



FILED
8-19-16
10:37 AM

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

<p>Application of San Diego Gas & Electric Company (U902M) for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2016.</p> <p>And Related Matter.</p>	<p>Application 14-11-003 (Filed November 14, 2014)</p> <p>Application 14-11-004</p>
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**INTERVENOR COMPENSATION CLAIM OF
The National Asian American Coalition
AND DECISION ON INTERVENOR COMPENSATION CLAIM OF
The National Asian American Coalition**

NOTE: After electronically filing a PDF copy of this Intervenor Compensation Claim (Request), please email the document in an MS WORD, supporting EXCEL Timesheets, and any other supporting documents to the Intervenor Compensation Program Coordinator at lcompcoordinator@cpuc.ca.gov.

Intervenor: The National Asian American Coalition (NAAC)	For contribution to Decision (D.) 16-06-054	
Claimed: \$ 179,027.50	Awarded: \$	
Assigned Commissioner: Michael Picker	Assigned ALJ: John S. Wong and Rafael L. Lirag	
<p>I hereby certify that the information I have set forth in Parts I, II, and III of this Claim is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this Claim has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).</p>		
	Signature:	/s/ Tadashi Gondai
Date: 08/19/2016	Printed Name:	Tadashi Gondai

PART I: PROCEDURAL ISSUES (to be completed by Intervenor except where indicated)

A. Brief description of Decision:	Decision D.16-06-054 approves a 2016 test year revenue requirement for San Diego Gas & Electric (SDG&E) and Southern California Gas (SoCalGas), and rate adjustments for 2017 and
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	2018. The decision adopted settlement agreements executed between numerous parties. The Joint Minority Parties (JMP), represented by the National Asian American Coalition (NAAC), signed onto joint settlement agreements addressing overall revenue requirement issues. SDG&E and SoCalGas also signed additional separate settlements with JMP addressing concerns raised by the minority community, including issues related to supplier diversity, employment diversity, customer outreach, and independent external audits.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	01/08/2015	
2. Other specified date for NOI:	--	
3. Date NOI filed:	02/09/2015	
4. Was the NOI timely filed?		
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	A.13-11-003	
6. Date of ALJ ruling:	4/18/2014	
7. Based on another CPUC determination (specify):	--	
8. Has the Intervenor demonstrated customer or customer-related status?		
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.13-11-003	
10. Date of ALJ ruling:	4/18/2014	
11. Based on another CPUC determination (specify):	--	
12. Has the Intervenor demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.16-06-054	
14. Date of issuance of Final Order or Decision:	07/01/2016	
15. File date of compensation request:	08/19/2016	
16. Was the request for compensation timely?		

C. Additional Comments on Part I (use line reference # as appropriate):

#	Intervenor's Comment(s)	CPUC Discussion

PART II: SUBSTANTIAL CONTRIBUTION (to be completed by Intervenor except where indicated)

A. Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a), and D.98-04-059). (For each contribution, support with specific reference to the record.)

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p><u>General Contribution</u></p> <p>JMP raised issues of concern to the Commission regarding the impact of rate increases on minority ratepayers through testimony, filings, data requests, participation in hearings, and other activities in this proceeding. JMP focused primarily on:</p> <ol style="list-style-type: none"> 1) diversity issues, both employment and supplier diversity, as well as small minority business development; 2) customer outreach and engagement, particularly targeted toward minority communities; 3) independent external audits; 4) executive compensation, as it related to safety policy and efficient business practices. <p>All these issues were rigorously analyzed and negotiated, and concessions were made by all parties leading to a reasonable and balanced settlement. Although not all issues and positions initially pursued by JMP were adopted in the settlement agreement, consideration of all these issues contributed to the balanced final negotiated</p>	<p>D.16-06-054, <i>Decision Addressing the General Rate Cases of San Diego Gas & Electric Company and Southern California Gas Company and the Proposed Settlements</i> (06/23/2016) ("Decision") at 77-78, 126</p> <p>Exhibit 316, <i>Joint Minority Parties Initial Testimony on San Diego Gas & Electric Company (U 902 M) General Rate Case</i> (05/20/2015).</p> <p>Exhibit 4, NAAC_DR-01_Q06 and Attachment, DR-03_Q07, DR-03_Q12, DR-04_Q05.</p> <p>Exhibit 5, NAAC_DR-06_Q1, DR-06_Q03, DR-06_Q04, DR-06_Q05, DR-06_Q06, DR-06_Q07, DR-06_Q08.</p> <p>Exhibit 264, NAAC_DR-04_Q05: Sempra Energy Annual Shareholders Meeting 2015 Proxy Statement – Executive Compensation Section</p> <p>Exhibit 265, NAAC_DR-04_Q01: Attachment 10 – SoCalGas 2014 GO-77M Attachment 9 – SDG&E 2014 GO-77M Attachment 8 – SoCalGas 2013 GO-77M Attachment 7 – SDG&E 2013 GO-77M</p>	

