

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking into Transfer of Master-Meter/Submeter systems at Mobilehome parks and Manufactured Housing Communities to Electric and Gas Corporations.

Rulemaking 11-02-018
(Filed February 24, 2011)

DECISION GRANTING COMPENSATION TO GOLDEN STATE MANUFACTURED – HOME OWNERS LEAGUE FOR SUBSTANTIAL CONTRIBUTION TO DECISION 14-03-021

Claimant: Golden State Manufactured – Home Owners League (GSMOL)	For contribution to Decision (D.) 14-03-021
Claimed: \$15,585.00	Awarded: \$14,008.80 (reduced 10.1%)
Assigned Commissioner: Florio	Assigned Administrative Law Judge (ALJ): Vieth

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision: The Commission's Decision establishes a three-year pilot program to facilitate voluntary conversion by master- metered mobile home park owners to the serving utility.

B. Claimant must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent (NOI) to claim compensation (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	April 15, 2011	Correct.

2. Other Specified Date for NOI:		
3. Date NOI Filed:	May 12, 2011	May 13, 2011.
4. Was the NOI timely filed?		Yes, the NOI was filed within 30 days of the PHC.
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	Rulemaking R.11-02-018	Correct.
6. Date of ALJ ruling:	June 23, 2011	Correct.
7. Based on another CPUC determination		
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	R.11-02-018	Correct.
10. Date of ALJ ruling:	June 23, 2011	Correct.
11. Based on another California Public Utilities Commission (Commission) determination (specify):		
12. Has the Claimant demonstrated significant financial hardship?		Yes.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D 14-03-021	Correct.
14. Date of Issuance of Final Order or Decision:	March 14, 2014	Correct.
15. File date of compensation request:	May 13, 2014	On July 24, 2014, ALJ Vieth granted GSMOL's motion for leave to late file the intervenor compensation request due to technical issues. With good cause appearing, the Commission deems the request to be timely filed.
16. Was the request for compensation timely?		Yes.

C. Additional Comments on Part I:

#	Intervenor's Comments	CPUC Discussion
	GSMOL received a ruling on June 23, 2011 that it had timely filed an NOI to Claim Intervenor Compensation, that it is a Customer and a finding of Significant Financial Hardship. There has been no change of any circumstance or fact since the issuance of the ALJ Ruling of eligibility on said date.	The Commission accepts this assertion.

PART II: SUBSTANTIAL CONTRIBUTION

A. In the fields below, describe in a concise manner Intervenor’s contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059).

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>GSMOL participated in all scheduled workshops, all PHCs with one exception, and in this matter, other than the entry of testimony, as well as an informal conference with the staff for the assigned Commissioner, and numerous telephone conference calls in attempt to establish the issues to be decided, proposals of the parties and coalitions and attempts to reach a collaborative solution.</p>	<p>D.14-03-021 refers to GSMOL’s participation and contributions as follows: -“Thereafter, the following parties filed initial proposals on October 21, 2011:...The Utility Reform Network (TURN) and GSMOL (jointly)...” (Page 8); -“The following parties filed written responses to the various proposals:...GSMOL...” (Page 9); -“Negotiations among the parties followed...” (Page 9); -“The ‘Pacific Gas and Electric Company (P G&E) proposal’ is...sponsored by...GSMOL...” (Page 20).</p>	<p>Agreed.</p>

<p>2.GSMOL provided comments and briefing during the proceeding.</p>	<p>October 21, 2011- Initial proposal (jointly with TURN). December 9, 2011- Response to P G& E proposal (jointly with TURN). November 2012-Joint Stipulation of the Parties. January 18, 2013- Brief. October 18, 2013- Brief.</p>	<p>Agreed. The Commission notes that more specificity is typically required regarding substantial contribution – more than simply referencing to documents submitted by a party in the proceeding. The filing of documents, alone, does not indicate substantial contribution. Here, the Commission recognizes that despite the lack of proper citation, GSMOL substantially contributed to D.14-03-021 through its participation in R.11-02-018.</p>
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Intervenor	CPUC
<p>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹</p>	Yes	Yes.
<p>b. Were there other parties to the proceeding with positions similar to yours?</p>	Yes	Yes.
<p>c. If so, provide name of other parties: GSMOL joined a coalition of parties which presented a proposal authored by PG&E. In addition to PG&E, the coalition included: SWGas, Western Mobilhome Association (WMA) and San Luis Rey Homes (SLRH).</p>		Yes.
<p>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: GSMOL was able to bring the unique perspective and issues of mobilehome and manufactured home residents to the discussion, as the</p>		Agreed.

