

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Approval of its 2009 Rate Design Window Proposals for Dynamic Pricing and Recovery of Incremental Expenditures Required for Implementation (U39E).	Application 09-02-022 (Filed February 27, 2009)
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DECISION GRANTING INTERVENOR COMPENSATION TO CALIFORNIA SMALL BUSINESS ROUNDTABLE FOR SUBSTANTIAL CONTRIBUTION TO DECISION 11-11-008

Claimant: California Small Business Roundtable (CSBRT)	For contribution to: Decision (D.) 11-11-008
Claimed: \$32,418	Awarded: \$32,368
Assigned Commissioner: Mark J. Ferron	Assigned ALJ: Stephen C. Roscow

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	Under D.10-02-032, Pacific Gas & Electric Co. (PG&E) was required to begin defaulting Small and Medium Commercial and Industrial Customers (Small and Medium C&I Customers) to Peak Day Pricing (PDP) beginning on November 1, 2011. D.11-11-008 modifies D.10-02-032 to allow additional time for Small & Medium C&I Customers to transition first to Time of Use Rates (TOU) beginning on November 1, 2012 and to PDP beginning on November 1, 2014. D.11-11-008 requires PG&E to make several changes to its Customer Education and Outreach Plan to: Provide additional information to Small C&I Customers about the A-1 TOU Rate, Conduct an aggressive outreach program providing Small and Medium C&I Customers with an integrated set of energy efficiency and demand reduction solutions through a single point of contact, and Perform periodic assessments of customer awareness and understanding of time-varying rates, customer enrollment and disenrollment and consumer complaints. The Decision requires PG&E to collaborate with CSBRT to ensure that the Revised Plan satisfactorily addresses these items. D.11-11-008 also initiates a process for reevaluating the effectiveness of PG&E’s Customer Outreach and
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	Education Plan and whether PG&E's methods will reach market segments most at risk of being significantly impacted.
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B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

Claimant		CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	April 22, 2009	Correct
2. Other Specified Date for NOI:		
3. Date NOI Filed:	March 24, 2011	Correct
4. Was the NOI timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R. 10-05-005	Correct
6. Date of ALJ ruling:	October 5, 2010	Correct
7. Based on another CPUC determination (specify):		
8. Has the Claimant demonstrated customer or customer-related status?		Yes
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.09-02-022	Correct
10. Date of ALJ ruling:	This decision	Correct
11. Based on another CPUC determination (specify):		
12. Has the Claimant demonstrated significant financial hardship?		Yes, See CPUC Comments, Part C below
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.11-11-008	Correct
14. Date of Issuance of Final Order or Decision:	November 16, 2011	Correct
15. File date of compensation request:	January 13, 2012	Correct
16. Was the request for compensation timely?		Yes

C. Claimant's Additional Comments on Part I:

Claimant Comments	
Comment #3	See explanation in NOI Part I.B.2a for the reasons for filing the NOI at that time. A notation of the Docket Card indicates that CSBRT's NOI was authorized for filing per ALJ Roscow on

	3/30/11.
<p>Comment #9-12</p>	<p>It is difficult to precisely calculate the economic interests of CSBRT’s individual small business members because these interests depend on a number of factors. These factors include: the type of business they are in, how much electricity they consume, when they consume the electricity, their ability to shift their usage to less expensive days and time periods, whether they are able to take advantage of utility energy efficiency and demand response programs, whether they own, lease or rent their facilities and whether they pay for electricity as part of their rent or pay electric bills directly. In addition to costs related to electricity rates appearing on a small business customer’s electric bill, there are other economic costs associated with re-staffing around PDP Event hours, using equipment/facilities outside of normal working hours, and managing cash flow because of greater bill volatility. Because of the sheer diversity of small businesses and their particular circumstances, the economic interests of individual members will vary considerably, possibly from a few dollars to even a few thousand dollars.</p> <p>Whether the individual economic interests are few dollars, few hundred dollars or few thousand dollars, the individual economic interests of CSBRT’s small business members are small relative to the cost (at least \$31,178) of preparing a Petition for Modification, attending meetings and workshops, reviewing responses and other filings, preparing additional filings, and other work related to participating in the proceeding.</p>
CPUC Comments	
<p>CSBRT meets the “significant financial hardship” requirement based on Category 3. “[I]n the case of a group or organization, the economic interests of the individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding.” (Section 1802(g).)</p>	

