

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Examine the Commission's Post-2008 Energy Efficiency Policies, Programs, Evaluation, Measurement, and Verification, and Related Issues.

Rulemaking 09-11-014
(Filed November 20, 2009)

**DECISION GRANTING REQUEST OF THE GREENLINING INSTITUTE FOR
INTERVENOR COMPENSATION FOR SUBSTANTIAL CONTRIBUTIONS TO
DECISION 12-05-015**

Claimant: The Greenlining Institute (Greenlining)	For contribution to Decision (D.) 12-05-015
Claimed (\$): \$49,378.50	Awarded (\$): 37,676.75 (a 24% reduction)
Assigned Commissioner: Mark J. Ferron	Assigned ALJ: Darwin Farrar

PART I: PROCEDURAL ISSUES

- A. Brief Description of Decision:** D.12-05-015 directs Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company (collectively, the investor-owned utilities) to file applications no later than July 2, 2012 to establish energy efficiency programs and budgets for 2013 and 2014. This decision also gives guidance to the utilities on the 2013-2014 energy efficiency programs, with the overall direction that they should begin a transition away from short-lived energy savings and towards deeper retrofits. The decision also gives guidance on expanding energy efficiency financing, takes steps to reduce the number and complexity of energy efficiency programs, and clarifies certain aspects of the 2012 Marketing, Education, and Outreach Program.

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:	March 18, 2010	Yes
2. Other Specified Date for NOI:	June 21, 2010	N/A
3. Date NOI Filed:	November 16, 2011	Yes
4. Was the NOI timely filed?		Yes, See Section I.C.
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on Administrative Law Judge (ALJ) ruling issued in proceeding number:	R.10-02-005	Yes
6. Date of ALJ ruling:	March 29, 2010	Yes
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:	See comment below.	See Section I.C.
10. Date of ALJ ruling:		
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.12-05-015	Yes
14. Date of Issuance of Final Order or Decision:	May 10, 2012	May 18, 2012
15. File date of compensation request:	July 9, 2012	Yes
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Claimant	CPUC	Comment
4	X		Pursuant to ALJ Farrar’s January 23, 2012 ruling, Greenlining was

			granted permission to late-file its NOI to Claim Intervenor Compensation.
9, 10	X		Greenlining does not have an original determination of significant financial hardship within a year from the opening of this proceeding. As such we have attached a demonstration as pertains to this proceeding in Attachment A.
4		X	ALJ Farrar’s January 23, 2012 ruling granted Greenlining permission to file its NOI to Claim Intervenor Compensation on November 16, 2011.
8, 9-12		X	<p>Article III, Section 17 of Greenlining’s articles of incorporation authorizes Greenlining to represent the interest of low income communities, minorities and residential ratepayers before state and federal regulatory agencies and courts, including but not limited to users of electricity, telecommunication services, gas and water. As such, it is a customer as defined by Pub. Util. Code Section 1802 (b) (1) (C): “A representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers ... who receive bundled electric service from an electrical corporation.” As a “Category 3” customer, Greenlining must satisfy the comparison test by showing that the economic interests of its members in this proceeding are small relative to the cost of effective participation in the proceeding. Greenlining has made this showing in Attachment A to its filing here, in that the economic interest of individual disadvantaged workers and low income customers would be minimal relative to the burden that participation in this proceeding would impose.</p> <p>Additionally, D.09-12-043, issued December 17, 2009, determined that Greenlining established significant financial hardship based on a rebuttable presumption of an earlier decision. Because D.09-12-043 was issued within a year of the commencement of this proceeding, we find it created a rebuttable presumption of significant financial hardship in this proceeding. See Pub. Util. Code Section 1804 (b) (1).</p>

PART II: SUBSTANTIAL CONTRIBUTION

Claimant’s description of its contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059).

