

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U338E) to Establish Marginal Costs, Allocate Revenues, Design Rates, and Implement Additional Dynamic Pricing Rates.	Application 11-06-007 (Filed June 6, 2011)
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**DECISION GRANTING COMPENSATION TO THE CENTER FOR
ACCESSIBLE TECHNOLOGY FOR SUBSTANTIAL
CONTRIBUTION TO DECISION 13-03-031**

Claimant: Center for Accessible Technology (CforAT), including claims of its predecessor, Disability Rights Advocates (DisabRA)	For contribution to D.13-03-031
Claimed (\$): \$52,568.75	Awarded (\$): \$52,568.75
Assigned Commissioner: Michael Peevey	Assigned ALJ: Stephen Roscow

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	D.13-03-031 addresses SCE's Application to establish marginal costs, allocate revenues, and design rates for service provided to its customers and adopts various settlements.
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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:	September 12, 2011	Correct.
2. Other Specified Date for NOI:	N/A	N/A
3. Date NOI Filed:	October 12, 2011	Correct.
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:	A.10-03-014	Agreed.

6. Date of ALJ ruling:	October 31, 2011.	Agreed.
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:	A.10-03-014	Agreed.
10. Date of ALJ ruling:	October 31, 2011	Agreed.
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.13-03-0031	D.13-03-031
14. Date of Issuance of Final Order or Decision:	April 2, 2013	Correct.
15. File date of compensation request:	June 3, 2013 (first business day after June 1, 2013)	Correct.
16. Was the request for compensation timely?		Yes.

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).

Intervenor’s Claimed Contribution	Specific References to Intervenor’s Presentations and to Decision	CPUC Discussion
<p>The residential rate design issues raised by SCE and given consideration through the course of the proceeding included:</p> <ul style="list-style-type: none"> • Changes in the baseline allowance (SCE proposed changing from 55% of average to 50% of average); • Establishment of separate 	<p>See Assigned Commissioner and Administrative Law Judge’s Scoping Memo and Ruling, issued on December 2, 2011, at p. 4.</p> <p>SCE’s initial proposals and justifications are set out in its initial Application, filed on June 6, 2011, at pp. 6-7.</p>	<p>The Commission agrees that SCE changed certain proposals during the proceeding. CforAT, however,</p>

<p>baseline allowances for single family and multi-family dwellings;</p> <ul style="list-style-type: none"> • Reducing total number of tiers from 5 to 4 and reducing the differential between tier 4 and tier 3. <p>SCE initially also proposed a substantial increase in its customer charge, but this proposal was dropped following the PHC and the issues was not included in the Scoping Memo.</p> <p>Each of these proposals was intended to collect more revenue from low-income and low-usage customers in order to lower the rates for those non-CARE customers who consume the greatest amount of electricity, which SCE refers to as “cost-based rate levels.”</p>		<p>offers no support that CforAT’s contributions caused such change.</p>
<p>CforAT’s focus in this proceeding was to review the impacts of SCE’s proposed changes in residential rate design on vulnerable consumers with disabilities; people with disabilities are disproportionately low-income, and yet they are highly dependent on affordable supplies of electricity to support their ability to live independently.</p> <p>CforAT provided testimony regarding the importance of affordable electricity for SCE customers with disabilities and the harm suffered by people with disabilities who struggle to pay their energy bills. The testimony included outreach to the disability community in order to collect real examples of hardships experienced by people who struggle to afford essential supplies of electricity.</p>	<p>CforAT submitted testimony by its Executive Director demonstrating that utility customers with disabilities face a high energy burden due to their low-income status and their dependence on electricity; this testimony provided a discussion of the impacts that the various proposals would have on vulnerable customers with disabilities. <i>See Prepared Testimony of Dmitri Belser Addressing the Concerns of the Disability Community Regarding Southern California Edison’s Proposals for Residential Rate Design, dated February 6, 2012 and served in accordance with the schedule for the proceeding.</i></p> <p>CforAT also submitted</p>	<p>Agreed.</p>