PART II: SUBSTANTIAL CONTRIBUTION

A. Claimant’s claimed contribution to the final decision:

Contribution	Specific References to Claimant’s Presentations and to Decision	Showing Accepted by CPUC
<p>1. <u>Requiring that PG&E conduct an enhanced education, outreach and marketing program to inform eligible C&I Customers about the availability of it’s A-1 TOU rate.</u></p> <p>In the Joint Petition for Modification and subsequent filings, CSBRT requested that PG&E be required to “conduct an enhanced education, outreach, and marketing program to inform eligible Small C&I customers about the availability of the A1-TOU rate.” In support of this request, CSBRT cited that <i>inter alia</i>:</p> <p>(a) Only 6% of Small C&I customers are on TOU rates.</p> <p>(b) PG&E’s current education and outreach</p>	<p><u>References to Claimant’s Presentations:</u></p> <p>Joint Petition for Modification, pp. 5, 12, 15, 18, 22 and Appendix A, Proposed Modification to Ordering Paragraph 28.</p> <p>CSBRT Motion for Party Status, pp. 2-3.</p> <p>Joint Parties Reply to Southern California Edison’s and PG&E’s Responses to the Joint Petition for Modification, pp. 5, 11, 14.</p> <p>CSBRT/CSBA Response to Petition for Modification by PG&E, p. 2.</p> <p><u>References to D. 11-11-008:</u></p>	<p>Yes</p>

<p>plan called for making “direct contact” with only 10% of Small and Medium C&I Customers.</p> <p>(c) There is customer suspicion and skepticism about new rates.</p> <p>(d) Research data shows that for mass market customers not currently on any form of time-varying rates, allocating time to carefully convey the additional context and purpose of those rates is critical to ensure acceptance of a default program and its successful adoption.</p> <p>(e) Research data shows that transition from a flat rate to default time varying pricing such as TOU or PDP is complex and requires a communications effort that requires multiple phases over an extended period of time for customers to confidently understand the impact of the new default pricing schedules for their businesses.</p> <p>The Commission granted CSBRT’s request and directed PG&E to collaborate with CSBRT in making the required revision to PG&E’s Customer Education and Outreach Plan.</p>	<p>pp. 4, 50 (Directing PG&E to revise its customer education and outreach plan to include specific plans for accomplishing the following: “Conduct an enhanced education, outreach, and marketing program to inform eligible Small C&I customers about the availability of its A1-TOU rate.”)</p> <p>p. 60, Conclusion of Law 16 (“The customer education and outreach related modifications requested in the Petition for Modification of D.10-02-32 filed by DRA and the CSBRT/CSBA on February 4, 2011 should be granted.”)</p> <p>pp. 64-65, Ordering Paragraph 5, (PG&E shall revise its customer education and outreach plan to include specific plan to accomplish the following: “Conduct an enhanced education, outreach, and marketing program to inform eligible Small C&I customers about the availability of its A1-TOU rate.”)</p> <p>p. 65, Ordering Paragraph 5 (“PG&E shall prepare the revisions listed above by collaborating with DRA and the California Small Business Roundtable/California Small Business Association, as well as any other interested parties who wish to participate to ensure that the revised plan satisfactorily addresses the items listed above.”)</p>	
<p>2. <u>Requiring an Aggressive Outreach Program Providing Small Business Customers with an Integrated Set of Energy Efficiency Solutions Through a Single Point of Contact.</u></p> <p>In the Joint Petition for Modification and subsequent comments filed in this proceeding, CSBRT maintained that PG&E should be required to assist small business customers to respond to PDP. In particular, CSBRT requested that the Commission require PG&E to “In conjunction with its outreach and education campaign, conduct an aggressive outreach program providing Small C&I Customers</p>	<p><u>References to Claimant’s Presentations:</u></p> <p>Joint Petition for Modification, at, 3-4, 5, 17-21, Appendix A, Proposed Modification to Ordering Paragraph 28.</p> <p>CSBRT/CSBA Response to PG&E’s Petition for Modification, p. 4.</p> <p>Joint Parties Reply to Southern California Edison’s and PG&E’s Responses to the Joint Petition for Modification, pp. 3-4, 6-7, 9, and 14.</p> <p>CSBRT/CSBA Reply Comments, pp. 1-4.</p> <p>DRA/CSBRT/CSBA Notices of Ex Parte Communication filed on May 4, 2011, p.</p>	<p>Yes</p>