Contribution	Specific References to Claimant’s Presentations and to Decision	Showing Accepted by CPUC
A. Policies Providing Disadvantaged Workers With Increased Job Access		Yes; but see Section II.B

<p>and Quality.</p> <p>Greenlining argued that transition period reforms should include policies that create high-quality jobs in underserved communities. Greenlining argued that investments in job quality and workforce development create opportunities for disadvantaged workers and more energy savings.</p> <p>As such, Greenlining recommended that investor owned utility (IOU) Program Implementation Plans (PIPs) contain detailed plans for increasing the hire of disadvantaged workers across all resource programs. We recommended that data be gathered on workforce outcomes such as demographics, wages, and certifications obtained. Greenlining also recommended that the Commission couple on-bill financing with contracting, training, and employment policies that create high-quality career opportunities for low-income communities.</p> <p>The Decision embraced a “high-road” vision for the energy efficiency programs and provided initial guidance on steps taken toward that end. The decision notes of Greenlining’s position that inclusion strategies promote a high-road approach to training and energy program requirements. The decision also notes Greenlining’s position that apprenticeships and pre-apprenticeship partnerships are a model for long-term career pathways leading to more energy efficiency via quality installation. The decision also agrees with Greenlining’s position that the criminal background check policy is</p>	<p>Comments on Assigned Commissioner Ruling (ACR) and Scoping Memo, (November 8, 2011), at 2-3; Opening Comments on Energy Division’s Proposed Changes (December 23, 2011) at 1-2, 2-3, 4-6; Reply Comments on Energy Division’s Proposed Changes (January 6, 2012) at 3-4; Opening Comments on Section 6A of Energy Efficiency Financing Ruling (January 25, 2012) at 6, 7; Reply Comments on Section 6A of Energy Efficiency Financing Ruling (January 30, 2012) at 5; Opening Comments on Section 6B and 6C of Energy Efficiency Financing Ruling (February 22, 2012) at 5, Opening Comments on Proposed Decision (April 9, 2012) at 4-8, 14-18, 12-13, 19-21; Reply Comments on Proposed Decision (April 16, 2012) at 2-5.</p> <p>D.12-05-015 at 100-110, 272-283.</p>	<p>below regarding claims concerning Commissioner Concurrence.</p>
---	--	--

<p>an important question that should be considered in all demand-side programs and commits to addressing in a future venue.</p> <p>Finally, the concurrence of Commissioner Simon embraces Greenlining’s recommendation requiring PIPs to contain detailed targeted hiring plans.</p>	<p>Concurrence of Commissioner Simon at 2.</p>	
<p>B. Equitable Implementation of Energy Efficiency Financing Programs</p> <p>Greenlining supported on-bill repayment (OBR) as an exciting opportunity to offer energy efficiency financing to broad array of small business and residential customers. Greenlining argued that energy efficiency financing programs should include labor standards and targeted hiring strategies to create economic benefits for low-income communities. Finally, we argued that the Commission should implement financing programs in a way that ensures consumer protections for residential customers.</p> <p>As such, Greenlining recommended a careful approach to OBR implementation that maintains robust consumer protections while increasing access to innovative energy efficiency financing products. We recommended that the Commission implement residential financing in a manner that does not increase the risk of disconnection for low-income ratepayers.</p> <p>In response to these recommendations, the Decision includes a design that ramps up over time based on practical experience and market participation by various customer segments. On-bill</p>	<p>Comments on ACR and Scoping Memo, (November 8, 2011), at 3; Opening Comments on Energy Division’s Proposed Changes (December 23, 2011) at 3; Opening Comments on Section 6A of Energy Efficiency Financing Ruling (January 25, 2012) at 2-6, 7-14; Reply Comments on Section 6A of Energy Efficiency Financing Ruling (January 30, 2012) at 2-4; Opening Comments on Section 6B and 6C of Energy Efficiency Financing Ruling (February 22, 2012) at 5-9; Opening Comments on Proposed Decision (April 9, 2012) at 12-14; Reply Comments on Proposed Decision (April 16, 2012) at 5.</p> <p>D. 12-05-015 at 100-140.</p>	<p>Yes</p>