	<p>testimony from Nicolie Bolster of the Disability Rights Education and Defense Fund (DREDF), who conducted outreach to disability-oriented CBOs and disabled individuals in order to put their direct experience struggling with high energy bills into the record. The Commission has awarded compensation for similar work, done in house by Disability Rights Advocates, in D.12-06-012, issued in A.10-03-014 (PG&E’s 2011 GRC Phase 2)</p>	
<p>CforAT also actively participated in settlement talks on residential rate design issues, in conjunction with all other consumer intervenors and DRA.</p> <p>During the course of settlement discussions, other parties agreed on a proposal for SCE’s residential rate design that represented a compromise of the issues raised in the application. SCE agreed to drop its proposal for separate baseline allocations for single family and multi-family homes, an outcome CforAT strongly supported. Eventually, a proposed settlement emerged that would to reduce the number of rate tiers from 5 to 4 and set a specific differential between tiers 3 and 4, though larger than the differential proposed by SCE. The settlement also agreed to a smaller reduction in the baseline allocation than proposed by SCE.</p>	<p><i>See</i> Residential Rate Design Settlement Agreement, attached to the Motion of Southern California Edison, the Division of Ratepayer Advocates, The Utility Reform Network, Solar Energy Industries Association and Western Manufactured Housing Communities Association for Adoption of Residential Rate Group Settlement Agreement, filed on July 27, 2012.</p> <p>CforAT’s opposition to the separate baseline allocation for single family versus multi-family homes is specifically noted in the Motion at p. 3. CforAT’s other positions on the issues raised regarding residential rates are incorporated into the table set out at Appendix A to the settlement.</p>	<p>Agreed.</p>
<p>While CforAT participated in all settlement discussions in good faith in order to represent the interests of its constituency, it eventually determined that the settlement was not in the best interest of this vulnerable consumer</p>	<p><i>See generally</i> Opening Comments of the Center for Accessible Technology and the Greenlining Institute to the Motion of Southern California Edison, the Division of</p>	<p>Agreed.</p>

<p>class. Thus, in conjunction with the Greenlining Institute (Greenlining), CforAT declined to sign on to the settlement and filed a response to the motion in support of the settlement explaining its reasons for doing so.</p>	<p>Ratepayer Advocates, The Utility Reform Network, Solar Energy Industries Association and Western Manufactured Housing Communities Association for Adoption of Residential Rate Group Settlement Agreement (CforAT/Greenlining Comments on Settlement), filed on August 27, 2012.</p>	
<p>In declining to support the settlement, CforAT (and Greenlining) recognized that the direct impacts of the agreement on vulnerable consumers would be modest, but argued that the Commission should consider cumulative impacts of successive changes to rate design. CforAT (and Greenlining) further noted that such a review might better be conducted in the ongoing rulemaking on residential rate design, R.12-06-013.</p> <p>The Commission agreed that this was an important goal and agreed that it was best addressed in R.12-06-013.</p>	<p>CforAT/Greenlining Comments on Settlement at pp. 1-4.</p> <p><i>See also</i> the Commission's discussion of CforAT/Greenlining's argument at D.13-03-031 at p. 17 (agreeing that the issue of cumulative impacts of changes to residential rate design on affordability are best considered in R.12-06-013).</p>	<p>Agreed.</p>
<p>Overall, the participation of CforAT enriched the record and provided a context in which consumers generally sought to negotiate effectively with SCE on residential rate issues. While CforAT argued that the settlement did not go far enough to protect vulnerable consumers, it represented an improvement from the rate design proposed in SCE's application. Moreover, through its participation and ongoing focus on affordability, CforAT has demonstrated that SCE and the other IOUs must be prepared to consider the cumulative impacts of their rate design proposals.</p>	<p>See CforAT/Greenlining Comments on Settlement and Comments of the Center for Accessible Technology and the Greenlining Institute on the Proposed Decision Addressing Settlements, filed on March 7, 2013, for discussion of CforAT's intent to continue to focus on affordability for vulnerable customers.</p>	<p>Agreed.</p>
<p>In general, compensation for qualified interveners is appropriate if the</p>		<p>Agreed.</p>