<p>agreements that were adopted by the Commission.</p>		
<p><u>Settlement Agreements</u></p> <p>As the decision notes, JMP entered into the following settlement agreements with SDG&E and SoCalGas:</p> <ol style="list-style-type: none"> 1) Settlement Agreement Regarding SDG&E’s Test Year 2016 General Rate Case Revenue Requirement, Including Attrition Years 2017 and 2018. 2) Settlement Agreement Among SDG&E, SoCalGas, and Joint Minority Parties. (Attachment 4 to Joint Motion to Adopt SDG&E Settlements) 3) Settlement Agreement Regarding SoCalGas’ Test Year 2016 General Rate Case Revenue Requirement, Including Attrition Years 2017 and 2018. 4) Settlement Agreement Among SDG&E, SoCalGas, and Joint Minority Parties. (Attachment 4 to Joint Motion to Adopt SoCalGas Settlements) <p>The Decision describes these settlement agreements as improving “the visibility of the Joint Minority Parties to advocate on the behalf of underrepresented communities and small businesses, and to provide input on issues that affect the utilities and these communities.” This advocacy increases “the participation of underrepresented communities and small businesses in the various activities that the Applicants engage in on a day-to-basis, from participation in the Supplier Diversity Program in</p>	<p>Decision at 17, 18, 23-26, 28, 32, 140-142, 295 (Finding of Fact 79), 316 (Conclusion of Law 17).</p> <p><i>Joint Motion for Adoption of Settlement Agreements Regarding San Diego Gas & Electric Company’s Test Year 2016 General Rate Case, Including Attrition Years 2017 and 2018</i> (“Joint Motion to Adopt SDG&E Settlements”) (09/11/2015)</p> <p><i>Joint Motion for Adoption of Settlement Agreements Regarding Southern California Gas Company’s Test Year 2016 General Rate Case, Including Attrition Years 2017 and 2018</i> (“Joint Motion to Adopt SoCalGas Settlements”) (09/11/2015)</p>	