<p>financing (OBF) is continued for business customers. Other design features include credit enhancements for single family, multi-family, and small business customers and OBR for the multifamily and small business segment. Finally, in response to Greenlining’s concerns, the design for residential ratepayers will not have a disconnection provision for lack of payment.</p>		
<p>C. Participation of Diverse Owned Businesses</p> <p>Greenlining argued that the transition period was an ideal opportunity to examine how portfolio reforms will create access to business opportunities for diverse businesses. We recommended that the IOUs provide detailed plans for how a re-focused energy efficiency program can generate economic benefits for diverse firms under GO 156.</p> <p>Commissioner Simon’s Concurrence found that this transition period is an opportunity for the Commission to meaningfully address employment creation for disadvantaged communities and supplier diversity. Similarly, Commissioner Simon strongly encourages the utilities’ third-party program administrators to routinely incorporate the Commission’s General Order 156 goals into their operations.</p>	<p>Comments on ACR and Scoping Memo, (November 8, 2011), at 4; Opening Comments on Energy Division’s Proposed Changes (December 23, 2011) at 8.</p> <p>Concurrence of Commissioner Simon at 2.</p>	<p>See Section II.B below.</p>
<p>D. Sector Strategies and Quality Installation</p> <p>Greenlining argued that workforce standards and certifications and a well-trained workforce generate more energy savings. We argued that stackable credentials provide middle-</p>	<p>Opening Comments on Energy Division’s Proposed Changes (December 23, 2011) at 2-3, 4-7; Opening Comments on Section 6A of Energy Efficiency Financing Ruling</p>	<p>Yes</p>

<p>class careers and pathways out of poverty for disadvantaged workers. We also recommended expansion of sector strategy partnerships to ensure that ratepayer investments in workforce, particularly disadvantaged workforce, training and education are not squandered.</p> <p>The Decision embraced a “high-road” vision for the energy efficiency programs and provided initial guidance on steps taken toward that end. The Decision also notes Greenlining’s position that apprenticeships and pre-apprenticeship partnerships are a model for long-term career pathways leading to more energy efficiency via quality installation. The Decision acknowledges the potential need to mandate skill standards and certifications and orders additional study on the costs and benefits of such a policy. The Decision also conveys that the Commission expects the utilities to explore and, if appropriate, pilot mandatory and/or voluntary incentive-based approaches to promote high-road skill standards through utility programs in the 2013–2014 program period. Finally, the utilities are directed to describe and support coordination for the linkages between ESAP WE&T and energy efficiency core programs.</p>	<p>(January 25, 2012) at 5; Opening Comments on Section 6A of Energy Efficiency Financing Ruling (January 25, 2012) at 7, 13-14; Reply Comments on Section 6A of Energy Efficiency Financing Ruling (January 30, 2012) at 5; Opening Comments on Section 6B and 6C of Energy Efficiency Financing Ruling (February 22, 2012) at 3-4, 6; Opening Comments on Proposed Decision (April 9, 2012) at 9-13, 16-18, 19-21; Reply Comments on Proposed Decision (April 16, 2012) at 3-5.</p> <p>D. 12-05-015 at 178-179, 251-253, 272-283.</p>	
<p>E. Increased Support for Multi family and Middle Income Energy Efficiency Programs Greenlining argued that IOU energy</p>	<p>Opening Comments on Energy</p>	<p>Yes</p>

<p>efficiency programs should do more to reach moderate-income ratepayers and multi-family tenants. We proposed expansion of the Middle Income Direct Install (MIDI) program to be more comprehensive and to reach more neighborhoods across the state.</p> <p>Greenlining urged higher incentives for an Energy Upgrade California multifamily program element and increased attention to the multi-family market segment. Greenlining also recommended engaging building owners and managers in program development to ensure their concerns are addressed in the program structure, and that the program is not cost-prohibitive to low-to-moderate income households living in these buildings.</p> <p>The Decision directs the IOUs to explore changes to the “basic” Energy Upgrade California program pathway to make it more appealing to moderate income households and to propose these changes in their 2013-2014 applications. It also directs all IOUs to establish MIDI programs in 2013-2014, if they have not yet done so, and to explore expansion of eligible MIDI measures to improve the program’s comprehensiveness.</p>	<p>Division’s Proposed Changes (December 23, 2011) at 3; Reply Comments on Energy Division’s Proposed Changes (January 6, 2012) at 2.</p> <p>D.12-05-015 at 181-183, 185-189.</p>	
---	---	--