<p>with an integrated set of energy efficiency and demand reduction solutions through a single point of contact.”</p> <p>In support of this request, CSBRT cited <i>inter alia</i>:</p> <ul style="list-style-type: none"> (a) A “lack of products, services and programs to assist small business customers to respond to Peak Day Pricing.” (b) A “lack of effective customer outreach necessary to make peak day pricing work.” (c) A “lack of integrated solutions for small businesses”, and specifically the need to offer outreach, consumer education and demand side management program options “in a unified fashion” through a “single point of contact.” (d) PG&E’s Semi-Annual Reports required by prior Commission decision and the Commission’s 2008 Energy Efficiency Strategic Plan and past evaluations of utility energy efficiency and demand reduction programs for commercial customers. <p>The Commission granted CSBRT’s request and directed PG&E to collaborate with CSBRT in making the required revision to PG&E’s Customer Education and Outreach Plan.</p>	<p>2.</p> <p>CSBRT/CSBA Notice of Ex Parte Communication filed on March 16, 2011, p. 2.</p> <p>CSBRT/CSBA Reply Comments, pp. 1-4.</p> <p><u>References to D. 11-11-008:</u></p> <p>p. 44 (“Joint parties’ support these proposals by citing PG&E’s statements in the reports that the utility was required to submit by D.10-02-032. Joint Parties also cite statements in the Commission’s “Energy Efficiency Strategic Plan” regarding the importance of providing customers with integrated demand side management solutions and suggest that little evidence exists to verify any such activities on behalf of the customer group they represent here.”)</p> <p>p. 49 (“Indeed, Joint Parties, including members of the small business community, report that PG&E’s efforts suffer from lack of products, services and programs to help small business customers to respond to PDP; a lack of effective customer outreach necessary to make PDP work; and a lack of integrated solutions for small business. Issues like these should have been raised and addressed by PG&E, in the stakeholder reporting processes we established in D.10-02-032, rather than requiring parties to resort to a petition to modify that decision.”)</p> <p>p. 4, 50 (PG&E shall revise its customer education and outreach plan to include specific plans for accomplishing the following: “In conjunction with its outreach and education campaign, conduct an aggressive outreach program providing Small C&I Customers with an integrated set of energy efficiency and demand reduction solutions through a single point of contact.”)</p> <p>p. 57, Finding of Fact 18 (“PG&E’s customer education and outreach efforts</p>	
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	<p>require products, services and programs to help small business customers to respond to PDP; effective customer outreach to make PDP work; and integrated solutions for small businesses.”)</p> <p>p. 60, Conclusion of Law 16 (“The customer education and outreach related modifications requested in the Petition for Modification of D.10-02-32 filed by DRA and the CSBRT/CSBA on February 4, 2011 should be granted.”)</p> <p>p. 64, Ordering Paragraph 5, (PG&E shall revise its customer education and outreach plan to include specific plan to accomplish the following: “2. In conjunction with its outreach and education campaign, conduct an aggressive outreach program providing Small C&I Customers with an integrated set of energy efficiency and demand reduction solutions through a single point of contact.”)</p> <p>p. 65, Ordering Paragraph 5 (“PG&E shall prepare the revisions listed above by collaborating with DRA and the California Small Business Roundtable/California Small Business Association, as well as any other interested parties who wish to participate to ensure that the revised plan satisfactorily addresses the items listed above.”)</p>	
<p>3. <u>Requiring PG&E to perform periodic assessments of customer awareness and understanding of the A-1 TOU rate and other time-varying rates offered by PG&E, track Small C&I enrollment into and disenrollement from the A-1 TOU rate and other time-varying rates, and track customer complaints regarding time-varying rates.</u></p> <p>In the Joint Petition for Modification and subsequent comments filed in this proceeding, CSBRT requested that the transition to time-varying rates occur when PG&E achieves the following metrics: Customers understanding of time-varying</p>	<p><u>References to Claimant’s Presentations:</u></p> <p>Joint Petition for Modification, p. 5 and Appendix A, Proposed Modification to Ordering Paragraph 28.</p> <p>Joint Parties Reply to Southern California Edison’s and PG&E’s Responses to the Joint Petition for Modification pp. 9-10 and Appendix A.</p> <p><u>References to D. 11-11-008:</u></p> <p>pp. 4-5, 50 and pp. 64-65 Ordering Paragraph 5 (Requiring PG&E to revise its customer education and outreach plans</p>	<p>Yes</p>

