

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company To Revise Its Electric Marginal Costs, Revenue Allocation, and Rate Design, including Real Time Pricing, to Revise its Customer Energy Statements, and to Seek Recovery of Incremental Expenditures. (U39M)

Application 10-03-014
(Filed March 22, 2010)

DECISION GRANTING COMPENSATION TO THE GREENLINING INSTITUTE FOR SUBSTANTIAL CONTRIBUTION TO DECISION 12-03-015

Claimant: The Greenlining Institute	For contribution to Decision (D.) 12-03-015
Claimed (\$): \$7,178.00	Awarded (\$): \$6,944 (Reduced 3.25%)
Assigned Commissioner: Michael Peevey	Assigned Administrative Law Judge (ALJ): Thomas R. Pulsifer

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision: Adopts the all-party settlement resolving issues in Phase 3 of this proceeding, regarding proposals to revise and improve PG&E's customer energy statement.

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 (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	May 19, 2010	Correct
2. Other Specified Date for Notice of Intent (NOI):	n/a	n/a
3. Date NOI Filed:	June 15, 2010	Correct

4. Was the notice of intent timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	A.10-03-014	Correct
6. Date of ALJ ruling:	Nov. 30, 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:	Application (A.) 11-10-002	See comment below
10. Date of ALJ ruling:	pending	Correct
11. Based on another CPUC determination (specify):		
12. Has the claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision	D.12-03-015	Correct
14. Date of Issuance of Final Decision:	March 8, 2012	Correct
15. File date of compensation request:	May 4, 2012	Correct
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Claimant	CPUC	Comment
9 & 10	X		Greenlining’s last ruling finding significant financial hardship was issued on January 10, 2011, in Rulemaking (R.) 09-08-009. That ruling is more than one year old, rendering it inapplicable to this claim. Greenlining set forth a new demonstration of significant financial hardship in its NOI in A.11-10-002, which was filed on January 6, 2012. However, as of the time of this filing a ruling is still pending in that proceeding. Because it is uncertain whether a ruling will issue before this compensation request is addressed, Greenlining includes here, as Attachment A, its demonstration of significant financial hardship as it pertains to this proceeding.
9-12		X	The Commission accepts the affirmative showing of significant financial hardship presented by Greenlining in Attachment A of its NOI in this proceeding. Greenlining’s rationale in Attachment A is a reasonable means for finding it meets the significant financial hardship criteria required by Pub. Util. Code § 1802(g).

PART II: SUBSTANTIAL CONTRIBUTION**A. Claimant's claimed contribution to the final decision:**

Contribution	Citation to Decision or Record	Showing Accepted by CPUC
<p>A. Availability of billing in non-English languages</p> <p>PG&E originally proposed to offer billing in English, Spanish, Chinese and Vietnamese. Because Greenlining supported PG&E's proposal and testimony, we did not file testimony of our own, which would have been duplicative.</p> <p>We became involved in the settlement discussions to ensure that language access issues were well-represented in negotiations. Our specific contributions cannot be discussed here, because settlement negotiations are protected as confidential under Rule 12.6.</p> <p>However, D.12-03-015 notes PG&E's commitment to conduct targeted outreach to hard-to-reach groups, including language minorities, and to upgrading its IT capability to provide bills in Spanish and Chinese.</p>	<p>D.12-03-015, at 7; PG&E Prepared Testimony, Exhibits PG&E-3, and subsequent revisions.</p> <p>D.12-03-015, at.12, 14.</p>	<p>Yes</p>
<p>B. Other issues of bill readability and effectiveness</p> <p>As indicated in our timekeeping records, as part of settlement conversations Greenlining participated in discussions of non-language related bill effectiveness proposals, including wording, visual displays, etc. The substance of these conversations is also confidential, but the topics discussed are those reflected in the settlement agreement and noted in D.12-03-015.</p>	<p>D.12-03-015 at 4 (noting that Greenlining was a signatory to the settlement, though did not submit testimony), at 20 (finding that the signatories to the settlement are fairly reflective of the affected interests). (See also Settlement Agreement generally.)</p>	<p>Yes</p>

B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was DRA a party to the proceeding? (Y/N)	Yes	Correct
b. Were there other parties to the proceeding? (Y/N)	Yes	Correct
c. If so, provide names of other parties: Direct Access Customer Coalition; Vote Solar Initiative; California Manufacturers & Technology Association; County of Kern; City of Hercules; Lamont PU District; Utility Cost Management LLC; Lamont Cost Management LLC; Alliance for Retail Energy Markets; City and County of San Francisco; Energy Producers & Users Coalition; The Solar Alliance; Disability Rights Advocates; Marin Energy Authority; Women’s Energy Matters; Sierra Club California; Merced Irrigation District; Modesto Irrigation District; Agricultural Energy Consumers Association; California Farm Bureau Federation; The Utility Reform Network; Southern California Edison Company; Kern County Taxpayers Association; California City-County Street Light Association; Federal Executive Agencies; California Large Energy Consumers Association; Western Manufactured Housing Association; South San Joaquin Irrigation District; Town of Fairfax; The Alliance for Human and Environmental Health; Energy Users Forum; California League of Food Processors, PG&E.		Correct
d. Describe how you coordinated with DRA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party: Greenlining’s advocacy differed from that of other consumer parties, in that it focused on low income customers and communities of color. In this case, our focus was on the issues of language access, and bill readability specific to populations with lower literacy levels, less existing energy knowledge, etc. Throughout the proceeding, the parties conferred regularly with each other to keep apprised of each other’s work and ensure that resources were maximized and efforts were supportive rather than duplicative. Greenlining participated in all settlement negotiations on issues relevant to its constituencies. This process ensured that the consumer parties were aware of each others’ positions, and coordinated their efforts appropriately.		Verified; we make reductions to Greenlining’s hours for duplication of efforts with other parties.