A. 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	Yes
b. Were there other parties to the proceeding with positions similar to Claimant?	Yes	Yes
c. If so, provide name of other parties: California Energy Efficiency Industry Council, National Association of Energy Services Companies, Pool Solutions Group, Local Government Sustainable Energy Coalition, Natural Resources Defense Council, Association of California Water		Yes, this is a list of parties on the service list. It is

<p>Agencies (ACWA), Inland Empire Utilities Agency (IEUA), DRA, City of Berkeley, Southern California Water Committee, Building Performance Institute, Inc., Semitropic Water Storage District, Portland Energy Conservation Incorporated (PECI), Renewable Funding, LLC / Metrus Energy, Inc., California Center for Sustainable Energy, Efficiency 2.0, LLC, National Consumer Law Center, OPower, Staples Marketing Communications, Skychaser Energy, Inc., Simple Energy, Inc., Synergy Companies, San Diego Gas & Electric / SoCal Gas, West Basin Municipal Water District, California State University (CSU), Southern California Edison, Environmental Health Coalition, City of San Diego, Emerging Technologies Associates Inc., Eastern Municipal Water District, Irvine Ranch Water District, NRG Answers, LLC, Association of Monterey Bay Area Governments, California Construction Industry Labor Management Cooperation Trust (CILMCT), City and County of San Francisco, TURN, California Housing Partnership Corp., California Large Energy Consumers Association, Efficiency First, Switch Lighting Company, South San Joaquin Irrigation District (SSJID), Pacific Gas and Electric Company, Center for Energy Efficiency and Renewable Technologies, California Building Performance Contractors Association (CBPCA), Association of Bay Area Governments, SolarCity Corporation, Green For All, Ella Baker Center for Human Rights, City of Oakland, Commercial Energy of California, Quantum Energy Services & Technologies, Inc., Build It Green (BIG), The Berkeley Center for Law, Business and the Economy (BCLBE), Marin Energy Authority, Proctor Engineering Group, Ltd., Women's Energy Matters, Small Business California (SB-Cal), MyEnerSave, Ecology Action of Santa Cruz, Inc., GeoPraxis, Inc., California Independent System Operator Corporation, EnerNoc, Inc., Beutler Corporation, Joint Committee on Energy & Environmental Policy, CRHMFA Homebuyers Fund (CHF), California Association of Realtors, Consumer Federation of California, San Joaquin Valley Power Authority, The East Los Angeles Community Union (TELACU), Sierra Business Council, Energy Efficiency Finance Corporation, Pulse Energy.</p>	<p>unclear whether or not each party had positions similar to that of Greenlining.</p>
<p>d. Claimant’s description of how it coordinated with DRA and other parties to avoid duplication or how Claimant’s participation supplemented, complemented, or contributed to that of another party:</p> <p>By the nature of its advocacy, Greenlining avoided duplication with other parties in this proceeding. While Greenlining worked closely with other organizations on workforce issues, Greenlining was the only party advocating on the issues from the unique perspective of low-income and disadvantaged workers. Similarly, Greenlining was the only party examining financing programs and expanded services from MIDI/MF from the perspective of low-to-moderate income ratepayers. However, Greenlining consistently maintains communication</p>	<p>Yes.</p> <p>We make no reduction to this claim for duplication of effort.</p>

<p>with consumer parties like DRA, TURN, NRDC, CILMT, The Ella Baker Center for Human Rights, and Green For All to minimize duplication of effort. Finally, on a number of occasions Greenlining filed jointly with the Ella Baker Center For Human Rights and Green For All.</p>	
---	--

B. Additional Comments on Part II:

#	Claimant	CPUC	Comment
II(A)	X		While D.12-05-015 did not expressly agree with Greenlining on all of its arguments, Greenlining submits that all of its arguments contributed substantially to the record in the proceeding, were germane to the issues at hand, and allowed the Commission to engage in a more informed deliberative process, ultimately resulting in a more thoroughly-considered decision. As such, Greenlining submits that it has merited compensation on the arguments that were not adopted in the Decision, in addition to those that were.
II(A)		X	It is unnecessary for a claimant to list the entire service list; rather, claimant should only list those parties whose positions were similar to claimant's so that the Commission can more clearly determine whether unnecessary duplication of effort occurred among parties.
II(A) and (C)		X	We neither confirm or deny Greenlining's claimed contributions to the Concurrence of Commissioner Simon since this document is not part of the docket card or official record in the proceeding.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

