

Decision PROPOSED DECISION OF ALJ KIM (Mailed 7/15/14)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Southern California Edison Company (U338E) for Approval of its 2012-2014 California Alternate Rates for Energy (CARE) and Energy Savings Assistance Programs and Budgets.

Application 11-05-017
(Filed May 16, 2011)

And Related Matters.

Application 11-05-018
Application 11-05-019
Application 11-05-020

DECISION GRANTING COMPENSATION TO THE NATIONAL ASIAN AMERICAN COALITION AND THE LATINO BUSINESS CHAMBER OF GREATER LOS ANGELES FOR SUBSTANTIAL CONTRIBUTION TO DECISION 12-08-044

Claimant: Black Economic Council (BEC), National Asian American Coalition (NAAC), and Latino Business Chamber of Greater Los Angeles (LBCGLA)¹	For contribution to Decision 12-08-044
Claimed (\$): \$58,420.00	Awarded (\$): \$13,797.80 (reduced 76.38%)
Assigned Commissioner: Catherine J.K. Sandoval	Assigned ALJ: Kimberly H. Kim

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision: Decision (D.) 12-08-044 is the decision on large investor-owned utilities' (IOUs) 2012-2014 Energy Savings Assistance (ESA) and California Alternate Rates for Energy (CARE) Applications. This decision approves approximately \$5 billion to continue the ESA and CARE Programs for the four California IOUs through the 2012-2014 budget cycles.

¹ Collectively, "Joint Parties."

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 8, 2011	Verified
2. Other Specified Date for NOI:		N/A
3. Date NOI Filed:	August 12, 2011	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 (A.) 10-11-015	See Comments in Part 1C
6. Date of ALJ ruling:	July 8, 2011	See Comments in Part 1C
7. Based on another CPUC determination (specify):		
8. Has the Claimant demonstrated customer or customer-related status?		Yes, in part. See Comments in Part 1C.
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	Rulemaking (R.) 09-07-027, please see Comments below.	Verified
10. Date of ALJ ruling:	July 6, 2010 and August 25, 2010	Verified
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.12-08-044	Verified
14. Date of Issuance of Final Order or Decision:	August 30, 2012	Verified
15. File date of compensation request:	October 26, 2012	Verified
16. Was the request for compensation timely?		See Comments in Part 1C

C. Additional Comments on Part I:

#	Claimant	CPUC	Comments
9	BEC, NAAC, LBCGLA	Verified	<p>Regarding Showing of Significant Financial Hardship</p> <p>In filing the Notice of Intent (NOI), the Joint Parties incorrectly cited Administrative Law Judge (ALJ) Darling’s July 8, 2011 ruling in A.10-11-015 to demonstrate prior finding that the parties had established significant financial hardship.</p> <p>We note the correct cites. In R.09-07-027, a July 6, 2010 ruling made a finding of significant financial hardship for both the BEC and the Mabuhay Alliance (now known as the NAAC). An August 25, 2010 ruling in the same proceeding made the same finding for the LBCGLA. Thus, the Joint Parties should have correctly cited these rulings and prior findings in their NOI.</p> <p>Additionally, the NOI incorrectly indicated that the Joint Parties qualified for financial hardship under two different customer statuses. The correct customer status is Category 3.</p>
5, 6		X	<p>Ruling on Customer Status</p> <p>On May 12, 2014, LBCGLA submitted its signed amended bylaws, as required by Public Utilities Code § 1802(b)(1), almost three years after being directed to do so in the July 8, 2011 ALJ ruling in A.10-11-015 to support its claim as eligible Category 3 customers. LBCGLA has met the requirements of § 1802(b)(1) for a finding of eligibility as a Category 3 customer.</p> <p>On May 16, 2014, NAAC submitted its signed amended bylaws, as required by Public Utilities Code § 1802(b)(1), almost three years after being directed to do so in the July 8, 2011 ALJ ruling in A.10-11-015 to support their claim as eligible Category 3 customers. NAAC has met the requirements of § 1802(b)(1) for a finding of eligibility as a Category 3 customer.</p> <p>Despite having nearly three years since the July 8, 2011 ALJ ruling to comply with the requirements of § 1802(b)(1) for a finding of eligibility as a Category 3 customer, to date, BEC has not submitted its signed bylaws to the Commission and has failed to satisfy the requirements of Public Utilities Code § 1802(b)(1) for a finding of eligibility as Category 3 customers.</p> <p>The July 8, 2011 ALJ ruling in A.10-11-015 found the Joint Parties conditionally and preliminarily eligible as Category 3 customers, and stated:</p>

			<p>None of the offered amendments or amended bylaws contain the relevant signature pages, instead they merely state the amendments were adopted. Although this would not be adequate for any legal purpose, I accept it on good faith for purposes of a preliminary finding of eligibility. <u>However, in order to perfect the record, if and when Joint Parties [BEC, NAAC, LBCGLA] file[] a request for IComp, the amendments must be resubmitted with the corporate officer(s) signatures attesting to adoption of the amendment, or a copy of the signed amended bylaws should be included.</u> (Emphasis added.)</p> <p>Only LBCGLA and NAAC complied with the requirements of Public Utilities Code § 1802(b)(1) and the July 8, 2011 ALJ ruling in A.10-11-015 for a finding of eligibility as Category 3 customers.</p> <p>As noted below, the amount of the total award granted on this claim is the same as that which would have been granted if BEC were also found to be a customer. However, the award is granted to LBCGLA and NAAC only, because BEC has not been found to be a customer.</p>
16		X	<p>Timeliness of Filing Pursuant to D.98-04-059, the request is deemed complete on May 16, 2014, when NAAC submitted eligibility documentation required by the July 8, 2010 ALJ ruling in A.10-11-015.</p>