<p>procuring supplies and services, and workforce hiring.”</p> <p>In the Conclusions of Law, the Decision concludes that, “The Joint Minority Parties’ advocacy activities described in the Attachment 4 Settlement Agreement are consistent with the intent of General Order 156 and Public Utilities Code §§ 8281-8286 to encourage the participation of underrepresented communities and business enterprises in the procurement of contracts from regulated utilities.”</p> <p>No parties objected to the JMP settlement agreements, and the Commission found them to be reasonable and adopted them.</p> <p>NAAC, as part of the JMP, substantially contributed to the proceeding by achieving a settlement with SDG&E and SoCalGas on these important public interest issues. Considerable time and effort was necessary to establish the facts related to different issues, develop a complete record, determine the strength of each party’s positions, and negotiate a fair and reasonable compromise that would benefit minority ratepayers and allow the utility to function properly.</p> <p>Significantly, the JMP settlement agreements provide for public forums and meeting with executive officers for minority community leaders to discuss topics pertaining to diversity, customer programs, and community development. The settling parties agreed to strengthen their supplier diversity commitments, including with regards to their auditing firms and law firms. Additionally, the agreement provides for continued</p>		
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<p>and expanded programs to develop small diverse businesses, to provide more opportunities for their participation in utility contracts.</p> <p>These commitments will strengthen the utility's responsiveness to the concerns of minority groups, and allow them to better develop and invest in the communities that make up their customer base.</p>		
<p><u>Preparation and Procedure</u></p> <p>In order to achieve the settlement agreements, the NAAC had to conduct hours of data analysis and research, engage in numerous rounds of negotiation discussions, and draft several revisions to proposed terms. The NAAC also participated actively in the proceeding, including serving testimony to raise issues on behalf of the minority community, initiating ex parte communications with decision makers, serving discovery to gather additional information, conducting cross examination at evidentiary hearings, moving exhibits into the record, and analyzing all filings by SDG&E, SoCalGas, and other parties. These activities helped to develop a complete and robust record, in light of which the Commission was able to find the settlement agreements reasonable.</p> <p>Additionally, JMP made considerable efforts to coordinate with other parties to reduce duplication of work, including jointly filing motions when appropriate.</p> <p>These efforts contributed substantially toward to the settlement agreements that were found to be reasonable by the</p>	<p><i>Notice of Ex Parte Communication of the Joint Minority Parties (06/03/2015), (06/05/2015), (06/15/2015), (06/16/2015)</i></p> <p><i>Motion of the Utility Reform Network, Utility Consumers' Action Network, San Diego Consumers' Action Network, Joint Minority Parties, Southern California Generation Coalition, and the Office of Ratepayer Advocates for Suspension of Briefing Schedule (08/14/2015)</i></p> <p>Joint Motion to Adopt SDG&E Settlements</p> <p>Joint Motion to Adopt SoCalGas Settlements</p> <p><i>Response of the Utility Reform Network, San Diego Consumers Action Network, Office of Ratepayer Advocates, Joint Minority Parties, and Environmental Defense Fund to the Assigned Commissioner's Ruling Proposing to Include Certain Data Request Responses in the Evidentiary Record (10/09/2015)</i></p> <p><i>Joint Comments on Assigned Commissioner's Ruling (10/09/2015)</i></p> <p><i>Joint Reply to Comments on Joint Motion for Adoption of Settlement Agreements Regarding San Diego Gas & Electric Company's Test Year 2016 General Rate Case, Including Attrition Years 2017 and 2018 (10/27/2015)</i></p> <p><i>Reply Comments on Joint Motion for Adoption of Settlement Agreements Regarding Southern California Gas Company's Test Year 2016 General Rate Case, Including Attrition Years 2017 and</i></p>	

<p>Commission and adopted in the final decision.</p>	<p>2018 (10/27/2015) <i>Response of the Utility Reform Network, San Diego Consumers' Action Network, Utility Consumers' Action Network, Mussey Grade Road Alliance, and National Asian American Coalition in Opposition to The Motion of San Diego Gas & Electric Company And Southern California Gas Company "Regarding Form of Opening Comments On Proposed Decision"</i> (06/13/2016) <i>Joint Motion for Other Relief Regarding San Diego Gas & Electric Company's Test Year 2016 General Rate Case and Southern California Gas Company's Test Year 2016 General Rate Case</i> (07/21/2016) Exhibits 4, 5, 264, 265, 316</p>	
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
<p>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹</p>	<p>Yes</p>	
<p>b. Were there other parties to the proceeding with positions similar to yours?</p>	<p>Yes</p>	
<p>c. If so, provide name of other parties: TURN, UCAN, SDCAN</p>		
<p>d. Intervenor's claim of non-duplication: ORA, TURN, UCAN, and SDCAN represent ratepayer interests generally, and as such, some of their positions aligned with some of those of the JMP on certain issues. Throughout the proceeding, the JMP made efforts to communicate and coordinate with other ratepayer advocates to avoid duplication. However, the other ratepayer advocates do not represent the same minority communities as the JMP, and do not have the same grassroots involvement in those communities. They did not advocate for the same program reforms and community engagement that the JMP was able to achieve in the settlement. The JMP gains a unique perspective on the needs and concerns of the minority community from providing direct services to their constituencies, which helps inform and lend credibility to Commission decisions.</p>		

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

Therefore, while other parties may have had positions that were similar to the JMP, our perspectives and goals were necessarily different, and were supplemented, not duplicated, by efforts on common issues.	
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C. Additional Comments on Part II (use line reference # or letter as appropriate):

#	Intervenor’s Comment	CPUC Discussion

PART III: REASONABLENESS OF REQUESTED COMPENSATION (to be completed by Intervenor except where indicated)

