

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SOUTHERN CALIFORNIA GAS COMPANY (U 904 G) to Amend its Certificate of Public Convenience and Necessity for the Aliso Canyon Gas Storage Facility.

Application 09-09-020
(Filed September 30, 2009)

**DECISION GRANTING COMPENSATION TO WESLEY G. ROGERS
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 13-11-023**

Claimant: Wesley G. Rogers	For contribution to Decision (D.) 13-11-023
Claimed: \$91,370.43	Awarded: \$77,476 (reduced 15.2%)
Assigned Commissioner: Michael R. Peevey	Assigned ALJ: Richard Smith

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision: Decision to approve application of Southern California Gas Company (SoCalGas) to amend its certificate of public convenience and necessity for the Aliso Canyon Gas Storage Facility (Aliso Facility).

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:	August 14, 2012	Verified
2. Other Specified Date for NOI:	N/A	N/A
3. Date NOI Filed:	September 11, 2012	Verified
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:	Application 09-09-020 Conf# 63273	Verified
6. Date of ALJ ruling:	03/20/2013	Verified

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 Confidential Attachments A and B.	See Comments
10. Date of ALJ ruling:		
11. Based on another CPUC determination (specify):		This Decision
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.13-11-023	Verified
14. Date of Issuance of Final Order or Decision:	November 22, 2013	Verified
15. File date of compensation request:		December 30, 2013
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Claimant	CPUC	Comment
1	Wesley G. Rogers		<p>Showing of “significant financial hardship.</p> <p>Due to the extraordinary 5 year span of time to arrive at decision (2009 to 2013), Rogers is submitting 3 years of financial information for the time period when the largest percentage of work was performed- in support for granting financial hardship, 2010, 2011, 2012. Rogers monthly gross and net income, monthly expenses, cash, and assets are shown in the attached documents. Based on Rogers cost of effective participation as compared to Rogers income, expenses, and assets, Rogers does did not have the resources to pay for the costs of effective participation.</p>
2		X	<p>PU Code Section 1804(a)(2)(B) permits an intervenor to either include in the NOI a showing of significant financial hardship or to include this showing in the request for compensation. Customer makes his showing of significant financial hardship in this request.</p>

PART II: SUBSTANTIAL CONTRIBUTION

A. In the fields below, describe in a concise manner Claimant’s 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
<p>1. Support of public community interest in a safe operating Aliso Canyon Facility.</p>	<p>Rogers was the only party consistently working towards Southern California Gas transparency of safety operations and the adoption of modern safety management practices at the Aliso Facility as a condition of application A.09-09-020 approval. The result of Rogers work is reflected in the settlement agreement reached with SCGC and Rogers/ Herman. Prior to the agreement, no site-specific safety plan existed for the facility, no safety committee or dedicated safety employees existed at the facility. No electrical engineering expertise existed at a facility operating high voltage electrical equipment in a high-wind/ high-fuel vegetation site. Records were not made available to the public giving assurance that safety protocols were being followed. As a result of the Rogers/Herman protest and the worked performed, all of the above has been accomplished and is now a condition of the Application A.09-09-020 decision D.13-11-023. The communities and families of Porter Ranch, Chatsworth and Granada Hills will be safer and better informed.</p>	<p>Accepted</p>

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

	Claimant	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA)¹ a party to the proceeding?	No	See Comment
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified
c. If so, provide name of other parties: Marc Herman		Verified
d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party: Rogers and Herman met frequently in person and over the telephone to decide upon assignment of work activity, although some work required the efforts of both. Both Rogers and Herman researched applicant management practices in gathering evidence for evidentiary hearings. Rogers wrote all correspondence and filings. Herman reviewed correspondence and filings prior to release. Both Rogers and Herman participated in settlement negotiations with applicant management. Frequent emails and texts were exchanged to update each other on work status.		Accepted

C. Additional Comments on Part II:

#	Claimant	CPUC	Comment
1		X	Pursuant to Rule 1.4(A)(2), ORA is a party because it was a signatory to the Joint Response to A.09-09-020 requesting expeditious approval of A.09-09-020. However, ORA was not active in the proceeding.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

a. Concise explanation as to how the cost of Claimant’s participation bears a reasonable relationship with benefits realized through participation:	CPUC Verified
The result of Rogers work is reflected in the settlement agreement reached with	Accepted