PART II: SUBSTANTIAL CONTRIBUTION

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

Intervenor’s Claimed Contribution	Specific References to Claimant’s Presentations and to Decision	CPUC Comments
<p>1. Marketing to hard to reach and diverse communities through outreach with community based organizations (CBOs) and through ethnic media.</p> <p>The Joint Parties contended that current outreach methodologies were not serving hard to reach eligible populations, such as those</p>	<ul style="list-style-type: none"> • D.12-08-044; at 10, 17, 66-68, 318-319, 342, 351-352. • Motion for Party Status (8/1/11); at 4. • Statement on Material Issues of Disputed Fact (11/21/11); at 4. 	<p>Accepted. D.12-08-044 acknowledged the necessity of Marketing, Education & Outreach and accepts the use of ethnic media and CBOs as outreach sources.</p>

<p>with limited English proficiency.</p> <p>The Commission embraced this approach and made numerous references, findings of fact, and findings of law endorsing the Joint Parties’ recommendation to coordinate outreach more closely with CBOs, to focus outreach efforts through the use of ethnic media, that CBOs are trusted members of the community and therefore lend credibility to IOU outreach information, and that these strategies have the added benefit of creating jobs in these communities.</p>	<ul style="list-style-type: none"> • Testimony (11/17/11); at 8-11. • Reply Testimony (12/9/11); at 3-4. • Response to ALJ’s Questions (1/13/12); at 13-14. • Opening Brief (2/2/12); at 3-9. • Reply Brief (2/15/12); at 2-3. • Comments on PD (5/24/12); at 3-5. 	
<p>2. The Use of Tagalog in Outreach Materials</p> <p>The Joint Parties advocated for the consistent use of Tagalog in statewide outreach materials. Although the Commission did not specifically indicate that each IOU had to include Tagalog outreach materials, the Commission did note that Pacific Gas and Electric Company (PG&E), Southern California Edison Company, San Diego Gas & Electric Company (SDG&E), and Southern California Gas Company (SoCalGas) possess numerous multilingual programs specifically in response to the Joint Parties’ concerns.</p>	<ul style="list-style-type: none"> • D.12-08-044; at 188-191. • Statement on Material Issues of Disputed Fact (11/21/11); at 3-4. • Testimony (11/17/11); at 6-7. • Reply Testimony (12/9/11); at 8. • Opening Brief (2/2/12); at 9. • Comments on PD (5/24/12); at 2-3. 	<p>Partially accepted. D.12-08-044 did not discuss this request because the Joint Parties failed to provide meaningful data, analysis and reasoning to support and justify their recommendations, in the filings. The Joint Parties must provide thorough data and analysis in their filings to support their positions in the future, which is necessary to facilitate a meaningful deliberation and reasoned decision.</p> <p>The IOUs already use Tagalog for local marketing and outreach efforts so the parties’ suggestion that it be added to statewide outreach was not</p>

		<p>adopted.</p> <p>The parties’ suggestion helped focus on language outreach and the role of materials, IOUs, and CBOs in coordinating outreach to enroll eligible households. The Joint Parties are awarded 10% of their hours on the issue of use of Tagalog outreach materials for those efforts.</p>
<p>3. Workforce Education and Training</p> <p>The Joint Parties made recommendations for workforce education and training to focus on technical assistance for businesses with \$1 million or less in annual revenue. The Commission ultimately rejected this argument; however, in accordance with § 1802(i), the Joint Parties have “substantially assisted the Commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer.” This substantial contribution is demonstrated above in the outreach and marketing section. As further directed, “Where the customer’s participation has resulted in substantial contribution, even if the decision adopts that customer’s contention or recommendation only in part, the</p>	<ul style="list-style-type: none"> • D.12-08-044; at 175, 185. • Statement on Material Issues of Disputed Fact (11/21/11); at 5-6. • Testimony (11/17/11); at 12-14. • Reply Testimony (12/9/11); at 6-7. • Opening Brief (2/2/12); at 8. 	<p>Not accepted.</p> <p>D.12-08-044 specifically denies the Joint Parties’ workforce, education, and training proposal on page 185 because it was vague, ambiguous, excessively restrictive, and burdensome for the IOUs to implement. The Joint Parties failed to supply sufficient data driven analysis to assist the Commission in a thoughtful decision making on this issue.</p> <p>Moreover, page 175 of the Decision only stated the Joint Parties’ general support for Brightline’s and Green for All’s recommendations for IOUs.</p> <p>The Decision did not cite or refer to the Joint Parties’ work on pages</p>