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

<p>only party in the proceeding representing those interests. Initially working together with TURN, and thereafter principally with both WMA and PG&E, GSMOL addressed the issues of “beyond-the-meter” and safety as a member of the P G&E coalition. There was no duplication of effort, as GSMOL limited its participation principally to those issues. GSMOL communicated with the ORA on several occasions regarding these issues. In order to encourage a real solution to the problem presented, GSMOL specifically did not seek a referendum on the sub-metering discount issue, so that the discussion could be confined to seeking real solutions to the significant industry problem. As the sole representative of the homeowner side of the industry, GSMOL made contributed to the PG&E proposal, and the proceeding benefited from its participation.</p>	
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PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

a. Intervenor’s claim of cost reasonableness:	CPUC Discussion
<p>GSMOL’s participation resulted in a key agreement between the two major mobilehome park industry parties (i.e. WMA, representing the park owners and GSMOL representing the park residents) regarding the nature of the solution, wherein both such parties were joined together in the P G&E coalition. It permitted the Commission to choose a solution upon which both park owners and residents agreed, especially concerning issues of “beyond-the-meter” and safety. The joinder of these normally opposing parties demonstrated a united industry perspective and desired solution, which strengthens the Commission’s Decision.</p>	<p>Verified, <i>but see</i> “CPUC Disallowances and Adjustments” in Part III.C.</p>
<p>b. Reasonableness of Hours Claimed:</p> <p>GSMOL participation was limited to its corporate counsel, Bruce E. Stanton, who has thirty years’ industry experience and previously participated in OII proceedings before the Commission in 1995 (with respect to gas and electric) and 2000 (with respect to water). Mr. Stanton’s experience and limited involvement ensured that GSMOL’s hours would be kept at a reasonable level.</p>	<p>Verified, <i>but see</i> “CPUC Disallowances and Adjustments” in Part III.C.</p>
<p>c. Allocation of Hours by Issue:</p> <p>Developing Program/Coalition Proposal 100%.</p>	<p>Verified.</p>

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Bruce E. Stanton	2011	25.3	150.00	See Attachment A	3,795.00	20.00 [1]	150.00 [2]	3,000.00
Bruce E. Stanton	2012	35.0	150.00	See Attachment A	5,250.00	35.00	150.00[3]	5,250.00
Bruce E. Stanton	2013	27.6	150.00	See Attachment A	4,140.00	22.8[4]	150.00 [5]	3,420.00
Subtotal: \$ 13,185.0						Subtotal: \$11,670.00		
OTHER EES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Travel for Bruce E. Stanton	2011	12	75.00	See Attachment A	900.00	10[6]	75.00	750.00
Travel for Bruce E. Stanton.	2012	10	75.00	See Attachment A	750.00	10	75.00	750.00
Travel for Bruce E. Stanton	2013	2	75.00	See Attachment A	150.00	2	75.00	150.00
Subtotal: \$1,800.00						Subtotal: \$1,650.00		
COSTS								
#	Item	Detail			Amount	Amount		
	BART and Single Day Reserved Parking	04/15/2011 – Travel to and parking for PHC.			24.00	24.00		
	BART	08/19/2011 – Travel cost			12.00	12.00		
	BART	01/17/2012 – Bart fare for Bruce Stanton and Assistant			23.40	23.40		
	BART	03/08/12 – Travel to and from settlement conference			11.20	11.20		
	BART	03/09/12 – Travel to and from			11.20	11.20		

		settlement conference						
	BART	04/19/12 – Parking at PHC.			7.00	7.00		
						Subtotal: \$88.80		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Bruce E. Stanton	2014	8	\$75	See Attachment A	600.00	8	75.00	600.00
Subtotal: \$600.00						Subtotal: \$600		
TOTAL REQUEST: \$15,585.00						TOTAL AWARD: \$14,008.80		
<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. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate</p>								
Attorney		Date Admitted to CA BAR²		Member Number		Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation		
Bruce E. Stanton		December 3, 1982		104925		No		