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

<p>SCGC and Rogers/ Herman. Prior to the agreement, no site-specific safety plan existed for the facility, no safety committee or dedicated safety employees existed at the facility. No electrical engineering expertise existed at the facility, and safety or maintenance records were not made available to the public giving assurance that safety protocols were being followed. As a result of the Rogers Herman protest and the worked performed, all of the above has been accomplished and is now a condition of the Application A0909020 decision. The communities of Porter Ranch, Chatsworth and Granada Hills will be safer and better informed as a result of Rogers/Herman work.</p>																	
<p>b. Reasonableness of Hours Claimed.</p> <p>From the beginning, upon discovering the public notice for the filing of application A. 09-09-020, Rogers’ safety inquiries of Southern California Gas Aliso were rejected. With no willingness of SCGC management to be forthright about safety at the facility and no funds to seek professional help, Rogers began the arduous task of learning CPUC protocols to advance a Rogers/Herman protest of A. 09-098-020 until evidentiary hearings would force SCGC to address the management of safety at this very dangerous facility. While all this unfolded, both Rogers and Herman performed hundreds of hours of community outreach, utility safety research and SCGC management investigative work, aided by SCGC management court ordered depositions related to two separate civil trials concerning past safety conduct at the SCGC Aliso Facility. Rogers physically surveyed the facility (on foot and bicycle) to understand its location to residents, its routine of brush clearance near residences and clearance of vegetation around power lines and power poles. Both Rogers and Herman attended numerous conferences, SCGC community events and local area neighborhood council meetings in Porter Ranch, Chatsworth and Granada Hills. Had Southern California Gas been forthright about its safety management practices, much of this work would not have been necessary, but this was not the case. SCGC refused arbitration request and did not engage in settlement negotiations until after PHC and ALJ ruling to hold evidentiary hearings.</p>	<p>Accepted</p>																
<p>c. Allocation of Hours by Issue</p> <p>Hours billed for Rogers and Herman were allocated for specific issue areas listed below where possible, as documented in time sheets kept by Rogers and Herman.</p> <table border="0"> <tr> <td>Filings, CPUC procedural, etc.</td> <td>19%</td> </tr> <tr> <td>Community Outreach</td> <td>13%</td> </tr> <tr> <td>Utility Safety research</td> <td>8%</td> </tr> <tr> <td>Investigation of SCGC safety management practices</td> <td>28%</td> </tr> <tr> <td>Strategic planning Rogers/Herman</td> <td>11%</td> </tr> <tr> <td>Legal help recruitment/funding</td> <td>2%</td> </tr> <tr> <td>Settlement negotiations/ document review</td> <td>19%</td> </tr> <tr> <td>Total</td> <td>100%</td> </tr> </table>	Filings, CPUC procedural, etc.	19%	Community Outreach	13%	Utility Safety research	8%	Investigation of SCGC safety management practices	28%	Strategic planning Rogers/Herman	11%	Legal help recruitment/funding	2%	Settlement negotiations/ document review	19%	Total	100%	
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Total	100%																

B. Specific Claim:*

Claimed						CPUC Award		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Wesley G. Rogers	2009	30.1	\$160	Rationale Attached infra	\$4,816	28.2	\$160	\$4,512
Wesley G. Rogers	2010	73	\$160	Rationale Attached infra	\$11,680	36.7	\$160	\$5,872
Wesley G. Rogers	2011	29	\$160	Rationale Attached infra	\$4,640	7.7	\$160	\$1,232
Wesley G. Rogers	2012	247.1	\$160	Rationale Attached infra	\$39,536	234.7	\$165	\$38,725
Wesley G. Rogers	2013	12.1	\$160	Rationale Attached infra	\$1,936	12.1	\$170	\$2,057
Marc Herman	2009	3	\$160	Rationale Attached infra	\$480	3	\$160	\$480
Marc Herman	2012	128	\$160	Rationale Attached infra	\$20,480	112.5	\$165	\$18,562
Marc Herman	2013	12.3	\$160	Rationale Attached infra	\$1,968	12.3	\$170	\$2,091
Subtotal: \$85,536						Subtotal: \$73,532		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for	Total \$	Hours	Rate	Total \$