<p>Commission may award the customer compensation for all reasonable advocate’s feed, reasonable expert fees, and other reasonable costs incurred by the customer in preparing or presenting that contention and recommendation.”</p> <p>Although the Commission ultimately rejected the Workforce Education and Training Proposal, the Joint Parties’ time investment of 5.4 hours into this issue (somewhat reflected in the arguments below as well) should be duly compensated in accordance with § 1802(i).</p> <p>The Joint Parties supported Brightline Defense Project and Green for All’s proposal to track data and document progress towards workforce education and training goals. All Parties also urged the goal of expanding the capacity of diverse business enterprises through this proceeding.</p>	<ul style="list-style-type: none"> • D.12-08-044; at 177-178, 180-183. • Reply Testimony (12/9/11); at 6-7. 	<p>177-78 and 180-83 of the Decision. The Joint Parties did not meaningfully or substantially contribute to the Commission’s deliberation and decision on this issue.</p>
<p>4. Use of the U.S. Census Bureau’s Supplemental Poverty Measure Data in ascertaining the current situation for low-income ratepayers following the Great Recession.</p> <p>The Joint Parties argued that the Commission should utilize the Supplemental Poverty Measure released by the U.S. Census Bureau in October to determine eligibility in the CARE/ESA programs. Although the Commission ultimately rejected the argument, the review of this issue led the Commission to order that all</p>	<ul style="list-style-type: none"> • D.12-08-044; at 265-267. • Statement on Material Issues of Disputed Fact (11/21/11); at 6. • Testimony (11/17/11); at 12. • Opening Brief (2/2/12); at 11-13. • Comments on PD (5/24/12); at 5-6. 	<p>Not accepted. D.12-08-044 specifically denied the Joint Parties’ recommendation because the Joint Parties’ recommendations requesting the Commission to apply the income threshold differently than that set forth in the statute, Code section 739.1(a) is unlawful.</p>

<p>future annual CARE eligibility letters comply with the Code Section 729.1(b)(1) mandate. Additionally, <i>see</i> above for argument relating to substantial contribution by an intervenor.</p>		<p>As explained in the Decision, the Joint Parties failed to recognize that the income threshold (upper limit of 200 % Federal Poverty Guidelines) and how that is determined are established by statute, Code section 739.1(a).</p> <p>This threshold is an entirely legislative matter outside the scope of the Commission’s authority.</p> <p>The Joint Parties erroneously claim that the Commission’s review of the low income threshold led to the “Commission order that all future annual CARE eligibility letters comply with the Code section 729.1(b)(1) mandate.” This assertion is false and there was no such Commission order. Moreover, the Joint Parties’ citation to Code section 729.1(b)(1) in its intervenor compensation claim on this issue is also in error, as there is no such Code section.</p> <p>As early as the initial PHC and the scoping memo ruling, the Joint</p>
--	--	--

		<p>Parties were informed that the income threshold was an issue outside of the scope of this proceeding and that they should restrict their advocacy in the proceeding to focus on issues within the scope of the proceeding, yet they failed to do so. The Joint Parties' advocacy on this issue was misguided, as they were informed that the CARE income thresholds were set by statute and could not be changed by the Commission in this proceeding, but the parties continued to advocate that the Commission consider and change the CARE eligibility parameters. This advocacy was unhelpful in the Commission's decision making process and was not adopted in the Decision, as it was inconsistent with the statutory eligibility criteria. The parties' assertions about their contribution to the CPUC proceeding arising from their analysis of CARE eligibility is unclear and unsupported by the record.</p>
<p>5. Multi-Family Issues</p>	<ul style="list-style-type: none"> • D.12-08-044; at13, 	<p>Not accepted. Joint</p>

<p>The Joint Parties endorsed the recommendations of National Consumer Law Center (NCLC), California Housing Partnership Corporation (CHPC), and National Housing Law Project (NHLP) regarding a single point of contact, multifamily rental whole-building performance-based approach that includes heating and hot water measures, and increasing general efforts to focus more attention to the multifamily housing sector and the barriers in the low-income multifamily market. The Joint Parties also recommended that the Commission integrate ESA Program direct install measures with other applicable energy efficiency programs, rebates, incentives and financing options in one application and enrollment process.</p> <p>The Commission created a multifamily working group to address many of the issues addressed by the Joint Parties and CHPC, et al.</p>	<p>104-105, 141-144, 167, 151-152, 154-155, 324-325, 355, 388-389.</p> <ul style="list-style-type: none"> • Response to ALJ’s Questions (1/13/12); at 4, 15. • Reply Testimony (12/9/11); at 7. • Opening Brief (2/2/12); at 15. 	<p>Parties’ initial recommendations on multi-family issues in this proceeding did not provide sufficient data and reasoned analysis to be considered a proposal. Merely reiterating an issue in their opening brief is not enough to constitute substantial contribution to merit intervenor compensation, especially when the issue had already been identified in the scoping memo. Later in the proceeding, the Joint Parties did not present any new support or data on this topic area other than reiterating existing information already provided by other parties. The Joint Parties also did not provide unique analysis to assist the Commission and their effort did not concurrently compliment, supplement, or contribute to the work of other parties to a material degree to constitute substantial contribution.</p>
<p>6. Increasing the Capitation Fee The Joint Parties urged the Commission to raise the capitation</p>	<ul style="list-style-type: none"> • D.12-08-044; at 17, 223-225. 	<p>Accepted. D.12-08-044 accepts this recommendation.</p>

<p>fee to “up to \$20” especially when working with CBOs conducting door to door outreach. Although the Commission formally rejected the Joint Parties’ arguments in this topic, the Commission ultimately implemented the Joint Parties’ recommendation of an increase in the capitation fee up to \$20, even though no other party indicated the capitation fee should increase to \$20. Indeed, the primary party who recommended a raise in the capitation fee was PG&E; however, PG&E only recommended an increase to \$18. Thus, the Commission ultimately implemented the Joint Parties’ policy proposal.</p>	<ul style="list-style-type: none"> • Response to ALJ’s Questions (1/13/12); at 4-6. • Testimony (11/17/11); at. 9-10. • Opening Brief (2/2/12); at 7. 	
<p>7. Increased Funding for CARE/ESA Programs</p> <p>The Joint Parties advocated a doubling of CARE funds and a tripling of ESA Program funds in order to respond to the demand in these programs resulting from the Great Recession.</p> <p>The Commission ultimately rejected this argument; however, ALJ Kim did direct the Joint Parties to answer direction questions on this issue and considered the arguments. In accordance with § 1802(i), the Joint Parties have “substantially assisted the Commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer.” This substantial</p>	<ul style="list-style-type: none"> • D.12-08-044; at 188. • Response to ALJ’s Questions (1/13/12); at 6-13. • Reply Testimony (12/9/11); at 2-3. • Opening Brief (2/2/12); at 10-14. 	<p>Not accepted. The Joint Parties failed to provide substantial support for their recommended increase in funding. Unlike other parties that provided unique and specific analysis and data to substantiate where increased funding was specifically needed and justified, the Joint Parties only generally stated that funding should be increased because costs were increasing and certain program elements should be funded more. These general assertions lacked data and analytic support and made it unhelpful</p>