C. CPUC Disallowances and Adjustments:

Item	Reason
[1]	<p>On April 21, 2011, Stanton lists .3 hours spent "Prepar[ing] PHC Notes for client." Such work does not substantially contribute to the proceeding and is not compensable. See e.g., D.12-06-010.</p> <p>On November 2, 2011, Stanton lists 7 hours of work to "Attend Workshop at the Commission." According to the Workshop Agenda, the meeting lasted from 10:00 a.m. until 4:00 p.m., with 1.5 hours of breaks. As such, Stanton will only be compensated for 4.5 hours of work.</p> <p>On November 3, 2011, Stanton lists 7 hours of work to "Attend Workshop at Commission." According to the Workshop Agenda, the meeting lasted from 9:00 a.m. until 3:00 p.m. with 1.5 hours of breaks. As such, Stanton will only be compensated for 4.5 hours of work.</p>
[2]	The Commission approves Stanton's 2011 rate of \$150.00.
[3]	After applying the 2.2% cost-of-living-adjustment (COLA), as set in Res. ALJ-281, and

² This information may be obtained at: <http://www.calbar.ca.gov/>.

	rounding down to the nearest five dollar increment, Stanton's 2012 rate remained at \$150.00.
[4]	<p>The Commission does not award compensation for the work of attorneys when it is clerical in nature, as the costs associated with such tasks are factored into the approved rate. <i>See</i> D.11-07-024. As such, the following hours have been removed from Stanton's award:</p> <p>01/18/2013 – Revise Service List and file/serve Reply Brief – 1 hour 01/29/2013 – Re-file Brief in required PDF/A format per CPUC request – 0.5 hour 10/08/2013 – Prep. File and serve Final Opening Brief – 3 hours 10/09/2013 – Complete mail serve of brief – 0.3 hours</p> <p>Consequently, 4.8 hours have been deducted from the request.</p>
[5]	After applying the 2.0% COLA, as set in Res. ALJ-287, and rounding down to the nearest five dollar increment, Stanton's 2013 rate remained at \$150.00.
[6]	Stanton's originally submitted timesheets indicate 7 hours were spent at two workshops held in San Francisco in 2011. The supplemental "slip listings" indicated 9 hours were spent on the corresponding dates in order to "travel to and attend workshop in San Francisco." As such, the commission will award Stanton 2 hours of travel time for each date. Stanton made 5 trips to the Commission in 2011.

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. Golden State Manufactured – Home Owners League, Inc. has made a substantial contribution to D.14-03-021.
2. The requested hourly rates for Golden State Manufactured – Home Owners League, Inc.'s representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$14,008.80.

CONCLUSION OF LAW

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

ORDER

1. Golden State Manufactured – Home Owners League, Inc. is awarded \$14,008.80.
2. Within 30 days of the effective date of this decision Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas and Electric Company, and Southern California Gas Company shall pay San Luis Rey Home, Inc. their respective shares of the award, based on their California-jurisdictional gas and electric revenues for the 2013 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning July 27th, 2014, the 75th day after the filing of Golden State Manufactured – Home Owners League’s request, and continuing until full payment is made.
3. The comment period for today’s decision is waived.
4. R.11-02-018 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):	D.14-03-021		
Proceeding(s):	R.11-02-018		
Author:	ALJ Vieth		
Payer(s):	Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas and Electric Company, and Southern California Gas Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Golden State Manufactured – Home Owners League	05/13/2014	\$15,585.00	\$14,008.80	No.	See Part III.C of this decision.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Bruce	Stanton	Attorney	Golden State Manufactured – Home Owners League	\$150.00	2010	\$150.00
Bruce	Stanton	Attorney	Golden State Manufactured – Home Owners League	\$150.00	2011	\$150.00
Bruce	Stanton	Attorney	Golden State Manufactured – Home Owners League	\$150.00	2012	\$150.00

(END OF APPENDIX)