<p>rates (as measured by customer awareness); Customer acceptance of time-varying rates (as measured by enrollment); and The utility’s ability to serve its customers on time-varying rates with no significant problems (as measured by customer complaints).</p> <p>CSBRT further requested that PG&E be required to “Perform periodic assessments of customer awareness and understanding of the A-1 TOU rate and other time-varying rates offered by PG&E, track Small C&I enrollment into and disenrollment from the A-1 TOU rate and other time-varying rates, and track customer complaints regarding time-varying rates.”</p> <p>While the Commission denied the first part of this request, the Commission found merit in requiring that PG&E conduct the assessments and tracking requested by CSBRT and directed PG&E to collaborate with CSBRT in making the required revision to PG&E’s Customer Education and Outreach Plan.</p>	<p>for accomplishing the following tasks: “Perform periodic assessments of customer awareness and understanding of the A-1 TOU rate and other time-varying rates, and track customer complaints regarding time-varying rates.”)</p> <p>p. 65, Ordering Paragraph 5 (“PG&E shall prepare the revisions listed above by collaborating with DRA and the California Small Business Roundtable/California Small Business Association, as well as any other interested parties who wish to participate to ensure that the revised plan satisfactorily addresses the items listed above.”)</p>	
<p>4. <u>Requiring a reevaluation of whether the approach to customer education and outreach that was required of PG&E in D.10-10-032 to determine whether it is failing to satisfactorily educate customer or reach specific market segments that are most at risk.</u></p> <p>Throughout this proceeding, CSBRT maintained that PG&E’s Customer Education and Outreach Plan and its activities to date were not sufficient to inform small business customers about the default to PDP, inform small business owners about the implications of this change for their businesses, and provide small business customers with the assistance needed to transition to PDP and other time-varying rates. CSBRT cited, <i>inter alia</i>,</p> <p>(a) The challenges PG&E experienced in informing and educating the approximately 5,000 Large C&I Customers (who are more</p>	<p><u>References to Claimant’s Presentations:</u></p> <p>Joint Petition for Modification, pp.11, 12, 15, 17-18.</p> <p>Motion of CSBRT/CSBA for Party Status, pp. 2-3.</p> <p>Response of CSBRT/CSBA to Petition for Modification by PG&E, pp. 2-3.</p> <p>CSBRT/CSBA’s Opening Comments, pp. 2-3, 4, 5.</p> <p><u>References to D. 11-11-008:</u></p> <p>p. 40 (“However, we are concerned that PG&E’s present approach to customer education and outreach, which we endorsed in D.10-10-032, has not been shown to be the most effective means of meeting those deadlines. The extensions of those deadlines that we grant elsewhere in this decision will also provide the time and opportunity to revisit PG&E’s</p>	<p>Yes</p>