<p>contribution is demonstrated above in the outreach and marketing section. As further directed, “Where the customer’s participation has resulted in substantial contribution, even if the decision adopts that customer’s contention or recommendation only in part, the Commission may award the customer compensation for all reasonable advocate’s fees, reasonable expert fees, and other reasonable costs incurred by the customer in preparing or presenting that contention and recommendation.”</p> <p>Although the Commission ultimately rejected the proposal to increase funding, the Joint Parties’ time investment of 19.3 hours into this issue (somewhat reflected in the arguments below as well) should be duly compensated in accordance with § 1802(i).</p>		<p>to ascertain the merits of the Joint Parties’ recommendations. Even when specifically asked in the ALJ Ruling List of Questions, the Joint Parties did not provide meaningful data or support to identify their justifications for their recommended increase in funding. D.12-08-044 therefore rejected this argument without actually discussing the merits of the Joint Parties’ general recommendation. Only recommendations that assist the Commission in drafting a decision or order are eligible for compensation.</p>
<p>8. General Issues</p> <p>This category includes procedural requirements and issues that were not generally within the Joint Parties’ main focus areas (such as issues relating to categorical eligibility or endorsing DRA’s tangible bill savers program, as noted on page 59 of the Decision). This category also includes time spent engaging in coordination with other intervenors in order to avoid duplication, as directed by the ALJ in the Scoping Memo. This category includes meetings with the Joint Parties’ expert.</p>	<ul style="list-style-type: none"> • For examples on issues not centrally addressed by the Joint Parties, please <i>see</i> D.12-08-044; at 59, 243, 279, and 286. 	<p>Partially accepted. To the extent that the Joint Parties were able to avoid frivolous and duplicative filings due to effective coordination with other parties on the General Issues in this proceeding, the Joint Parties are awarded 30% of their requested hours for work on the General Issues.</p> <p>The Joint Parties’ point to their coordination and support for 1) DRA’s bill savers model; 2) Support for</p>

		<p>Energy Education regardless of meeting the 3MM Rule; 3) Natural Resources Defense Council's (NRDC) recommendation for an advisory group or working group; and, 4) SDG&E's request to provide gift cards as an appointment incentive.</p> <p>This showing is denied in part because the support provided in these specific "general issues area" consists of a few general sentences supporting the recommendation and did not rise to the level of substantial contribution because it failed to provide detailed data-driven analysis that could assist the Commission in reasoned decision making. No additional data or new information was provided otherwise to help support the argument or recommendations.</p> <p>Several of the Joint Parties' activities include vague tasks for work never included in the record and clerical tasks and these hours are disallowed. For examples researching data requests, the results of which were</p>
--	--	--

		<p>not provided as support for helpful recommendations and serving documents. Additionally, a percentage of time is disallowed from general hours to reflect the issues that Joint Parties request compensation for where they did not provide a substantial contribution.</p>
--	--	--

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

	Claimant	CPUC Verified
<p>a. Was the Office of Ratepayer Advocates (ORA)² a party to the proceeding?</p>	Yes	Verified
<p>b. Were there other parties to the proceeding with positions similar to yours?</p>	Yes	Verified
<p>c. If so, provide name of other parties: CHPC, NCLC, NHLP, Greenlining Institute, The Utility Reform Network (TURN), Green for All, Center for Accessible Technology, NRDC, Brightline Defense Project.</p>		Verified
<p>d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complimented, or contributed to that of another party: The Joint Parties engaged in significant coordination with CHPC and NCLC on multi-family issues. Similarly, the Joint Parties coordinated closely with Green for All and Brightline Defense Project on Workforce Education and Training Issues. The Joint Parties coordinated with Greenlining on language issues. The Joint Parties also coordinated with DRA and TURN on issues of mutual interest. The Joint Parties were in</p>		We reduce the Joint Parties' claim in part because of duplication of effort. <i>See</i> Comments in Section II, issue 5.

² The Division of Ratepayer Advocates (DRA) was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

<p>regular contact with these parties and attempted to coordinate in as close a way as possible to ensure that the Commission had one recommendation before it instead of multiple similar recommendations.</p> <p>Although some parties may have taken similar positions to the Joint Parties, in accordance with § 1802.5, the work of the Joint Parties materially supplements, compliments, or contributes to the presentation of the other party. For example, although various parties made comments on stakeholder consultation, the Joint Parties approached this issue from a minority and grassroots perspective: they made the recommendation to engage with community-based organizations and minority stakeholders. Thus, the parties’ positions may have overlapped by the participation of the Joint Parties supplemented the work of other parties.</p>	
---	--