<p>Commission adopts one or more of the factual or legal contentions, or specific policy or procedural recommendations put forward by the consumer group. California P.U.Code § 1802(i). This assessment requires the exercise of judgment. Even if none of a customer’s recommendations are adopted, a consumer group may still be justly entitled to compensation if, in the judgment of the Commission, the customer’s participation substantially contributed to the decision or order.</p> <p>The Commission has regularly concluded that a substantial contribution exists if a consumer group has provided a unique perspective that enriched the Commission’s deliberations and the record. This includes proceedings where an intervenor objects to a settlement which is subsequently adopted by the Commission. <i>See, e.g.</i> D.07-12-026, in which TURN was awarded compensation for its substantial contribution to a series of decisions issued in PG&E’s 2007 GRC, including a decision to adopt a settlement agreement over TURN’s objection.</p> <p>The Commission has stated explicitly that an effort opposing a settlement need not be successful to meet the “substantial contribution” standard, particularly where the intervenors assisted in developing the record and where the Commission’s “understanding of the breadth of issues was enhanced by [the intervenor’s] participation.” D.02-11-070</p> <p>CforAT submits that our efforts developing the record, including through our opposition to the settlement, enhanced the Commission’s understanding of the</p>		
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<p>issues, even though the Commission adopted the settlement over our protest. Under these circumstances, the Commission should find that CforAT’s efforts on the settlement constitute a substantial contribution in their own right.</p> <p>CforAT substantially contributed to the proceeding by ensuring that the needs of low income people with disabilities were part of the record and stressing the importance of considering the interests of this subgroup of vulnerable consumers.</p> <p>Through its testimony and participation in settlement discussions, CforAT’s participation enriched the record and enabled the parties and the Commission to more fully consider the issue. Because of its participation and contribution to the record, CforAT’s work should be seen as substantial, valuable, and worthy of compensation.</p>		
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B. 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 yours?	Yes	Yes.
c. If so, provide name of other parties: The Greenlining Institute and TURN (on certain issues).		Yes.
<p>d. Describe how you coordinated with DRA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:</p> <p>CforAT participated only on issues of residential rate design in this proceeding, specifically focusing on affordability of electricity rates for vulnerable customers. In so doing, CforAT communicated regularly with all other residential customer representatives to evaluate the extent to</p>		Agreed.

<p>which our positions overlapped. Over the course of the proceeding, CforAT’s interests diverged from those of DRA and TURN, but continued to remain consistent with those of Greenlining, which also represents the interests of vulnerable consumers. Thus, CforAT and Greenlining participated jointly in asserting that the residential rate settlement did not adequately address the needs of vulnerable customers.</p>	
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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>CforAT ensured that the perspective of the most vulnerable SCE residential customers was represented in the record of the proceeding and at the settlement table, and provided focus on the issue of affordability for low-income customers. While CforAT determined that the settlement which emerged did not go far enough to protect the interests of its constituency, and thus declined to support the settlement, CforAT believes that any settlement would have been even less favorable for the most vulnerable customers if it had not been part of the proceeding. By aggressively pursuing the interests of the most vulnerable customers, CforAT influenced the scope of the discussion so that its constituency was better off than it would have been without such participation.</p>	<p>CPUC Verified</p> <hr/> <p>Verified.</p>
<p>b. Reasonableness of Hours Claimed.</p> <p>The time expended by CforAT is reasonable and extremely close to the estimates submitted in CforAT’s NOI. In its NOI, CforAT estimated that its counsel would expend 100 hours and that it would retain an expert on issues regarding community impacts, who would also expend 100 hours to address issues of concern to SCE customers with disabilities regarding residential rate design. In fact, counsel’s time totaled 93.1 hours, and the combined time of the two witnesses (one focused on affordability and the other focused on demonstrating community impacts through outreach) totaled 71.8 hours.</p> <p>CforAT coordinated with all other consumer groups to the extent possible, and submitted joint filings with the Greenlining Institute, as their positions remained compatible throughout the proceeding.</p>	<p>Verified.</p>