PROPOSED DECISION

				Rate*				
Wesley G. Rogers (Travel)	2012	19.2	\$80	Rationale Attached infra	\$1,536	0	\$82.50	\$0
Subtotal: \$1,536.00					Subtotal: \$0			
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Wesley G. Rogers	2013	46.4	\$80	Rationale Attached infra	\$3,712	46.4	\$85	\$3,944
Subtotal: \$3,712					Subtotal: \$3,944			
COSTS								
#	Item	Detail			Amount	Amount		
1	Fuel	Auto Fuel for trips From Frazier to Porter Ranch totaling 1,104 miles.			\$296.43	\$0		
2	Community Flyers Printing	3/21/2010 Community Flyers announcing key project meeting date			\$18.00	\$0		
3	Community Flyers Printing	04/08/2010 Community Flyers announcing key project meeting date			\$18.00	\$0		
4	Community Flyers Printing	10/21/2010 Community Flyers announcing key project meeting date			\$18.00	\$0		
5	Community Flyers Printing	01/03/2011 Community Flyers announcing key project meeting date			\$18.00	\$0		
6	Community Flyers Printing	08/07/2012 Community Flyers announcing key project meeting date			\$18.00	\$0		
7	Meeting Photo Printing	Printing of Aliso Facility photo enlargements for community meetings			\$200.00	\$0		
Subtotal: \$586.43					Subtotal: \$0			
TOTAL REQUEST: \$91,370.43					TOTAL AWARD: \$77,476.00			
<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>								

**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate

C. Additional Comments on Part III:

Comment #	Description/Comment
1.	<p>Rogers Hourly Rate</p> <p>Wesley G. Rogers has over 30 years of experience as a Business Operations and Organizational Management professional, working in numerous heavy industrial environments that require extensive safety protocols. Rogers has served as Corporate Director of Strategic Planning and Operations for Camfil Farr Americas, a global manufacturer of heavy industrial filtration equipment, Vice President of Manufacturing for Easton Sports, a global manufacturer of aluminum sporting goods, and Operations Director for Powertec Inc, manufacturer of high wattage electric power supplies. In addition, Rogers has served in numerous consulting capacities performing organizational management evaluations and analysis of business operations practices. Rogers requests a billing rate of \$160.00 per hour for the years 2009 through 2012. Rogers routinely bills his consulting services at \$150.00 to \$175.00 per hours plus expenses. Rogers' experience and expertise is well within the range of the requested hourly amount. Rogers skills, developed over 30 years, are transferrable, especially in the area of operations and safety management practices. These skills helped to shape an important public utility safety settlement.</p>
2.	<p>Herman Hourly Rate</p> <p>Unable to secure legal counsel by the date of the August 2012 Pre Hearing Conference, Rogers began to utilize Marc Herman's expertise and experience in court depositions and proceedings. In addition, Herman served as a strategic advisor for the protest and was instrumental in settlement negotiations with Southern California Gas Company (SCGC). Rogers requests an hourly rate for Herman of \$160.00 for 2009, 2012 and 2013. Marc Herman has a diverse background in Real Estate including brokerage, management and valuation. Herman has testified on numerous occasions as an expert witness in Los Angeles and Ventura County Superior Courts, Federal Bankruptcy Court, Los Angeles Family Court, as well as numerous hearing appearances for Arbitrations, and the Los Angeles County Tax Assessment Appeals Board. Herman received his Bachelors of Science Degree in the Finance option of Business Administration in 1987 from California State University Northridge and a Bachelors of Arts Degree in History in 1993. He holds a Certified General Appraisal Designation as well as a License from the Department of Real Estate. Herman regularly bills at a rate of \$250.00 per hour as a real estate appraiser giving expert testimony in legal proceedings. Herman's experience and expertise is well within the range of the requested hourly amount. Herman's contribution to the investigation of SCGC management as wells as settle the settlement negotiations were invaluable to the Rogers Harman protest.</p>
3.	<p>Allocation of Hours by issue. Attachments C and D</p> <p>Utility Safety Research was performed to satisfy prior protest condition asking for Aliso Canyon Facility independent third-party review of site safety protocols.</p> <p>Investigation of SCGC Management was performed in support of evidence to be submitted at evidentiary hearings and or settlement negotiations.</p>