C. Additional Comments on Part II:

#	Claimant	CPUC	Comment
Part IIA		X	<p>As provided in D.03-10-056 at 10, a substantial contribution includes evidence or argument that supports part of the decision even if the Commission does not adopt a party’s position in total.</p> <p>The Joint Parties provided no support for its conclusory statements for issues 3,4,5,7, and 8. Because of the Joint Parties’ failure to support their statements with evidence or argument, D.12-08-044 did not rely or adopt the Joint Parties’ position aside from their recommendations for IOUs to coordinate with CBOs and ethnic media. Therefore, the Joint Parties’ request is partially denied.</p>
Part IIB(d)		X	<p>The Joint Parties did not present any new support or data on this topic area other than reiterating existing information already provided by other parties that they are supporting. This effort duplicated the participation of other parties without concurrently complimenting, supplementing, or contributing to the work of other parties to a material degree.</p>

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:</p>	<p>CPUC Comments</p>
<p>The Joint Parties’ request for intervenor compensation seeks an award of approximately \$58,420 as the reasonable cost of their participation in this proceeding.</p> <p>The Joint Parties’ advocacy reflected in D.12-08-044 addressed broad policy matters as they affect minority and low-income communities. For the most part, the Joint Parties cannot easily identify precise monetary benefits to ratepayers from their work related to D.12-08-044, given the nature of the issues presented.</p> <p>The Joint Parties clearly had a major impact on the Commission’s framing of outreach to minority and hard to reach ratepayers. Numerous findings of fact and law are directly quoted from the Joint Parties’ testimony and other filings. See, for example, Findings of Fact 49-54 and Conclusions of Law 7 and 67. The Joint Parties additionally had an impact in raising the capitation fee to “up to \$20.” The Joint Parties also had an impact on many of the multifamily issues raised throughout the course of this proceeding.</p> <p>For all these reasons, the Commission should find that the Joint Parties’ efforts have been productive.</p>	<p>Agreed in part. Missing from the Joint Parties’ participation was the presentation of unique support or data and justification for their recommendations.</p> <p>The Joint Parties’ participation was generally lacking in substance and also limited to a small and largely uncontroverted issue in a large and complex proceeding with many thorny and difficult issues. The proceeding’s focus was on numerous other much larger and challenging issues. Thus, in the overall scheme of the proceeding, Joint Parties’ actual role and participation was marginal at best. As for Joint Parties’ attempt to take credit for any impact or contribution on the multifamily issues, their position was a regurgitation of other intervenors’ contributions. The duplication of effort cannot be awarded.</p> <p>Decision 12-08-044 did not adopt the recommendations of Joint Parties because they were either not sufficiently supported or not within the scope of the proceeding. As such, Joint Parties’ request of \$58,420 does not bear a reasonable relationship with benefits realized through their participation.</p>
<p>b. Reasonableness of Hours Claimed.</p> <p>This Request for Compensation includes approximately 218.8 total hours for the Joint Parties’ attorneys and expert. The Joint Parties submit that this is a reasonable</p>	<p>Agreed in part. D.12-08-044 did not adopt or rely on the Joint Parties’ contribution because they did not provide support for their</p>

amount of time, given the complex issues examined, as well as the fact that these applications were consolidated. Thus, the data responses and all information had to be processed for four separate utilities. These hours were devoted to eight substantive filings as well as some procedural matters. These hours also include attendance at two workshops and coordinating with multiple other parties.

The Joint Parties' request is also reasonable because they were efficient in staffing this proceeding. This proceeding was staffed primarily by the more junior of the Joint Parties' two attorneys, whose rate is approximately 40% of the rate of Mr. Gnaizda.

recommendations. The Joint Parties demonstrated a bare minimum of examination into the complex issues. Given the limited breadth and lack of unique substantive quality of the Joint Parties' comments, the hours claimed are not reasonable.

The Commission generally does not award compensation for work deemed "clerical tasks," which includes filing and serving papers. Additionally, background research into how to file notices and claims are also not compensated.

The Commission does not award compensation for hours spent on tasks that are deemed "excessive" when compared to other parties.

Attendance at proceedings alone does not warrant compensation.

Even though a junior attorney was assigned most tasks, the number of hours claimed is still unreasonable because of Joint Parties' minimal contribution.

c. Allocation of Hours by Issue		The hours by issue have been compared to Joint Parties' time records. They are verified and correct, aside from hours that should have been allocated to intervenor compensation claim preparation or hours that were incorrectly placed under the wrong issue column as per the description of the work done.
A. Marketing to hard to reach and diverse communities through outreach with CBOs and through ethnic media.	27.0%	
B. The Use of Tagalog in Outreach Materials	4.1%	
C. Workforce Education & Training	2.5%	
D. Use of the U.S. Census Bureau's Supplemental Poverty Measure Data in ascertaining the current situation for low-income ratepayers following the Great Recession.	5.2%	
E. Multi-Family Issues	7.4%	
F. Increasing the Capitation Fee	5.6%	
G. Increased Funding for CARE/ESA Programs	8.8%	
H. General Issues	39.4%	
I. Total	100%	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Robert Gnaizda	2011	4.1	\$535	D.12-07-015	\$2,194	0.45	\$535 (see basis for rate below) ³	\$240.75
Robert Gnazida	2012	16.1	\$545	See Attachment Bon Joint Parties' Original Filing.	\$8,775	3.03	\$545 (see basis for rate below) ⁴	\$1,651.35
Shalini Swaroop	2011	84.6	\$215	See Attachment Con Joint Parties' Original Filing.	\$18,189	26.2	\$180 (see basis for rate below) ⁵	\$4,716.00
Shalini Swaroop	2012	89.1	\$215	See Attachment C on Joint Parties' Original Filing.	\$19,157	24.82	\$185 (see basis for rate below) ⁶	\$4,591.70
Faith Bautista	2011	14.6	\$350	See Attachment D on Joint Parties' Original Filing.	\$5,110	5.27	\$150 (see basis for rate below) ⁷	\$790.50
Faith Bautista	2012	10.3	\$350	See Attachment D on Joint Parties' Original Filing.	\$3,605	2.4	\$155 (see basis for rate below) ⁸	\$372.00

³ See D.12-07-015.

