

1 [Creating an Independent Rate Payer Advocate for reviewing and recommending utility
2 service rates proposed by the San Francisco Public Utilities Commission.]

3 **Ordinance requiring the City Administrator to obtain the services of an Independent**
4 **Rate Payer Advocate, and prescribing the duties and responsibilities of the**
5 **Independent Rate Payer Advocate.**

6 Note: Additions are *single-underline italics Times New Roman*;
7 deletions are *strikethrough italics Times New Roman*.
8 Board amendment additions are double underlined.
9 Board amendment deletions are ~~strikethrough normal~~.

9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. The San Francisco Administrative Code is hereby amended by adding
11 Sections 2A.26 (a) through 2A.26(h), to read as follows:

12 Sec. 2A.26. Independent Rate Payer Advocate.

13 a. The City Administrator shall provide the services of an Independent Rate Payer
14 Advocate to evaluate, analyze and comment on rate proposals prepared by the San Francisco
15 Public Utilities Commission under Charter section 8B.125. The City Administrator shall obtain
16 such services prior to the San Francisco Public Utilities Commission's submission of any draft
17 proposal to the Rate Fairness Board for its review. The Independent Rate Payer Advocate
18 shall have at least five years of experience in utility rates methodology and analysis, and at
19 least five years of experience relevant to the operation of water, wastewater or power utilities.

20 b. The Independent Rate Payer Advocate shall conduct analyses, independent of the
21 San Francisco Public Utilities Commission and from the rate payers' perspective, to evaluate
22 the efficiency, equity, and fiscal feasibility of utility rate proposals, contracts, investments,
23 program expenditures and operations.

24 c. The Independent Rate Payer Advocate may, at its discretion, provide timely
25 recommendations to the Rate Fairness Board, the San Francisco Public Utilities Commission,

1 and the Board of Supervisors regarding rate proposals, contracts, investments, program
2 expenditures and operations.

3 d. The Independent Rate Payer Advocate shall have the opportunity to provide
4 comment at any Rate Fairness Board, San Francisco Public Utilities Commission and Board
5 of Supervisors meetings where the meeting agenda includes the discussion of utility rates
6 proposed by the San Francisco Public Utilities Commission. The Independent Rate Payer
7 Advocate shall have unlimited time at such meetings to provide such comments.

8 e. The Independent Rate Payer Advocate shall respond to rate payer inquiries, and
9 provide appropriate explanations regarding proposed rates designed to enhance rate payer
10 understanding of rate-setting methodologies, requirements and procedures. The Independent
11 Rate Payer Advocate shall conduct rate payer outreach activities through the use of
12 newsletters, internet websites, published office hours and community meeting attendance.

13 f. The Independent Rate Payer Advocate shall have access to San Francisco Public
14 Utilities Commission documents related to proposed utilities rates that it deems necessary to
15 perform its duties under this Section 2B.26, with the exception of documents and information
16 that are confidential, privileged or otherwise not subject to disclosure under applicable state
17 and local laws.

18 g. If the City Administrator, in accordance with applicable City laws, determines that
19 the services described in this Section 2B.26 will be provided through a professional services
20 contract, the contract shall provide that the Independent Rate Payer Advocate may not bring
21 or be party to a lawsuit against the City based on the rate adoption proceedings in which it
22 participated, unless required to do so by law.

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1 h. Failure to comply with any provision of this Section 2B.26 will not invalidate, or
2 serve as grounds to challenge or invalidate any rates adopted pursuant to Charter sec.
3 8B.125.

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5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By: _____
8 John Roddy
9 Deputy City Attorney

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