

<b>DRAFT COMMISSION POLICY</b>	
Category: <b>Commission-Staff Linkage</b>  Committee of Origin: Policy and Governance  Date of Adoption:  Revision:	Title: <b>COMMISSION POLICIES AND PRIORITIES FOR THE GENERAL COUNSEL</b>  Policy Number:  Resolution No.  Resolution No.

This policy addresses the linkage between the President of the Commission, the five-member Commission acting as a body, and the General Counsel. Certain aspects of this linkage are set out in the Public Utilities Code, which is cited here.

The General Counsel of the CPUC is appointed by the five-member Commission, “who shall hold office during the pleasure of the commission.” (PUC section 307(a).) The President of the Commission “shall direct...the attorney...in the performance of their duties, and consistent with Commission policies and guidelines.” (PUC section 305.)

The General Counsel directs the Legal Division consistent with specific duties set out in the law, including but not limited to Public Utilities Code Sections 307, which sets out the following:

- a) The General Counsel “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.” (PUC section 307(b).)
- b) The General Counsel “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.” (PUC section 307(c).)

In addition, the five-member Commission, acting as a body, may set out policies and principles by which the General Counsel shall carry out his or her duties, consistent with the law.

It is the Commission’s policy that:

- a) The General Counsel shall conduct his or her work to achieve the strategic directives set by the Commission, with attention to the results or conditions of the CPUC that the Commission has communicated as acceptable or not acceptable.
- b) The General Counsel shall conduct his or her work in compliance with the law, with the purpose of maximizing the benefit of the CPUC to the citizens of California.
- c) The General Counsel shall exercise prudent judgment.
- d) The General Counsel shall report regularly to the full Commission on Legal Division activities to achieve the strategic directives set by the Commission.
- e) The General Counsel is authorized to establish further policies, make decisions, take actions, establish practices, and develop activities in accordance with statutory authority, CPUC policies, CPUC decisions, and direction from the President and/or the full Commission.
- f) As the Executive Director has final hiring authority for all Commission staff pursuant to Pub. Util. Code section 309, the General Counsel shall regularly and upon request seek approval for Legal Division hiring and employment practices from the Executive Director. The General Counsel shall advise the Executive Director and shall assist the Executive Director with ensuring that such practices are designed and implemented to comply with the law and achieve the Commission's strategic directives.
- g) Where the General Counsel determines, in consultation with the President, that there is a need for policies or delegations not addressed within the General Counsel's existing statutory authority, CPUC policies, or CPUC decisions, the General Counsel shall propose new policies or delegations to the full Commission.

**Monitoring Method: Commission Report; Frequency: Annual**