4.	<p>Other Fees; Wesley G. Rogers Travel</p> <p>Rogers relocated to Frazier Park CA in 2012. Settlement negotiations and other related meetings required Rogers to travel 8 times to Porter Ranch, at 2.4 hours round trip from Frazier Park.</p>
5.	<p>Costs: Wesley G. Rogers</p> <p>Printing- Unable to locate receipt for printing of SCGC Aliso Site photo enlargements, Rogers requests reimbursement without receipt.</p>

D. CPUC Disallowances & Adjustments:

Item	Reason
Disallowance for community outreach activities.	Rogers' hours and expenses for community outreach and related activities are disallowed. These costs are not in connection with preparation for or participation in A.09-09-020.
Adoption of Wesley Rogers hourly rates.	Resolution ALJ-281 sets 2009 rates for experts with 13-plus years of experience at \$155-\$390 per hour. Wesley Rogers has been an expert in Business Operations and Organizational Management for over 30 years. After reviewing Rogers' credentials, the Commission adopts the following rates for Rogers in this proceeding: (1) for 2009, \$160 per hour; (2) for 2010, \$160 per hour; (3) for 2011, \$160 per hour; (4) for 2012, \$165 per hour; and (5) for 2013, \$170 per hour. These rates are reflective of Rogers' years of experience and comply with Resolution ALJ-281 and Resolution ALJ-287.
Adoption of Marc Herman hourly rates.	Resolution ALJ-281 sets 2009 rates for experts with 13-plus years of experience at \$155-\$390 per hour. Marc Herman has extensive experience in court proceedings and strategic advising. After reviewing Herman's credentials, the Commission adopts the following rates for Herman for work in this proceeding: 1) for 2009, \$160 per hour; (2) for 2012, \$165 per hour; and (3) for 2013, \$170 per hour. These rates are reflective of Herman's years of experience and comply with Resolution ALJ-281 and Resolution ALJ-287.
Application of Resolution ALJ-281.	Abiding by Resolution ALJ-281, 2012 hourly rates have been raised to reflect the 2.2% Cost-of-Living Adjustment adopted by the resolution.
Application of Resolution ALJ-287.	Abiding by Resolution ALJ-287, 2013 hourly rates have been raised to reflect the 2.0% Cost-of-Living Adjustment adopted by the resolution.
Disallowance for travel costs.	The Commission does not compensate intervenors for routine travel costs. Routine travel costs are defined as travel of less than 120 miles. All travel costs claimed by Wesley Rogers are for travel of less than 120 miles; and/or are not related to participation in the proceeding.

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. Wesley Rogers has made a substantial contribution to Decision (D.) 13-11-023.
2. The requested hourly rates for Wesley Rogers' representatives 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 are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$77,476.

CONCLUSION OF LAW

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

ORDER

1. Wesley Rogers is awarded \$77,476.
2. Within 30 days of the effective date of this decision, Southern California Gas Company (U 904 G) shall pay Wesley Rogers the total award. Payment of the award shall include compound interest at the rate earned on prime, and three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning March 15, 2014, the 75th day after the filing of Wesley Rogers' 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):	D1311023		
Proceeding(s):	A0909020		
Author:	ALJ Smith		
Payer(s):	Southern California Gas Company (U 904 G)		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Wesley Rogers	12/30/2013	\$91,370.43	\$77,476.00	No	Disallowance for expenses not related to participation in the proceeding; Resolution ALJ-281; Resolution ALJ-287; Disallowance for travel.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Wesley	Rogers	Expert	Wesley Rogers	\$160	2009	\$160
Wesley	Rogers	Expert	Wesley Rogers	\$160	2010	\$160
Wesley	Rogers	Expert	Wesley Rogers	\$160	2011	\$160
Wesley	Rogers	Expert	Wesley Rogers	\$160	2012	\$165
Wesley	Rogers	Expert	Wesley Rogers	\$160	2013	\$170
Marc	Herman	Expert	Wesley Rogers	\$160	2009	\$160
Marc	Herman	Expert	Wesley Rogers	\$160	2012	\$165
Marc	Herman	Expert	Wesley Rogers	\$160	2013	\$170

(END OF APPENDIX)