<p>a. 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).</p> <p>The Decision directs piloting and further study of the costs and benefits on Greenlining’s proposed policies. As such, it is difficult to quantify the benefits that will result from Greenlining’s advocacy at this time. The data will inform the Commission, the utilities, and consumer advocates on the extent to which investing in a “high-road” energy efficiency market will provide better careers for disadvantaged workers and better services and increased energy savings for low-to-moderate income customers. The information will allow all stakeholders to modify programs in the transition period and subsequent program cycles, to achieve greater savings for customers and better wages for workers.</p> <p>Given the size of the customer base – low-income, small business customers, and disadvantaged workers – that stand to benefit from Greenlining’s advocacy in this proceeding, even if the benefit is only \$1 a year for each customer, the total benefits will vastly exceed Greenlining’s modest costs of participation.</p>	<p>CPUC Verified</p> <p>After making the adjustments and disallowances to this claim, we find the remaining hours and costs to be reasonable and worthy of compensation.</p>
<p>b. Reasonableness of Hours Claimed.</p> <p>Greenlining’s hours are reasonable given the massive scope of this proceeding. While Greenlining exceeded the hours projected in our NOI, we participated on topics, such as financing programs, that turned out to require substantially more time and attention than we anticipated, both in terms of substantive topic and participation required. Specifically, the Commission asked that we present at multi-day workshops and we engaged in several rounds of comments that were not accounted for in our NOI projections.</p> <p>Greenlining focused only on the issues that related directly to its constituency, and did not duplicate the efforts of any other party in doing so. This high level of inter-party coordination required additional time for phone calls and meetings with other parties. These coordination efforts also allowed Greenlining to jointly file with other parties, thereby reducing the duplication of efforts.</p> <p>Finally, Greenlining made every effort to divide labor internally and create efficiencies in workload. Ryan Young, functioning as a junior attorney, was largely responsible for substantive research, the drafting of comments, and</p>	<p>See Parts III.B and III.D.</p>

<p>review of other parties comments. Vien Truong, functioning as a managing attorney, was largely responsible for management functions and strategic direction, review of comments, and coordination between other parties. While there will be inevitable overlap, this internal division of labor is common practice in the legal field. Limited overlap, such as in meetings with parties and ex parte meetings, is especially appropriate in this instance as R. Young has more experience in CPUC practice and procedure while V. Truong has more experience in substantive issues.</p>															
<p>c. Allocation of Hours by Issue</p> <p>Greenlining’s time is allocated by issue category as follows:</p> <table border="1" data-bbox="240 688 1203 1062"> <tr> <td>A. Policies Providing Disadvantaged Workers with Increased Job Access and Quality.</td> <td>31.50%</td> </tr> <tr> <td>B. Equitable Implementation of Energy Efficiency Financing Programs.</td> <td>33.58%</td> </tr> <tr> <td>C. Participation of Diverse Owned Businesses.</td> <td>1.13%</td> </tr> <tr> <td>D. Sector Strategies and Quality Installation</td> <td>17.52%</td> </tr> <tr> <td>E. Increased Support for Multi-family and Middle Income Energy Efficiency Programs.</td> <td>0.46%</td> </tr> <tr> <td>F. General/Multiple Issues.</td> <td>15.81%</td> </tr> <tr> <td>Total</td> <td>100%</td> </tr> </table>	A. Policies Providing Disadvantaged Workers with Increased Job Access and Quality.	31.50%	B. Equitable Implementation of Energy Efficiency Financing Programs.	33.58%	C. Participation of Diverse Owned Businesses.	1.13%	D. Sector Strategies and Quality Installation	17.52%	E. Increased Support for Multi-family and Middle Income Energy Efficiency Programs.	0.46%	F. General/Multiple Issues.	15.81%	Total	100%	<p>Greenling properly allocates its time by major issue as required by Rule 17.4.¹</p>
A. Policies Providing Disadvantaged Workers with Increased Job Access and Quality.	31.50%														
B. Equitable Implementation of Energy Efficiency Financing Programs.	33.58%														
C. Participation of Diverse Owned Businesses.	1.13%														
D. Sector Strategies and Quality Installation	17.52%														
E. Increased Support for Multi-family and Middle Income Energy Efficiency Programs.	0.46%														
F. General/Multiple Issues.	15.81%														
Total	100%														

