

Decision _____

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 GREENLINING INSTITUTE FOR SUBSTANTIAL CONTRIBUTION TO DECISION 13-03-031

Claimant: The Greenlining Institute	For contribution to Decision (D.) 13-03-031
Claimed (\$): \$28,358	Awarded (\$): \$28,947.00
Assigned Commissioner: Michael R. Peevey	Assigned ALJ: Stephen Roscow

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	D.13-03-031 adopted various settlements that resolved Southern California Edison's (SCE's) Application to establish marginal costs, allocate revenues, and design rates for service provided to its customers.
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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	
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:	R.09-08-009	Correct.
6. Date of ALJ ruling:	01/10/2011	Correct.
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:	R.09-08-009	Correct.
10. Date of ALJ ruling:	01/10/2011	Correct.
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	Correct.
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 Claimed Contribution(s)	CPUC Discussion
Note: After parties had filed initial testimony, a settlement was reached on the residential rate design issues in which Greenlining had interest. Greenlining’s protest and testimony demonstrated that SCE’s proposals would have an adverse effect on affordability,	Note: As a settlement agreement was adopted, the internal discussions in reaching the settlement are for the most part not reflected in the final decision. Therefore, Greenlining’s contributions discussed below may not be fully documented. However, Greenlining did	Verified.

<p>especially for customers with a majority of their usage in the lower tiers. Greenlining also engaged in settlement discussions, although we did not sign on to the Residential Rate Group Settlement Agreement (“RRGSA”), as we opposed some of the accords.</p> <p>However, Greenlining’s contributions demonstrated that many of SCE’s proposals should not be adopted, and many of these proposals were not adopted, demonstrating that Greenlining has provided a substantial contribution, as demonstrated below.</p>	<p>make a contribution in demonstrating that many of SCE’s proposals should not be adopted or approved.</p>	
<p>In the application, SCE proposed a substantial increase in its customer charge. This proposal was dropped following the PHC, as its elimination from the scope of the proceeding was noted in the Scoping Memo.</p> <p>Greenlining did not expend many hours on this issue since it was withdrawn so early, but did oppose it in its Protest.</p>	<p>Protest of the Greenlining Institute, filed July 8, 2011, pp. 1-3.</p> <p>Assigned Commissioner and Administrative Law Judge’s Scoping Memo and Ruling (Scoping Memo), issued on December 2, 2011, at p. 3.</p>	Verified.
<p>Greenlining opposed SCE’s proposal to establish a separate baseline quantity for single-family and multi-family households, citing bill increases on lower-income households.</p> <p>The separate baseline proposal was not a part of the RRGSA or the final decision.</p>	<p>Protest of the Greenlining Institute, pp. 4-5.</p> <p>Prepared Testimony of Enrique Gallardo In Southern California Edison General Rate Case, On Behalf of the Greenlining Institute (“Greenlining Testimony”), served Feb. 6, 2012, pp. 12-14.</p> <p>D.13-03-031, pp. 11, 12.</p>	Verified.
<p>Greenlining opposed the proposal to reduce the baseline quantity from 55% of average usage to 50%, citing bill increases on those customers with lower tier usage, including many low-income customers.</p>	<p>See Protest of the Greenlining Institute, pp. 3-4.</p> <p>Prepared Testimony of Enrique Gallardo In Southern California Edison General Rate Case, On Behalf of the Greenlining</p>	Verified.