PART III: REASONABLENESS OF REQUESTED COMPENSATION**A. General Claim of Reasonableness (§§ 1801 & 1806):**

Concise explanation as to how the cost of claimant’s participation bears a reasonable relationship with benefits realized through participation (include references to record, where appropriate)	CPUC Verified
Greenlining’s costs for participation in this phase of the proceeding were very modest, in large part because we elected not to prepare testimony that would have largely supported the testimony provided by PG&E itself regarding language access needs within its service territory. When	Verified

combined with the efficiencies produced by settling rather than litigating the proceeding, Greenlining’s participation was very cost-effective.

In comparison, the benefits our constituent customers will realize as a result of our participation are difficult to quantify, but will add up to well more than the modest sum Greenlining claims here in the long run. The Decision notes that, because their bills will now be easier to understand and more informative, customers “will be encouraged to explore more ways to conserve energy and to save money on their utility bills.” (at 22.) While it is difficult to quantify how much money this could be over the long term, PG&E has well over a million Spanish-speaking and Chinese-speaking individuals within its service territory, and more than 1.5 million CARE customers, whose interests Greenlining also represents. If each of the limited English proficient customers alone saved just \$1 on their monthly energy bills, the benefits to customers would vastly exceed the cost of Greenlining’s participation in this proceeding. As such, the cost of Greenlining’s participation bears a very reasonable, very modest relationship to the benefits realized through our participation.

B. Specific Claim:*

CLAIMED						CPUC AWARD			
ATTORNEY AND ADVOCATE FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Enrique Gallardo	2011	15	\$370	D.12-04-043	\$5,550	2011	15	\$370	\$5,550
Stephanie Chen	2011	6.2	\$185	D.12-04-043	\$1,147	2011	6.2	\$185	\$1,147
Stephanie Chen	2012	1.3	\$185	D.12-04-043	\$240.50	2012	0	\$190	\$0
Subtotal:					\$6,937.50	Subtotal:			\$6,697
EXPERT FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Subtotal:						Subtotal:			
OTHER FEES									
Describe here what OTHER HOURLY FEES you are claiming (paralegal, travel, etc.):									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$

Subtotal:					Subtotal:				
INTERVENOR COMPENSATION CLAIM PREPARATION **									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Stephanie Chen	2012	2.6	\$92.50	D.12-04-043	\$240.50	2012	2.6	\$95	\$247
Subtotal:					\$240.50	Subtotal:			\$247
COSTS									
#	Item	Detail			Amount	Amount			
Subtotal:						Subtotal:			
TOTAL REQUEST \$:					\$7,178.00	TOTAL AWARD \$:			\$6,944
<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. Greenlining's Comments and Attachments on Part III:

Attachment or Comment #	Description/Comment
	Greenlining waives claims for costs.
Attachment A	Basis for Rates Claimed in Section III.B
Attachment B	Allocation of Time by Issue
Attachment C	Time Recordkeeping for Greenlining's Attorneys
Attachment 1	Certificate of Service

D. CPUC Disallowances & Adjustments:

#	Reason
1. Disallowance for attending PG&E Workshop in 2012.	Looking at Greenlining's tabulation, it appears that the entry for attending the "PG&E workshop to review qualitative research results and latest bill templates" occurred after the date when the settlement proposal was deemed final. Based on this sequence of events, it is reasonable to conclude that the Commission would not have relied upon or made use of Greenlining's review of those results as a basis for D.12-03-015. Even though the February 2012 Greenlining workshop attendance might have been productive in terms of subsequent implementation of the Customer Energy Statement, the timing indicates that such attendance did not contribute to D.12-03-015. Therefore,

	Ms. Chen's 1.3 hours of attendance is denied compensation.
2. Increase in Ms. Chen's 2012 hourly rate	Ms. Chen's increased hourly rate is due to the Commission approved Cost-of-Living Adjustment [COLA] adopted by Resolution ALJ-281. Abiding by the Resolution, Ms. Chen's 2012 hourly rates have been raised to reflect the 2.2% COLA for intervenor hourly rates.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the claim?

No

B. Comment Period: Was the 30-day comment period waived (*see* Rule 14.6(2)(6))?

Yes

FINDINGS OF FACT

1. The Greenlining Institute has made a substantial contribution to Decision 12-03-015.
2. The claimed fees and costs are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The total of reasonable contribution is \$6,944.

CONCLUSION OF LAW

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

ORDER

1. The Greenlining Institute is awarded \$6,944.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay The Greenlining Institute 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 July 18, 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. Application 10-03-014 is closed.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1203015		
Proceeding(s):	A1003014		
Author:	ALJ Thomas R. Pulsifer		
Payer(s):	Pacific Gas and Electric Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier ?	Reason Change/Disallowance
The Greenlining Institute	5/14/12	\$7,178.00	\$6,944	No	Disallowance for attendance to February 2012 Workshop; Increase in Ms. Chen's 2012 hourly rate due to 2.2% COLA established in Res. ALJ-281

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Enrique	Gallardo	Attorney	Greenlining	\$370	2011	\$370
Stephanie	Chen	Attorney	Greenlining	\$185	2011	\$185
Stephanie	Chen	Attorney	Greenlining	\$185	2012	\$190

(END OF APPENDIX)