B. Specific Claim*:

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Ryan Young	2011	32.3	\$190	See Attachment C	\$ 6,137.00	27.6	\$160	4,416.00
Ryan Young	2012	132.9	\$190	See Attachment C	\$25,251.00	121.2	\$165	19,998.00
Vien Truong	2011	22.3	\$220	See Attachment C	\$ 4,906.00	14.7	\$200	2,940.00
Vien Truong	2012	52.2	\$220	See Attachment C	\$11,484.00	44.6	\$205	9,143.00
Subtotal:					\$47,778.00	Subtotal:		\$36,497.00

¹ See D.98-04-059 and D.85-08-012.

INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Ryan Young	2012	14.3	\$95	See Attachment C	\$1,358.50	14.3	\$82.50	1,179.75
Vien Truong	2012	2.7	\$110	See Attachment C	\$297.00	0	\$102.5	0
Subtotal:					\$1,655.50	Subtotal:		\$1,179.75
COSTS								
#	Item	Detail			Amount	Amount		
Subtotal:						Subtotal:		
TOTAL REQUEST \$:					\$49,433.50	TOTAL AWARD \$:		\$37,676.75
<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 requested 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>** Reasonable claim preparation time typically compensated at ½ of preparer's normal hourly rate (the same rate applies to travel time).</p>								
Attorney				Date Admitted to CA BAR ²		Member Number		
Ryan Young				December 2010		274828		
Vien Truong				January 2009		262017		

² The inclusion of this information is a result of a 2013 audit of the Intervenor Compensation Program by the State of California.

C. CPUC Disallowances, Adjustments, and Comments:

#	Reason
1	<p>Greenlining requests \$190 an hour for Ryan Young’s work performed in 2011 and 2012. Greenlining states that Mr. Young was a first year attorney when the Commission issued D.12-04-043 awarding Mr. Young \$150/hour for work performed in 2011. Greenlining argues that because this is his second year as an attorney, an increase to \$190/hour for his work performed in 2011 and 2012 is reasonable.</p> <p>Greenlining has not justified this increase. However, Mr. Young is entitled to his first 5% step increase for 2011, and we award him \$160/hour for his work performed in 2011. This amount is consistent with the range allowed for attorneys with 0-2 years of experience. Pursuant to Resolution ALJ-281, we grant Mr. Young a cost of living increase for 2012 without Greenlining specifically having to request it since Resolution ALJ-281 was issued after Greenlining filed this request. We therefore award Mr. Young \$165/hour for work performed in 2012.</p>
2	<p>Vien Truong is currently the Director of the Greenlining Institute’s Green Assets Program. She graduated from the University of California, Hastings College of the Law in 2006 and was sworn into the California Bar in January 2009³. As such, she is an attorney with three years of experience in 2011.</p> <p>Prior to joining Greenlining, Ms. Truong led Green For All’s state policy and workforce development efforts, advising legislators, governors, community based organizations, and others nationwide in implementing environmental and workforce development policies.</p> <p>Greenlining requests \$220 for Ms. Truong’s work performed both in 2011 and 2012. Resolution ALJ-281 at 5 sets the intervenor rate ranges for 2011 for attorneys with 3-4 years of experience at \$200-\$235. Given Ms. Truong’s background, we find a 2011 hourly rate of \$200 to be reasonable. Pursuant to Resolution ALJ-281, we grant Ms. Truong a cost of living increase for 2012 without Greenlining specifically having to request it since Resolution ALJ-281 was issued after Greenlining filed this request. We therefore award Ms. Truong \$205/hour for her work performed in 2012.</p>
3	<p>Duplication and Overlap:</p> <p>We deduct hours for duplication of work by Mr. Young and Ms. Truong when working on the same item as follows:</p> <p>Billing for participating in the same task force conference calls: The National Resources Defense Council (NRDC), in its claim for contribution to D.12-05-015, billed ½ time when multiple attorneys participated on the same task. Similarly, we allow Mr. Young and Ms. Truong ½ time when each billed for participating in full on task force calls, resulting in a deduction for Mr. Young as follows: 1.5 hours for 2011</p>

³ This information was obtained from the California State Bar website.