<p>sophisticated and knowledgeable regarding time-varying rates) about PDP.</p> <p>(b) The even greater challenges PG&E faces in informing and educating the approximately 500,000 Small C&I Customers (only 6% who are on time-varying rates) about PDP.</p> <p>(c) Past Statewide Process Evaluations finding that face-to-face contact was “the most successful way to promote Demand Response programs” and “the biggest barrier to customer participation in Demand Response is related to concerns that curtailing load would impact the customers’ core business functions.”</p> <p>(f) PG&E’s Customer Education and Education Plan calls for making “direct contact” with only 10% of Small and Medium C&I Customers.</p> <p>(g) PG&E’s Customer Outreach and Education Plan notes that “[U]sage data analysis tells PG&E that there are no hard and fast rules as to which customers or industries will or will not automatically benefit from the new PDP. This adds additional complexity to outreach plans. PG&E cannot assume how each industry will perform and focus plans accordingly.”</p> <p>(h) SCE’s experience with Large C&I Customers demonstrating the challenges of educating customers on the complexity of CPP and that how even for customers with an assigned account representative, half of customers needed more education about CPP.</p> <p>In light of the concerns expressed about the adequacy of PG&E’s Education and Outreach Plan in terms of Small and Medium C&I Customers, D.11-11-008 required a review of PG&E’s activities to date and a reevaluation of whether PG&E’s present approach to customer education and outreach is the most effective means of meeting Commission deadlines and</p>	<p>approach.”)</p> <p>pp. 44-45 (“Today, we are delaying certain aspects of PDP implementation, and our reasons have much to do with apparent problems with customer outreach and education.”)</p> <p>p. 49 (“Based [on] the concerns expressed in the two Petitions before us, we must question whether PG&E’s present approach to customer education and outreach, which we endorsed in D.10-02-32, is the most effective means of meeting our deadlines for implementing dynamic rates. Furthermore, we are specifically concerned that PG&E’s methods of education and outreach may not reach market segments that are most at risk of being significantly impacted by the transition to dynamic rates; we first raised this concern in D.10-02-032. Therefore, we conclude that we should reevaluate the approach to customer education and outreach that we required of PG&E in D.10-02-032.”)</p> <p>p. 51 (“Second, in order to determine whether PG&E should redirect its customer outreach and education efforts and funding, we will direct the Commission’s Energy Division and Business & Community Outreach staff to review all of the material submitted pursuant to Ordering Paragraph 15 of D.10-02032, and submit a report with recommended changes. . . . Now, we believe that participants other than PG&E should report to us on the success of PG&E’s efforts to date. As detailed below, we direct the Commission staff to report to us on their assessment of PG&E’s progress, and to suggest specific, actionable steps that PG&E can take to improve its efforts.” (para.) Specifically, the Commission’s Energy Division and Business & Community Outreach staff shall prepare a report documenting the progress, successes and remaining challenges with respect to customer education and outreach actions and</p>	
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<p>whether PG&E’s methods of education and outreach will reach market segments most at risk of being significantly impacted.</p>	<p>spending ordered in D. 10-010-032. The report shall include recommendations, specific, actionable steps that PG&E can take to improve its efforts and recommendations regarding how the commission could link PG&E’s cost recovery to the outcomes expected when PG&E’s funding was approved. The report shall be served on the service list 60 days from today. Parties may comment on the report 10 days later.”)</p> <p>p. 57, Finding of Fact 19 (“PG&E’s present approach to customer education and outreach, which we endorsed in D. 10-02-032, may not be the most effective means of meeting our deadlines for implementing dynamic rates.”)</p> <p>p. 58, Finding of Fact 20 (“PG&E’s methods of education and outreach may not most effectively educate customers or reach specific market segments that are most at risk.”)</p> <p>p. 58, Finding of Fact 21 (“The extensions granted to PG&E will allow time for interested parties to review PG&E’s present approach to customer education and outreach.”)</p> <p>p. 59, Conclusion of Law 14 (“The approach to customer education and outreach that was required of PG&E in D.10-10-032 should be reevaluated to determine whether it failing to satisfactorily educate customers or reach specific market segments that are most at risk.”)</p> <p>p. 60, Conclusion of Law 15 (“Several actions should be initiated in order to determine whether we should order PG&E to redirect its customer education and outreach efforts and funding.”)</p> <p>p. 60, Conclusion of Law 17 (“The Commissions Energy Division and Business & Community Outreach staff should prepare a report providing their assessment of PG&E’s progress on customer education and outreach, and suggest specific, actionable steps that</p>	
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	<p>PG&E can take to improve its efforts.”) pp. 66, Ordering Paragraph 9 (Requiring the Commissions Energy Division and Business & Community Outreach staff to “prepare a report documenting the progress, successes and remaining challenges with respect to the customer education and outreach actions and spending ordered in Decision (D.) 10-10-032. The report shall include recommendations on specific, actionable steps that Pacific Gas and Electric Company (PG&E) can take to improve its efforts and recommendations regarding how the Commission could link PG&E’s cost recovery to the outcomes expected when PG&E’s funding was approved.”)</p>	
<p>5. <u>Reassessment of the timing and sequence of transitioning Small and Medium C&I Customers to Time-Varying Rates.</u></p> <p>In the Joint Petition and subsequent filings in this proceeding, CSBRT argued that PG&E should not default Small & Medium C&I Customers to PDP beginning on November 1, 2011 as required by D.10-02-032. CSBRT requested that instead of defaulting customers to PDP on November 1, 2011, the Commission adopt a phased transition from flat rates to TOU to PDP based on PG&E’s achievement of certain criteria.</p> <p>In addition to the problems with customer education and outreach referred to above, CSBRT cited customer backlash following SmartMeter deployment and customer skepticism among small business customers regarding the reasons for dynamic rates.</p> <p>In D.11-11-008, the Commission denied CSBRT’s criteria-based proposal, but modified D.10-02-032 to rescind the November 1, 2011 default date for PDP, require that customers default to TOU beginning on November 1, 2012 and require that customers default to PDP beginning on November 1, 2014.</p>	<p><u>References to Claimants Presentations:</u></p> <p>Joint Petition for Modification, pp.11, 12, 15, 17-18, 22.</p> <p>CSBRT/CSBA Motion for Party Status, pp. 2-3.</p> <p>CSBRT/CSBA Response to Petition for Modification by PG&E, pp. 2-3.</p> <p>Joint Petition for Modification, pp.11, 12, 15, 17-18.</p> <p>CSBRT/CSBA’s Opening Comments, pp. 2-3, 4, 5, 7</p> <p><u>References to D. 11-11-008:</u></p> <p>p. 27 (“However, we are now convinced that successful implementation is, in general, likely to require more time than we first assumed in our 2008 and 2010 decisions on dynamic pricing for PG&E.”)</p> <p>p. 44 (“We grant Joint Parties’ request to modify D.10-10-032 to include the customer outreach and education proposals listed above. In D.10-02-032, we stated “(a)s indicated in other parts of this decision, if customer outreach and education problems arise, it may be necessary to delay certain aspects of PDP</p>	<p>Yes</p>