⁴ See Resolution ALJ-281 and Comments in Part IIIC.

⁵ See Resolution ALJ-287 and Comments in Part IIIC.

⁶ See Resolution ALJ-281 and Comments in Part IIIC.

⁷ See D.12-07-015.

⁸ See Resolution ALJ-281 and Comments in Part IIIC.

CLAIMED						CPUC AWARD			
ATTORNEY, EXPERT, AND ADVOCATE FEES									
<i>Subtotal:</i>						\$57,030	<i>Subtotal:</i>		\$12,362.30
INTERVENOR COMPENSATION CLAIM PREPARATION **									
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$	
Shalini Swaroop	2011					3.3 ⁹	\$90	\$297.00	
Shalini Swaroop	2012	12	\$107.50	See Attachment C on Joint Parties' Original Filing.	\$1,290	12	\$92.50	\$1,110.00	
<i>Subtotal:</i>						\$1,290	<i>Subtotal:</i>		\$1,407.00

⁹ After reviewing the Joint Parties' timesheets, it has been determined that Swaroop spent 3.3 hours working on intervenor compensation in 2011.

CLAIMED				CPUC AWARD	
ATTORNEY, EXPERT, AND ADVOCATE FEES					
COSTS					
#	Item	Detail	Amount	Amount	
	Printing	Printing costs for the staff proposal, internal drafts of comments, and printing other parties' comments	\$100		\$13.00
<i>Subtotal:</i>			\$100	<i>Subtotal:</i>	\$13.00
TOTAL REQUEST \$:			\$58,420	TOTAL AWARD \$:	\$13,797.80
<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. 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>** Approved Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's approved hourly rate.</p>					
Attorney	Date Admitted to CA BAR ¹⁰	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation		
Robert Gnaizda	January 9, 1962	32148	No		
Shalini Swaroop	June 11, 2010	270609	No		

¹⁰ This information may be obtained at: <http://www.calbar.ca.gov>.

C. CPUC Disallowances & Adjustments:

#	Reason
2011 fees and hourly rate for Robert Gnaizda	<p>All hours related to issues 3, 4, 5, and 7 were disallowed because they did not substantially contribute to the decision or represented duplicative work. 10% of hours attributed to work on their issue 2 have been allowed for bringing attention to Tagalog outreach. 70% of hours related to general work (issue 8) were disallowed because they did not substantially contribute to the decision. 30% of the hours relating to issue 8 were allowed because of the coordination with other parties the Joint Parties referenced.</p> <p>The Commission has adopted a 2011 hourly rate for Gnaizda of \$535 in D.12-07-015. We apply this 2011 rate in this decision. 0.2 hours itemized for “Review Motion for Party Status Before Filing” were disallowed because they are excessive. For future reference, work related to party status is correctly itemized under “Intervenor Compensation Claim Preparation.” 0.2 hours were disallowed from “Review Prehearing Conference Statement” because the statement contained only one page of general writing and stated general concurrences without additional support.</p>
2012 fees and hourly rate for Robert Gnaizda	<p>All hours related to issues 3, 4, 5, and 7 were disallowed because they did not substantially contribute to the decision or represented duplicative work. 70% of hours related to general work (issue 8) were disallowed because they did not substantially contribute to the decision. 30% of the hours relating to general work (issue 8) were allowed because of the coordination with other parties the Joint Parties referenced.</p> <p>We apply the 2.2% Cost Of Living Adjustment adopted by the Commission in Resolution ALJ-281 to adopt an hourly rate of \$545 for Gnaizda’s 2012 work. 1.1 hours dedicated to research on CARE/ESA program were disallowed as the Joint Parties did not contribute any new information or data. 0.6 hours dedicated to “Research For Brief” were disallowed for being too vague. 0.6 hours were disallowed from hours dedicated to reviewing the Reply Brief for being excessive because the Reply Brief was only one and half substantive pages. 2.1 hours dedicated to “Review of Response to ALJ Questions” were disallowed because the responses lacked any substantive support for its conclusory statements. 2.4 hours were disallowed from the time spent “Writing Reply Brief Section On ORA’s Position.” This section was no more than one and a half pages and it did not contribute to the decision. It simply restates ORA’s position and makes the same unsupported conclusions as the Joint Parties’ opening brief.</p>
2011 fees and hourly rate for Shalini Swaroop	<p>All hours related to issues 3, 4, 5, and 7 were disallowed because they did not substantially contribute to the decision or represented duplicative work. 10% of hours attributed to work on their issue 2 have been allowed for bringing attention to Tagalog outreach. 70% of hours related to general work (issue 8) were disallowed because they did not substantially contribute to the decision. 30% of</p>