A. General Claim of Reasonableness (§ 1801 and § 1806):

	<u>CPUC Discussion</u>
<p>a. Intervenor’s claim of cost reasonableness: The NAAC’s efforts, reflected in the JMP settlement agreements adopted in D.16-06-054, relied upon our advocacy on issues relating to Supplier Diversity, Employment Diversity, Community Engagement, Independent Audits, and Executive Compensation. Researching, advocating, and negotiating these issues required enormous effort by our small organization. Settling these issues conserved the limited resources of the Commission, utility, and other intervenors, and allowed utility programs and funding to have a greater positive impact in the economy, by increasing utility engagement with the community, developing small businesses, and increasing job opportunities.</p> <p>For the most part, it is difficult for JMP to identify an exact monetary value for the benefits of these advocacy efforts, given the policy nature of many of the issues we addressed, and the fact that the settlement provisions have yet to be fully implemented. However, ratepayers greatly benefited from our efforts to promote diversity within SDG&E and SoCalGas to a level that reflects the community in the utilities’ service areas, and particularly from the settlement provisions that increase utility investment in minority businesses.</p>	
<p>b. Reasonableness of hours claimed: This claim for compensation includes 491.4 total hours for NAAC attorneys and experts. The NAAC submits that this is a reasonable amount of time, given the duration of the proceeding, the breadth of issues examined, and the robust negotiations that led to a substantial settlement. These hours were devoted to discussion and analysis, research, briefing, extensive negotiations, and procedural matters.</p> <p>The main bulk of the work was handled by Attorneys Robert Gnaizda and Tadashi Gondai. These two attorneys worked primarily independently, handling different aspects of the case. A reasonable amount of collaboration and discussion was necessary in order to coordinate their efforts, convey information on JMP member positions and case progress updates. Attorney Jessica Tam provided support early on with filings and settlement efforts, reducing time that would have been spent by Mr. Gnaizda, and would have been billed at his higher rate. Her involvement</p>	

<p>was an economical and efficient use of resources.</p> <p>NAAC President and CEO Faith Bautista was an integral part of the case, due to her expertise in utility supplier diversity programs, utility education and outreach efforts, and knowledge of the supplier and employment diversity concerns of the minority community. Through her network of contacts and grassroots involvement in direct services, she was able to draw together a diverse coalition of parties to address the effects that the proposed rate increase and utility program changes could have on various community groups. It was also through her personal expertise that she was able to help the parties craft settlement provisions that reflect best practices when it comes to increasing diversity and improving engagement with disadvantaged communities.</p> <p>NAAC submits that the recorded hours are reasonable, both for each attorney and expert, and in the aggregate. Therefore, NAAC seeks compensation for all of the hours recorded by our attorneys and experts as stated in this claim.</p> <p><u>Compensation Request Preparation Time:</u></p> <p>NAAC is requesting compensation for approximately 20 hours devoted to the preparation of this request. This number of hours is reasonable in light of the fact that this was a very extensive proceeding, addressing a wide range of programs. Numerous parties were involved, submitting testimony and filings, requiring additional coordination and voluminous amounts of materials to analyze, which increased the workload, both during the proceeding and in review for preparing this claim.</p> <p>In order to save on costs, Mr. Gondai was solely responsible for drafting this claim. Mr. Gondai reviewed timesheets, emails, filings, testimony, and settlement proposals in order to properly allocate time by issue. He also reviewed I-Comp claim procedures and decisions to determine what work could be appropriately claimed, and omit hours spent on work that was beyond the scope, or exceeded normal time allotments for similar activities.</p> <p>The Commission should find that the hours claimed are reasonable.</p>	
<p>c. Allocation of hours by issue:</p> <p>The attached timesheets (Attachment 2) indicate hours spent addressing separate issues identified according to the following codes:</p> <p>Preparation (PREP) – 18.2%: time and effort not tied to specific issues, but nonetheless essential to effective participation, e.g. reviewing filings, discussing strategy for negotiations, etc.</p> <p>Procedural (PROC) – 11.9%: time and effort spent addressing procedural requirements and issues, such as filings, submitting testimony, participating in hearings, jurisdictional matters and motions.</p> <p>Coordination (COOR) – 2.7%: coordinating efforts with other parties to maximize impact and reduce duplication.</p> <p>Diversity (DIV) – 12.9%: issues related to achieving a proper reflection of diversity within the utility of its service territory, including employment and supplier diversity.</p>	