<p>While the result in terms of the timing and sequencing of the transition largely followed PG&E’s Petition for Modification, CSBRT materially supplemented PG&E’s request for additional time to implement PDP by presenting from a small business perspective why defaulting customers to PDP beginning on November 1, 2011 was not advisable and why modifying D.10-02-032 was necessary to allow PG&E additional time to improve its customer outreach and education efforts and for small business customers to become familiar with time-varying rates.</p>	<p>implementation.” Today, we are delaying certain aspects of PDP implementation and our reasons have much to do with apparent problems with customer outreach and education.”)</p> <p>p. 45 (“In reviewing the reasons PG&E offered for seeking the delayed implementation schedule that we are granting here in this decision, one theme that underlies PG&E’s Petition is PG&E’s unwillingness to take responsibility for the lack of success of its own efforts in the area of customer education outreach. For example, in describing the “lessons learned” from its dynamic pricing and SmartMeter implementation efforts to date, PG&E suggests that recent high bill complaints were incorrectly attributed (by its own customers) to installation of the SmartMeters, rather than being attributed to rate increases, residential rate design, and weather-related usage. PG&E says nothing of its own failure to inform its customers, in an effective and timely manner, that changes were coming that could expose them to higher bills, or to explain those bills once they arrived. In short, PG&E faces documented challenges when it comes to its relationship with its own customers, and we must account for that in this decision;”)</p> <p>p. 58, Finding of Fact 22 (“The extensions granted to PG&E will allow time for interested parties to review PG&E’s present approach to customer education and outreach.”)</p>	
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

Claimant		CPUC Verified
a. Was the Division of Ratepayer Advocates (DRA) a party to the proceeding?	Yes	Correct
b. Were there other parties to the proceeding with positions similar to yours? If so, provide the name of other parties:	No	Correct
d. Claimant’s description of how it coordinated with DRA and other parties to avoid	We make no reductions	

<p>duplication or how claimant’s participation supplemented, complemented, or contributed to that of another party:</p> <p>Throughout this proceeding, CSBRT coordinated closely with DRA to avoid duplication in the following manner:</p> <p>At the outset, in discussing the need to modify D.10-10-032 in light of subsequent events, CSBRT and DRA agreed that it would be more efficient to prepare and submit a Joint Petition for Modification instead of filing two separate petitions. In this way, all of the necessary points could be covered without overlap or duplication.</p> <p>CSBRT and DRA divided up the tasks of researching and drafting the Joint Petition between them according to the expertise of the particular party. Because of CSBRT’s expertise concerning the needs of small business customers and CSBRT’s experience in conducting education and outreach programs for small business, CSBRT took the lead in researching and drafting the portions of the Joint Petition relating to customer education and outreach, the challenges of successfully educating and reaching small business customers in light of the day-to-day realities of operating a small business and PG&E’s experience to date in informing and educating Large C&I customers, lack of products, services and programs to assist small business customers to respond to PDP, lack of effective customer outreach necessary to make PDP work, lack of integrated solutions for small businesses, and specifically the need to offer outreach, customer education and demand side management program options in a unified fashion through a single point of contact. Because of DRA’s expertise in rate design, wholesale markets, and pricing of electricity, DRA took the lead in researching and drafting portions of the Joint Petition relating to time-varying rate structures (TOU and PDP), economic studies related to time-varying rates, the Energy Action Plan, and changes in the wholesale market for electricity in California.</p> <p>CSBRT and DRA worked jointly in assessing the progression and timing of customer transition from flat rates to TOU to PDP to ensure that the proposed implementation of time-varying rates in the Joint Petition was sound in terms of the actual knowledge, sophistication experience and resources possessed by small business customers which are CSBRT’s areas of expertise as well as economic and ratemaking perspectives which are DRA’s areas of expertise.</p> <p>The parties followed a similar approach in subsequent filings, with CSBRT focusing more on customer education and outreach and the impact of PDP on small business customers given the current state of customer knowledge, experience to date with educating Large C&I Customers and even greater challenges in educating and reaching Small and Medium Customers and DRA focusing more on the economic and ratemaking aspects. In this way, CSBRT’s expertise and work complemented DRA’s expertise and work in this proceeding.</p> <p>In some instances, DRA also addressed issues relating to implementation of dynamic pricing for residential customers and cost recovery. On these issues, CSBRT took no position nor filed any comments.</p> <p>In filings jointly submitted by CSBRT and DRA, attorneys for CSBRT and DRA reviewed the entire filing and made edits or inquiry as needed to ensure accuracy and clarity. While this might have involved some overlap, such review is required by Rule 1.8(b), which states:</p>	<p>to CSBRT’s hours for duplication of efforts with other parties.</p>
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<p>A signature on a document tendered for filing certifies that the signer has read the document and knows its contents; that to the signer's best knowledge, information, and belief, formed after reasonable inquiry, the facts are true as stated; that any legal contentions are warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law; that the document is not tendered for any improper purpose; and that the signer has full power and authority to sign the document.</p> <p>CSBRT and its sister organization CSBA were the only small business organizations to intervene and play an active role. CSBA's involvement as a party did not add to or reduce the cost of participation.</p> <p>Except for communications with counsel for DRA, CSBRT is not requesting compensation for any time expended by CSBRT's Counsel in telephone conferences and email to coordinate with DRA Staff.</p>	
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PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