<p>CforAT properly prepared detailed testimony on its issues of concern, participated in settlement discussions, followed all procedural developments, and prepared appropriate comments and other filings.</p>	
<p>c. Allocation of Hours by Issue</p> <p>CforAT’s key substantive issue regarding residential rate design throughout the proceeding was affordability of energy for vulnerable customers. This work is reflected in time records as “Affordability.” It includes all of the time spent by Dmitri Belser in preparing testimony, as well as substantial portions of counsel’s time.</p> <p>In conjunction with CforAT’s focus on affordability, it actively conducted outreach to gather information, to be brought into the record, regarding the real-life experiences of vulnerable customers struggling to pay their bills, and the trade-offs they are forced to make. This work is reflected in time records as “Outreach.” It includes all of the time spent by witness Nicolie Bolster, as well as substantial portions of counsel’s time.</p> <p>Additional time records are designated as “Settlement” for time spent in multi-party negotiations, and “GP” for “General Participation,” including time spent on procedural issues, following issues that did not relate directly to residential rates, and otherwise engaging in necessary activities as an active party in the proceeding.</p> <p>The allocations of hours worked is as follows:</p> <p><u>Affordability:</u></p> <p>100% of Dmitri Belser’s time (4.5 hours) 31% of Melissa Kasnitz’s time (28.4 hours)</p> <p><u>Outreach:</u></p> <p>100% of Nicolie Bolster’s time (67.3 hours) 32 % of Melissa Kasnitz’s time (29.9 hours)</p> <p><u>Settlement:</u></p> <p>26% of Melissa Kasnitz’s time (24.6 hours)</p> <p><u>GP:</u></p> <p>11% of Melissa Kasnitz’s time (10.2 hours)</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 \$
Melissa W. Kasnitz	2013	3.3	\$440	See below.	\$1,452	3.3	\$440.00 <i>See</i> D.13-12-026.	1,452.00
Melissa W. Kasnitz	2012	71.2	\$430	D.13-04-008	\$30,616	71.2	\$430.00	30,616.00
Melissa W. Kasnitz	2011	18.6	\$420	D.13-02-014	\$,7812	18.6	\$420.00	7,812.00
Dmitri Belser (Expert)	2012	4.5	\$225	D.13-02-014	\$1,012.50	4.5	\$225.00	1,012.50
Nicolie Bolster (Expert)	2012	67.3	\$140	See below.	\$9,422	67.3	\$140.00 [1]	9,422.00
Subtotal:					\$50,314.50	Subtotal:		50,314.50
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Melissa W. Kasnitz	2011	1.6	\$210	½ approved 2011 rate.	\$336	1.6	\$210.00	336.00
Melissa W. Kasnitz	2013	8.2	\$220	½ requested 2013 rate	\$1804	8.2	\$220.00	1,804.00
Subtotal:					\$2,140.00	Subtotal:		\$2,140.00
COSTS								
#	Item	Detail			Amount	Amount		
	Printing/copy costs for DREDF	Print/copy costs for producing outreach testimony and charts, 429 pages at \$0.25 per page			\$107.25	\$107.25 [2]		
	Travel	BART R/T to attend PHC			\$7.00	\$7.00		
Subtotal:					\$114.25	Subtotal: \$114.25		

TOTAL REQUEST \$:		\$52,568.75	TOTAL AWARD \$:		\$52,568.75
<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. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate.</p>					
ATTORNEY INFORMATION					
Attorney	Date Admitted to CA BAR ¹	Member Number	Actions Affected Eligibility (Yes/No?) If "Yes", attach explanation		
Melissa Kasnitz	December 12, 1992	191670	No. Kasnitz was inactive with the California Bar from 01/01/93 until 01/25/95 and from 01/01/1996 until 02/19/97.		

