(e) This section shall not be construed to prohibit the appointment of an individual who is a preference eligible in any case in which the passing over of that individual on a certificate of eligibles furnished under section 3317(a) of this title will result in the selection for appointment of an individual who is not a preference eligible.

State: NARUC