<p>a. Claimant's explanation as to how the cost of claimant's participation bore a reasonable relationship with benefits realized through claimant's participation</p>	<p>CPUC Verified</p>
<p>For many decades, small business customers have been on flat rates and the vast majority of small business customers are unfamiliar with and have no experience with time-varying rates. Only 6% of PG&E's approximately 500,000 Small and Medium C&I Customers are on time-varying rates.</p> <p>In D.10-02-032, the Commission adopted a schedule requiring PG&E to default small business customers to PDP beginning on November 1, 2011. Subsequent events have proven this date not be feasible in view of the difficulties experienced by PG&E in informing and educating the far fewer and even more knowledgeable and experienced Large C&I Customers, research indicating the challenges in reaching the far more numerous and far less knowledgeable and less experienced Small and Medium C&I Customers, the lack of products, services and programs to assist small business customers to respond to PDP, lack of effective customer outreach necessary to make PDP work, lack of integrated solutions for small businesses, and lack of outreach efforts to offer consumer education and demand side management program options in a unified manner through a single point of contact.</p> <p>In D.11-11-008, the Commission modified D.10-02-032 in a number of respects. These modifications will provide PG&E with additional time to conduct outreach to Small and Medium C&I Customers to inform and educate them about the change to time-varying rates. As part of the education and outreach effort, customers are to be provided with an integrated set of energy efficiency and demand reduction solutions through a single point of contact. In addition, D.11-11-008 will allow Small and Medium Customers to have</p>	<p>The requested compensation is reasonable in relation to the benefits resulting from CSBRT's participation. If the actions required in D.11-11-008 are fully and effectively implemented, PG&E's approximately 500,000 Small and Medium C&I Customers, the vast majority of whom have no experience with time-varying rates, should be better informed about TOU, PDP and the transition to time-varying rates. Customers should also receive more information and assistance from PG&E regarding energy efficiency and demand reduction solutions. This information and assistance</p>