<p>Although the RRGSA did not adopt Greenlining’s position of maintaining the baseline quantity at 55% of average usage, it adopted a compromise of setting the baseline quantity at 53% of average usage. Such a compromise ameliorates the bill increases on lower tier customers.</p>	<p>Institute (“Greenlining Testimony”), served Feb. 6, 2012, pp. 10-12.</p> <p>D.13-03-031, pp. 11, 12.</p>	
<p>Greenlining opposed SCE’s proposal to consolidate Tiers 4 and 5 and decrease the differential between Tiers 3 and 4.</p> <p>The settlement agreement and the final decision largely adopted SCE’s proposal, over Greenlining’s opposition.</p>	<p>Protest of the Greenlining Institute, pp. 5-6.</p> <p>Prepared Testimony of Enrique Gallardo In Southern California Edison General Rate Case, On Behalf of the Greenlining Institute (“Greenlining Testimony”), served Feb. 6, 2012, pp. 14-16.</p> <p>D.13-03-031, pp. 11, 12.</p>	Verified.
<p>Greenlining participated in most of the settlement discussions that led to the RRGSA, advocating against adoption of SCE’s proposals, or for limited adoption. Greenlining and Center for Accessible Technology did not sign onto the RRGSA and filed a response to the motion in support of the settlement explaining that some of the measures raised bills for low and moderate users of energy.</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 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><i>See</i> 13-03-031, pp. 16-17, discussing Greenlining/CforAT’s objections to the RRGSA.</p>	Verified.
<p>In general, compensation for qualified interveners is appropriate if the</p>		Verified.

<p>Commission adopts one or more of the factual or legal contentions, or specific policy or procedural recommendations put forward by the consumer group. <i>See</i> Cal. P.U.Code § 1802(i).</p> <p>A substantial contribution may be found even if a party does not sign to a prevailing settlement agreement, if the party’s positions are adopted. <i>See</i> D.07-12-026, pp. 9-10.</p> <p>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. 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.</p>		
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹	Yes	Verified.
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified.
c. If so, provide name of other parties: Center for Accessible Technology (CforAT), The Utility Reform Network (TURN)		Verified.
d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party: Greenlining participated only on issues of residential rate design in this proceeding,		Agreed.

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

<p>specifically focusing on affordability of electricity rates for vulnerable customers.</p> <p>Greenlining coordinated closely with DRA and other parties (CforAT, TURN) in these proceedings with positions similar to Greenlining, in that they opposed increases on customers in the lower tiers. However, over the course of the proceeding, Greenlining’s interests diverged from those of DRA and TURN, but continued to remain consistent with those of CforAT. Generally, CforAT/Greenlining advocated that lower tier rates should not be greatly increased.</p> <p>Thus, Greenlining had filed its protest and testimony independently, but once it was clear that our interests converged, Greenlining and CforAT jointly filed a response to the motions for the settlement agreement and comments on the proposed decision.</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>SCE has approximately 4.3 million residential customers. Of those 4.5 million customers, approximately 1.4 million customers receive the low-income CARE discount. There are also many more customers who struggle with affordability who do not receive CARE.</p> <p>Many of the residential rate design proposals SCE made that Greenlining opposed were not adopted in the settlement or the final decision. These rate proposals would have raised bills for millions of SCE customers, especially those with lower incomes and less energy usage.</p> <p>Greenlining opposed SCE’s proposal to gradually increase the customer charge to \$6.00. SCE withdrew this proposal early in the proceedings, so Greenlining did not expend a great deal of hours on this proceeding. Had this proposal been adopted, millions of SCE customers – and especially low- and middle-income customers – would have seen their bills gradually increase over the years.</p> <p>Greenlining strongly opposed SCE’s proposal to have separate baseline quantities for single- and multi-family homes. SCE continued to advocate for this proposal throughout the proceeding and Greenlining continued its strong opposition. This proposal was not adopted in the settlement or the final decision. Had the proposal been adopted, millions of customers in multi-family dwelling would have seen their bills increase.</p>	<p style="text-align: center;">CPUC Verified</p> <hr/> <p style="text-align: center;">Verified.</p>
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<p>Greenlining advocated that the baseline quantity should not be reduced from 55% of average usage to 50%, citing the bill increase on lower tier customers. The settlement compromised by reducing the baseline quantity to 53%. Greenlining’s advocacy ensured that the (admittedly small) bill increase on millions of lower tier customers was ameliorated.</p> <p>Greenlining opposed SCE’s proposal to consolidate Tiers 4 and 5 and decrease the differential between Tiers 3 and 4. The settlement agreement and the final decision largely adopted SCE’s proposal, over Greenlining’s opposition.</p> <p>As shown above, by aggressively pursuing these interests of affordability for basic usage, Greenlining influenced the scope of the discussion so that low- and moderate-income customers were better off than they would have been without such participation.</p>	
<p>b. Reasonableness of Hours Claimed.</p> <p>Greenlining’s hours and claim in this proceeding are very small and much less than our estimate in the NOI. Of course it is true that much of this is due to the fact that a settlement was reached on the issues Greenlining covered. While Greenlining opposed the settlement, it did not expend extensive hours once it was adopted in opposing it.</p> <p>Greenlining coordinated with all other consumer groups to the extent possible, and submitted joint filings with CforAT, as our positions remained compatible throughout the proceeding.</p>	<p>Verified.</p>
<p>c. Allocation of Hours by Issue</p> <p>In addition to opposing the merits of each of SCE’s residential rate design proposals, Greenlining also established that SCE low income customers had challenges related to affordability due to SCE’s rates.</p> <p>Greenlining’s time is allocated by issue category as follows:</p> <ul style="list-style-type: none"> A. General Affordability Issues for Low Income Customers – 13% B. Proposal to Gradually Increase Customer Charge – 5% C. Baseline Reduction – 25% D. Separate Baseline Allocations for Single and Multi Families – 22% E. Tier Consolidation – 19% F. General – 16% 	<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 \$
Enrique Gallardo	2013	3.7	\$380	See below	\$1,406	3.7	\$390.00	1,443.00
							See D.14-02-036.	
Enrique Gallardo	2012	49.8	\$370	D.12-04-043	\$18,426	49.8	\$380.00	18,924.00
							See D.13-10-018 and D.14-02-038.	
Melissa W. Kasnitz Enrique Gallardo [1]	2011	19.5	\$370	D.12-04-043	\$7,215	19.5	\$370.00	7,234.50
	Subtotal:				\$27,047		Subtotal:	27,601.50
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Enrique Gallardo	2013	6.9	\$190	½ requested 2013 rate	\$1,311	6.9	\$195.00	1,345.50
							See, above.	
	Subtotal:				\$1,311		Subtotal:	\$1,345.50
TOTAL REQUEST \$:					\$28,358	TOTAL AWARD:		\$28,947.00
<p>*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. 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</p>								