C. Intervenor's Comments on Part III

Comment #	
2	<p>Justification of Melissa Kasnitz's 2013 rate: In D.13-04-008, the Commission adopted a 2012 rate of \$430 for Melissa Kasnitz. In Resolution ALJ-287, the Commission adopted a 2% COLA for intervenor rates for 2013. Applying the 2% COLA to Ms. Kasnitz's 2012 rate, and rounding to the next even number, Ms. Kasnitz's rate for 2013 should be set at \$440 per hour. CforAT has proposed this rate for 2013 in other compensation requests, but it has not yet been addressed by the Commission.</p>
2	<p>Justification for Nicolie Bolster's 2012 rate: CforAT engaged Nicolie Bolster of the Disability Rights Education and Defense Fund (DREDF) to conduct outreach to the disability community for inclusion in the record of this proceeding. As set forth in detail in the Statement of Qualifications that accompanied her testimony in this proceeding, Ms. Bolster has</p>

¹ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

	<p>extensive experience conducting investigations and outreach, including work as a legal investigator and paralegal. She is experienced at interviewing witnesses, preparing reports and organizing records.</p> <p>Ms. Bolster has never had a rate set before the Commission. Her requested rate of \$140 is the rate that DREDF routinely requests and is awarded for comparable work in disability access matters in state and federal court. Under the expert scale set forth in Resolution ALJ-281 setting rates for 2012, the minimum rate for an expert with over thirteen years of experience would be \$160. Ms. Bolster’s requested rate is below the minimum on this scale, but represents the appropriate rate of compensation for the work performed.</p>
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D. CPUC Disallowances and Comments:

#	Reason
[1]	The Commission approves a 2012 rate of \$140 for Bolster.
[2]	While recent Commission decisions have directed intervenors to use a 10 cent per page formula, since CforAT’s printing involved outreach brochures and charts, not the standard bulk printing found for submission of documents to the Commission, we agree that, in this circumstance, the 25 cent cost is not unreasonable and will be accepted for use in this proceeding. For future intervenor compensation requests we ask that CforAT thoroughly explain its photocopying bill.

PART IV: OPPOSITIONS AND COMMENTS

Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (see § 1804(c))

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. Center for Accessible Technology has made a substantial contribution to D.13-03-031.
2. The requested hourly rates for Center for Accessible Technology’s 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 \$52,568.75.

CONCLUSION OF LAW

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

ORDER

1. Center for Accessible Technology is awarded \$52,568.75.
2. Within 30 days of the effective date of this decision, Southern California Edison Company shall pay Center for Accessible Technology the total award. 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 August 17, 2013, the 75th day after the filing of Center for Accessible Technology's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated _____, at San Francisco, California.

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	
Contribution Decision(s):	D1303031		
Proceeding(s):	A1106007		
Author:	ALJ Roscow		
Payer(s):	Southern California Edison Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Center for Accessible Technology	6/3/2013	\$52,568.75	\$52,568.75	No	

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Melissa	Kasnitz	Attorney	Center for Accessible Technology	\$420.00	2011	\$420.00
Melissa	Kasnitz	Attorney	Center for Accessible Technology	\$430.00	2012	\$430.00
Melissa	Kasnitz	Attorney	Center for Accessible Technology	\$440.00	2013	\$440.00
Dmitri	Belser	Expert	Center for Accessible Technology	\$225.00	2012	\$225.00
Nicolie	Bolser	Expert	Center for Accessible Technology	\$140.00	2012	\$140.00

(END OF APPENDIX)