<p>some experience with TOU rates before defaulting to PDP.</p> <p>D.11-11-008 also adopted measures for PG&E, the Commission Staff and interested parties to reassess the PG&E’s Education and Outreach Program with the goal of ensuring that the Program is effective in educating customers and reaching customers in market segments most at risk. In particular, the Decision directed PG&E to make revisions to its Customer Education and Outreach Plan by collaborating with CSBRT/CSBA and urges PG&E to collaborate with stakeholders to help the Commission assess the effectiveness of the Plan’s approach.</p> <p>It is impossible to put a precise dollar value on these benefits. However, in total, they are no doubt considerable. For example, if D.11-11-008 resulted in an average benefit of \$10 per customer, the total dollar value for 500,000 customers would be \$5 million.</p>	<p>will be provided in an integrated fashion overcoming the problems with fragmented delivery and thus furthering a specific goal of the Commission’s Energy Efficiency Strategic Plan. Customers will also have some experience with TOU rates before defaulting to PDP. Further review of PG&E’s Education and Outreach Program in collaboration with CSBRT and other interest parties and additional tracking, and oversight should lead to further improvements in outreach and education efforts and how funds for this purpose are expended.</p> <p>These results should assist approximately 500,000 Small and Medium C&I Customers get prepared for time-varying rates, including adopting measures to reduce or shift their usage of electricity. This would help customers save money on their electric bills and avoid potential disruption and higher costs to their businesses if they are not prepared.</p> <p>The benefits to these customers will exceed the cost of CSBRT’s participation in this proceeding.</p>
<p>c. Allocation of Hours by Issue</p> <p>Customer Outreach and Education (78%) Timing & Sequence of Defaulting Customers to Time-Varying Rates (22%)</p>	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
C. Oshiro	2011	91.7	340	Adopted here, see Part III, Comment I	31,178	91.7	340	31,178
Subtotal: \$31,178						Subtotal: \$31,178		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
C. Oshiro	2011	7.0	170	½ of rate adopted here	1,190	7.0	170	1,190
Subtotal: \$1,190						Subtotal: \$1,190		
COSTS								
Item	Detail				Amount \$	Amount \$		
Parking	To attend five meetings at CPUC				15.00	-0-		
Bridge Tolls	To attend five meetings at CPUC				25.00	-0-		
GG Ferry	To attend PG&E Customer Outreach & Education Workshop				10.00	-0-		
Subtotal: \$50.00						Subtotal: \$-0-		
TOTAL REQUEST: \$32,418						TOTAL AWARD: \$32,368		
<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. Claimant'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>								

C. CSBRT's Comments on Part III:

Rationale for Oshiro's Hourly Rate
<p>Mr. Oshiro's last approved rate was \$310 for work in 2004 (D.05-02-017), 2005 (D.06-11-009) and 2006 (D.11-006-009). The hourly rate requested for Mr. Oshiro for work performed in 2011 is \$340.</p> <p>The requested increase of \$30 is within the 3% annual COLAs approved for 2006, 2007 and 2008 as calculated using the method in D. 07-01-009 and D.08-04-010. The requested hourly rate of \$340 is also towards the lower end of the \$300 to \$535 range authorized for attorneys of 13+ years of experience. In 2011, Mr. Oshiro had 23 years of experience in regulatory law, including serving as Staff Counsel, Legal Advisor to President Grimes and Interim Chief ALJ at the CPUC and ALJ at the Department of Insurance.</p>

D. CPUC Adoptions and Disallowances:

Adoptions	
2011 hourly rate for Oshiro	CSBRT requests an hourly rate of \$340 for Oshiro’s 2011 work in this proceeding. Oshiro has a previously adopted hourly rate of \$310 for his 2004-2006 work before the Commission. Oshiro has 23 years of experience in regulatory law in 2011. Oshiro has worked as Staff Counsel and Legal Advisor to President Grimes and as an Interim Chief ALJ at the Commission and also as an Administrative Law Judge with the Department of Insurance. We apply a 3% COLA for years 2006 and 2007 to the previously adopted rate of \$310 for Oshiro’s work and adopt a 2011 hourly rate of \$340. This rate is at the lower end of the \$305-\$545 range authorized for attorneys with 13+ years of experience in Resolution ALJ-281.
Disallowances	
Costs related to routine travel	The Commission awards fees and expenses for reasonable travel time but disallows compensation for time and expenses incurred during “routine travel”. In D.10-11-032, the Commission further defined “routine travel” as travel that occurs with a one-way travel distance of 120 miles or less for attorneys, consultants and other experts participating in Commission matters. Travel time and expenses occurring within this parameter is considered to be “routine” in nature and non-compensable. We disallow CSBRT’s request for reimbursement for parking tolls and ferry fees since they were incurred during “routine travel”.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(2)(6))?	Yes

FINDINGS OF FACT

1. California Small Business Roundtable has made a substantial contribution to Decision (D.) 11-11-008.
2. California Small Business Roundtable has requested an hourly rate for its participant that 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 contribution is \$32,368.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Public Utilities Code §§ 1801-1812.

ORDER

1. Claimant is awarded \$32,368.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay California Small Business Roundtable the total award. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning March 28, 2012, the 75th day after the filing of Claimant's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision? No
Contribution Decision:	D1111008	
Proceeding:	A0902022	
Author:	Stephen C. Roscow	
Payer:	Pacific Gas and Electric Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
California Small Business Roundtable	01-13-12	\$32,418	\$32,368	No	disallowance of costs incurred during "routine travel"

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Carl	Oshiro	Attorney	California Small Business Roundtable	\$340	2011	\$340

(END OF APPENDIX)