	<p>and 2.4 hours for 2012; and for Ms. Truong as follows: 1.5 hours in 2011 and 2.5 hours for 2012.</p> <p>Both Mr. Young and Ms. Truong participated in preparing for ex parte meetings and in the same ex parte meetings. We allow them each ½ of their hours for this duplicative work, resulting in a deduction for Mr. Young as follows: 3.0 hours for 2012; and for Ms. Truong as follows: 2.8 hours for 2012.</p> <p>Similarly, there is duplication and overlap between Mr. Young's work and Ms. Truong's editing of the same documents. Mr. Young spent 13.1 hours in 2011 drafting Greenlining's eight page Opening Comments on the Staff Proposal and Ms. Truong spent 10.4 hours researching and editing Mr. Young's work on the same document. We therefore disallow 5.4 hours of Ms. Truong's time for 2011.</p> <p>We also disallow Ms. Truong's claimed 2.7 hours in 2012 for reviewing Mr. Young's work in the intervenor compensation claim. It is generally more reasonable and appropriate that the more junior attorney handle such claims. We compensate Mr. Young in full for his claimed 2012 time on this task.</p>
4	<p>We deduct 0.7 hours from the 2011 hours claimed by Mr. Young for attending the workshops on 2/8-2/10/2011 since it is not appropriate to charge for travel time or lunch. (The National Resources Defense Council charged 10.5 hours (1/2 time) for attending these same workshops by telephone, thus allowing for 21 hours of workshop time.) We therefore allow Mr. Young compensation for the 21 hours of workshop time and exclude the remaining time claimed.</p>
5	<p>We disallow one hour for Mr. Young in 2012 for participating in a conference call on January 23, 2012. He charges for two separate entries for the same day for two difference conference calls, while Ms. Truong's hours shows one conference call with all participants.</p>
6	<p>Greenlining states that while D.12-05-015 did not expressly agree with Greenlining on all of its arguments, it should be compensated in full for the hours worked because Greenlining contributed to a more informed deliberative process. We make a 5% reduction, amounting to a 1.5 hours deduction for Mr. Young for 2011 and 6.3 hours deduction for Mr. Young for 2012; and a 0.7 hour deduction for Ms. Truong for 2011 and a 2.3 hours deduction for 2012 to reflect that Greenlining's pleadings contributed to the issues decided, even though Greenlining did not ultimate prevail on all issues.</p>

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. Claimant Greenlining Institute has made a substantial contribution to Decision 12-05-015.
2. The requested hourly rates for Claimant Greenlining Institute's representative, 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 contribution is \$37,676.75.

CONCLUSION OF LAW

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

ORDER

1. Claimant Greenlining Institute is awarded \$37,676.75.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company and Southern California Gas Company shall pay Claimant Greenlining Institute their respective shares of the award, based on their California-jurisdictional electric and gas revenues for the 2011 calendar year, to reflect the year in which the proceeding was primarily litigated. 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 September 22, 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(s):	D1205015	
Proceeding(s):	R0911014	
Author:	ALJ Farrar	
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier	Reason Change/Disallowance
Greenlining Institute	July 9, 2012	\$49,378.50	\$37,676.75	No	Deductions for duplication and overlap of Greenling attorney work; no travel or lunch time billed for workshops; correction for two separate entries of same item; Greenlining contributed to but did not prevail on certain issues.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Ryan	Young	Attorney	The Greenlining Institute	\$190	2011	\$160
Ryan	Young	Attorney	The Greenlining Institute	\$190	2011	\$165
Vien	Truong	Attorney	The Greenlining Institute	\$220	2012	\$200
Vien	Truong	Attorney	The Greenlining Institute	\$220	2012	\$205

(END OF APPENDIX)