<p>Auditing (AUDT) – 7.0%: issues related to developing more fair and independent external auditing practices.</p> <p>Executive Compensation (COMP) – 10.1%: issues related to transparency and reasonableness in executive compensation policies, including regarding incentives for safety and operational efficiency.</p> <p>Discovery (DISC) – 13.3%: time spent on work related to conducting discovery.</p> <p>Settlement (SETL) – 23.9%: time and effort spent negotiating, developing, and supporting the settlement agreements.</p> <p>PREP – 18.2% PROC – 11.9% COOR – 2.7% DIV – 12.9% AUDT – 7.0% COMP – 10.1% DISC – 13.3% <u>SETL – 23.9%</u> Total: 100%</p>	
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B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Robert Gnaizda	2014	80.8	\$570.00	D.15-10-006; D.16-06-050	\$46,056.00			
Robert Gnaizda	2015	134.8	\$570.00	D.15-10-006; D.16-06-050	\$76,836.00			
Tadashi Gondai	2015	172.9	\$225.00	D.16-06-050	\$38,902.50			
Tadashi Gondai	2016	14.8	\$230.00	D.16-06-050	\$3,404.00			
Jessica Tam	2015	10.3	\$165.00	D.16-06-050	\$1,699.50			
Faith Bautista	2014	13.9	\$165	D.15-06-024; D.16-06-050	\$2,293.50			
Faith Bautista	2015	25.9	\$165	D.15-06-024; D.16-06-050	\$4,273.50			
Subtotal: \$ 173,465.00						Subtotal: \$		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$

Travel - Robert Gnaizda	2014	4	\$285.00	\$570/2	\$1,140.00			
Travel - Robert Gnaizda	2015	5	\$285.00	\$570/2	\$1,425.00			
Travel – Faith Bautista	2014	4	\$82.50	\$165/2	\$330.00			
Travel – Faith Bautista	2015	5	\$82.50	\$165/2	\$412.50			
Subtotal: \$ 3,307.50					Subtotal: \$			
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Jessica Tam	2015	2	\$82.50	\$165/2	\$165.00			
Tadashi Gondai	2016	18	\$115	\$230/2	\$2,070.00			
Subtotal: \$2,662.50					Subtotal: \$			
COSTS								
#	Item	Detail			Amount	Amount		
	Printing	Printing costs for drafts and reviews of filings, as well as to review filings from other parties and the Commission			\$20.00			
TOTAL REQUEST: \$179,027.50					TOTAL AWARD: \$			
<p>**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer’s normal hourly rate</p>								
ATTORNEY INFORMATION								
Attorney		Date Admitted to CA BAR²		Member Number		Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation		
Robert Gnaizda		Jan. 9, 1962		32148		No		
Tadashi Gondai		Dec 3, 2010		273186		No		
Jessica Tam		June 1, 2014		296837		No		

² This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch> .

C. Attachments Documenting Specific Claim and Comments on Part III (Intervenor completes; attachments not attached to final Decision):

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	Timesheets of NAAC Attorneys and Experts

D. CPUC Disallowances and Adjustments (CPUC completes):

Item	Reason

PART IV: OPPOSITIONS AND COMMENTS
 Within 30 days after service of this Claim, Commission Staff
 or any other party may file a response to the Claim (see § 1804(c))

(CPUC completes the remainder of this form)

A. Opposition: Did any party oppose the Claim?	
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If so:

Party	Reason for Opposition	CPUC Discussion

B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?	
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If not:

Party	Comment	CPUC Discussion

FINDINGS OF FACT

1. Intervenor [has/has not] made a substantial contribution to D._____.
2. The requested hourly rates for Intervenor’s representatives [,as adjusted herein,] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses [,as adjusted herein,] are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$_____.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, [satisfies/fails to satisfy] all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. Intervenor is awarded \$_____.
2. Within 30 days of the effective date of this decision, _____ shall pay Intervenor the total award. [for multiple utilities: “Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay Intervenor their respective shares of the award, based on their California-jurisdictional [industry type, for example, electric] revenues for the ^ calendar year, to reflect the year in which the proceeding was primarily litigated.”] Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning [date], the 75th day after the filing of Intervenor’s request, and continuing until full payment is made.
3. The comment period for today’s decision [is/is not] waived.
4. This decision is effective today.

Dated _____, at San Francisco, California.

**Attachment 1:
Certificate of Service by Customer**

(Filed electronically as a separate document pursuant to Rule 1.13(b)(iii))

(Served electronically as a separate document pursuant to Rule 1.10(c))

Attachment 2:

Timesheets for NAAC Attorneys and Experts