#	Reason
	<p>the hours relating to issue 8 were allowed because of the coordination with other parties the Joint Parties referenced.</p> <p>An hourly rate for Swaroop has not been requested from the Commission in the past. Swaroop became a licensed member of the California bar in June of 2010 and had approximately one year of experience as a licensed attorney when she began work in this proceeding, none of which took place before the Commission. We base Swaroop’s new rates on the 2011 rate described in Resolution ALJ-287 for attorney intervenors in Swaroop’s experience range. 6.9 hours spent conducting background research and clerical work, such as filing and serving, were disallowed. 3.3 hours spent writing an NOI and a Motion for Party Status were added to “Intervenor Claim Compensation Preparation,” where it should have been categorized. 1.1 hours allocated to “Writing Motion For Party Status” was disallowed because the motion contained only six substantive sentences; therefore, over an hour of work on it was excessive. 0.2 hours allotted to “General Issues” was moved to “The Use of Tagalog in Outreach Materials” because the hours were associated with outreach based on language and hours related to CHANGES were itemized under this category by Shalini Swaroop, Faith Bautista, and Robert Gnaizda. 1.7 hours were disallowed from “General Issues” for hours spent researching issues not contained in the record. 1.8 hours were disallowed from “data requests.” The Joint Parties provided very little new information and data to support its positions thus, this time is excessive. 5.7 hours of “testimony” hours were disallowed because the Joint Parties’ testimony contributed very little to the decision other than to note that the Joint Parties supported other parties. 3.5 hours were disallowed from “LIOB Outreach and Marketing Subcommittee Meeting” because it was unrelated to the proceeding. Time (1.9 hours) allotted to workshop prep was also disallowed because the Joint Parties were not presenters. 1.7 hours allocated to investigating SoCalGas shutoff were also disallowed as it did not contribute to the decision in any way.</p>
<p>2012 fees and hourly rate for Shalini Swaroop</p>	<p>All hours related to issues 3, 4, 5, and 7 were disallowed because they did not substantially contribute to the decision or were duplicative. 10% of hours attributed to work on their issue 2 have been allowed for bringing attention to Tagalog outreach. 70% of hours related to general work (issue 8) were disallowed because they did not substantially contribute to the decision. 30% of the hours relating to issue 8 were allowed because of the coordination with other parties the Joint Parties referenced.</p> <p>We apply the 2.2% Cost Of Living Adjustment adopted by the Commission in Resolution ALJ-281 to adopt an hourly rate of \$185 for Shalini Swaroop’s 2012 work. 0.7 hours allocated to background research for the appendix of questions has been disallowed as performed inefficiently. 2.7 hours for clerical work have been disallowed. 0.6 hours were disallowed for a notice that was not included in the record. 3.1 hours were disallowed from work associated with “Reply Brief” because the work was not done efficiently. The Joint Parties Reply Brief was only</p>

#	Reason
	<p>one and a half substantive pages. The Reply Brief also did not provide any additional information to contribute to the decision, and instead only reiterated its prior conclusions without providing any evidence or authority to support such assertions.</p> <p>The 12.9 hours spent on the Joint Parties' answers to ALJ's comments were also disallowed because they did not provide any new information or data, as requested, and did not provide any support for the Joint Parties' conclusory statements.</p> <p>2.3 hours were disallowed from "Writing Comments on PD" as excessive because only one and a half pages were written on capitation fee increase and marketing, education, and outreach with CBOs, yet 4.3 hours were claimed for it. Moreover, the pages did not add anything new, but instead just agreed with the Proposed Decision. One hour was disallowed from the time allocated to "Writing Reply Comments on the PD." The reply is only two and half pages and lacks substantive writing. Stating support for other parties or IOUs does not contribute to the decision and is not enough to be compensated. The 3.5 hours attributed to "writing responses for Commissioner Florio's all party meeting" have been disallowed since they are not present in the record.</p>
2011 fees and hourly rate for Faith Bautista	<p>All hours related to issues 3, 4, 5, and 7 were disallowed because they did not substantially contribute to the decision or were duplicative. 10% of hours attributed to work on their issue 2 have been allowed for bringing attention to Tagalog outreach. 70% of hours related to general work (issue 8) were disallowed because they did not substantially contribute to the decision. 30% of the hours relating to issue 8 were allowed because of the coordination with other parties the Joint Parties referenced.</p> <p>Faith Bautista's 2011 hourly rate was set at \$150 per hour in D.12-07-015 and has been applied here because the experience provided in the current claim is substantially similar to that used to establish Bautista's rate in D.12-07-015. 0.3 hours dedicated to "workshop prep" has been disallowed because the Joint Parties were not presenters and did not contribute to the workshop. 2.2 hours of the time allocated to testimony work were disallowed because the Joint Parties did not substantially contribute to the discussion of the issues presented. 1.1 hours allotted to data requests, whether formulating or writing, were disallowed because very limited data was actually provided to the Commission in support of the Joint Parties' requests and this time was already accounted for under Swaroop's 2011 time.</p>
2012 fees and hourly rate for Faith Bautista	<p>All hours related to issues 3, 4, 5, and 7 were disallowed because they did not substantially contribute to the decision or were duplicative. 10% of hours attributed to work on their issue 2 have been allowed for bringing attention to Tagalog outreach. 70% of hours related to general work (issue 8) were disallowed because they did not substantially contribute to the decision. 30% of the hours</p>