PROPOSED DECISION

an award of compensation shall be retained for at least three years from the date of the final decision making the award.

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

ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR²	Member Number	Actions Affected Eligibility (Yes/No?) If “Yes”, attach explanation
Enrique Gallardo	December 9, 1997	191670	No.

C. The Greenlining Institute’s Comments on Part III:

Comment
Justification of Enrique Gallardo’s 2013 rate: In D.12-04-043, the Commission adopted a 2012 rate of \$370 for Enrique Gallardo. In Resolution ALJ-287, Finding #1, the Commission found that a 2% COLA adjustment for 2013 rates was reasonable. Applying the 2% COLA to Gallardo’s 2012 rate, and rounding to the next even number, Mr. Gallardo’s rate for 2013 should be set at \$380 per hour.

D. CPUC Disallowances & Adjustments:

#	Reason
[1]	The Commission notes that The Greenlining Institute incorrectly included the name of an attorney with Center for Accessible Technology. After reviewing the timesheets submitted, the Commission determined that the name would be corrected for the Greenlining Institute’s claim.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim (Y/N)?

No.
Yes.

B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(C)(6)) (Y/N)?

FINDINGS OF FACT

1. The Greenlining Institute has made a substantial contribution to D.13-03-031.

² This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

2. The requested hourly rates for The Greenlining Institute'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 \$28,947.00.

CONCLUSION OF LAW

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

ORDER

1. The Greenlining Institute is awarded \$28,947.00.
2. Within 30 days of the effective date of this decision, Southern California Edison Company shall pay The Greenlining Institute 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 75 day after the filing of Claimant's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	
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
The Greenlining Institute	6/3/2013	\$28,358.00	\$28,947.00	No	<i>See Part III.B.</i>

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Enrique	Gallardo	Attorney	Greenlining Institute	\$370	2011	\$370.00
Enrique	Gallardo	Attorney	Greenlining Institute	\$370	2012	\$380.00
Enrique	Gallardo	Attorney	Greenlining Institute	\$380	2013	\$390.00

(END OF APPENDIX)