#	Reason
	<p>relating to issue 8 were allowed because of the coordination with other parties the Joint Parties referenced.</p> <p>We apply the 2.2% Cost Of Living Adjustment adopted by the Commission in Resolution ALJ-281 to adopt an hourly rate of \$155 for Bautista’s 2012 work. 1.5 hours have been disallowed from “Assisting With Writing Responses for Commissioner Florio’s All Party Meeting” because the responses are not in the record. All time allotted to working on responses to ALJ questions with Swaroop have been disallowed because this work was repetitive of Gnaizda and the responses did not provide substantial data or information to support the Joint Parties’ requests. Time allotted to reviewing the opening brief, the reply brief, and discussing the reply brief (a total of 1.5 hours) has been disallowed as repetitive and excessive since that time was also claimed by Gnaizda and both the opening and reply briefs did not provide substantial data or information to support the Joint Parties’ requests, similar to the Joint Parties’ response to the ALJ’s comments.</p>
<p>\$87 Printing Costs Disallowance</p>	<p>Costs claimed over \$20 must be accompanied by an itemized receipt. The Joint Parties were notified by email on January 23, 2014, to provide such a receipt by February 3, 2014. On February 6, 2014, the Joint Parties’ representative Aaron Lewis provided a contract invoice from Signa Digital Solutions, Inc. dated February 03, 2012. The invoice is for copier maintenance and totals \$184.45. Lewis stated that the invoice “covers paper, toner and printer maintenance, there are no more specific receipt” and that the Joint Parties capped their request “at \$100 for reasonableness and as part of using conservative billing judgment . . .” \$87 was disallowed because: 1) the Joint Parties only filed a total of 125 pages; 2) the Joint Parties failed to provide an appropriate receipt that itemized the costs incurred; and 3) the Commission does not compensate for the general maintenance and use of a printer. After review of the Joint Parties’ filings, printing expenses of \$13.00 are reasonable to reflect the printing necessary to the fulfill Joint Parties’ service requirements.</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 (see Rule 14.6(c)(6))? No

If not:

Party	Comment	CPUC Disposition
	No comments were filed.	

FINDINGS OF FACT

1. Black Economic Council, National Asian American Coalition, and Latino Business Chamber of Greater Los Angeles rely on the July 8, 2011 ALJ ruling in A.10-11-015 to support their claim as eligible as Category 3 customers.
2. The July 8, 2011 ALJ ruling in A.10-11-015 required Black Economic Council, National Asian American Coalition, and Latino Business Chamber of Greater Los Angeles to submit signed amended bylaws with their claim in this proceeding in order to satisfy the requirements of § 1802(b)(1) for a finding of eligibility as Category 3 customers.
3. On May 12, 2014, Latino Business Chamber of Greater Los Angeles submitted signed bylaws and satisfied the requirements of § 1802(b)(1) for a finding of eligibility as a Category 3 customer.
4. On May 16, 2014, National Asian American Coalition submitted signed amendments to its bylaws and satisfied the requirements of § 1802(b)(1) for a finding of eligibility as a Category 3 customer.
5. Black Economic Council does not have signed bylaws on file with the Commission and has not satisfied the requirements of Public Utilities Code § 1802(b)(1) for a finding of eligibility as Category 3 customers.
6. Black Economic Council, National Asian American Coalition, and Latino Business Chamber of Greater Los Angeles have made a substantial contribution to D.12-08-044 but only Latino Business Chamber of Greater Los Angeles and National Asian American Coalition are customers eligible for compensation, pursuant to § 1802(b)(1).
7. The requested hourly rates for National Asian American Coalition and Latino Business Chamber of Greater Los Angeles representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
8. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
9. The total of reasonable compensation is \$13,797.80.

CONCLUSION OF LAW

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

ORDER

1. National Asian American Coalition and Latino Business Chamber of Greater Los Angeles are awarded \$13,797.80.
2. Within 30 days of the effective date of this decision, Southern California Edison Company, Southern California Gas Company, Pacific Gas and Electric Company, and San Diego Gas & Electric Company shall pay National Asian American Coalition, and Latino Business Chamber of Greater Los Angeles their respective shares of the award set forth in Ordering Paragraph No.1 above, based on their California-jurisdictional gas and electric revenues for the 2011 and 2012 calendar year, to reflect the years 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 30th, the 75th day after the filing of The Black Economic Council, National Asian American Coalition, and Latino Business Chamber of Greater Los Angeles' request was completed, and continuing until full payment is made.
3. The comment period for today's decision is not waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1208044		
Proceeding(s):	A1105017; A1105018; A1105019; A1105020		
Author:	ALJ Kimberly H. Kim		
Payer(s):	Southern California Edison Company, Southern California Gas Company, Pacific Gas and Electric Company, and San Diego Gas & Electric Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Black Economic Council, National Asian American Coalition, and Latino Business Chamber of Greater Los Angeles.	10/26/2012 Date of Completed Filing: 5/16/2014	\$58,420.00	\$13,797.80	No	Award only to National Asian American Coalition and Latino Business Chamber of Greater Los Angeles, as Black Economic Council did not qualify as a customer. Disallowances for lack of substantial contribution on certain issues, vague tasks, inefficient use of time, clerical tasks, substantial duplication of effort, and adjusted hourly rates. No award to Black Economic Council for lack of statutory eligibility.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Robert	Gnaizda	Attorney	Black Economic Council, National Asian American Coalition, and Latino Business Chamber of Greater Los Angeles	\$535	2011	\$535

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Robert	Gnaizda	Attorney	Black Economic Council, National Asian American Coalition, and Latino Business Chamber of Greater Los Angeles	\$545	2012	\$545
Shalini	Swaroop	Attorney	Black Economic Council, National Asian American Coalition, and Latino Business Chamber of Greater Los Angeles	\$215	2011	\$180
Shalini	Swaroop	Attorney	Black Economic Council, National Asian American Coalition, and Latino Business Chamber of Greater Los Angeles	\$215	2012	\$185
Faith	Bautista	Advocate	National Asian American Coalition	\$350	2011	\$150
Faith	Bautista	Advocate	National Asian American Coalition	\$350	2012	\$155

(END OF APPENDIX)