

PROPOSED DECISION

Decision _____

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 ASSOCIATION OF CALIFORNIA COMMUNITY AND ENERGY SERVICES FOR SUBSTANTIAL CONTRIBUTION TO DECISION 14-08-030

Intervenor: Association of California Community and Energy Services (ACCES)	For contribution to D.14-08-030
Claimed: \$38,256	Awarded: \$37,092.25 (~3.04% reduction)
Assigned Commissioner: Catherine J.K. Sandoval	Assigned ALJ: Kimberly Kim

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	This decision resolves and/or continues review of various Phase II activities and issues including studies, reports, policy recommendations, and bridge funding after the 2012-2014 program CARE and ESA programs cycle ends.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	August 8, 2011	Verified.
2. Other specified date for NOI:		
3. Date NOI filed:	September 6, 2011	Verified.
4. Was the NOI timely filed?		Yes, ACCES timely

		filed the NOI.
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	A.11-05-017 et al.	Verified.
6. Date of ALJ ruling:	October 20, 2011	Verified.
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		Yes, ACCES demonstrated Category 3 status.
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.11-05-017 et al.	Verified.
10. Date of ALJ ruling:	October 20, 2011	Verified.
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes, ACCES demonstrated significant financial hardship.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.14-08-030	Verified.
14. Date of issuance of Final Order or Decision:	8/20/2014	Verified.
15. File date of compensation request:	10/20/2014	
16. Was the request for compensation timely?		Yes, ACCES timely filed the request for compensation.

PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a), and D.98-04-059).

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
Background: As in Phase 1 of this proceeding, ACCES in Phase 2 has substantially contributed to the shaping of the issues to be examined and debated in the proceeding. On the issue of Cost Effectiveness Methodology, the Phase 1 testimony of James Hodges	In D.14-08-030 has adopted some of ACCES’ recommendations and has not adopted others in this multi-issue proceeding. The Commission has established that a party may be entitled to compensation even if it does not prevail on some issues. The Commission has interpreted the Public Utilities Code Section 1802 definition,	Verified.

<p>persuaded the Commission that it was time to confront the tensions between Cost Effectiveness and Equity issues. Thus was established the Cost Effectiveness Working Group whose mandate was to recommend needed modifications to the current CE methodology. On Multifamily issues in Phase 1, ACCES was at the forefront asking numerous questions that should be answered before making major changes to the ESA Program. Thus the Commission ordered a MF Segment study.</p>	<p>in conjunction with Section 1801.3, so as to effectuate the legislature’s intent to encourage effective and efficient intervenor participation. The statutory provision of “in whole or in part,” as interpreted by multiple Commission decisions on intervenor compensation requests, has established as a general proposition that when a party makes a substantial contribution in a multi-issue proceeding, it is entitled to compensation for time and expenses even if it does not prevail on some of the issues. See, for example, D.98-04-028 (awarding TURN full compensation in CTC proceeding, even though TURN did not prevail on all issues); D.98-08-016, pp. 6, 12 (awarding TURN full compensation in SoCalGas PBR proceeding); D.00-02-008, pp. 4-7, 10 (awarding TURN full compensation even though TURN unsuccessfully opposed settlement). Even though the Commission did not adopt all of ACCES’s recommendations our participation helped to create a record which allowed the Commission to produce a thoughtful, well reasoned decision which, while implementing immediate program improvements, supports the gathering of further information through Working Groups for future program modifications and improvements. Thus, our participation and input constitutes a substantial contribution to the record of this proceeding and its final decision.</p>	
<p>1. Cost Effectiveness Working Group White Paper. Mr. Hodges was a co-author of the CE White Paper and addendum which was adopted by the Commission.</p>	<p>Ordering Paragraphs 43 and 44 adopted the four recommendations of the Cost Effectiveness Working Group: 43. The four recommendations of the Cost-Effectiveness Working Group listed below are adopted, and Pacific Gas and Electric Company, Southern California Edison Company, Southern</p>	<p>Verified.</p>

	<p>California Gas Company and San Diego Gas & Electric Company (Utilities) shall implement them:</p> <p>(a) The Commission shall base program approval for the 2015-2017 cycle and beyond on the cost-effectiveness results at the program level, rather than at the measure level;</p> <p>(b) In the 2015-2017 applications, the Utilities shall categorize measures as “resource” or “non-resource” based on the measure’s ability to provide energy savings;</p> <p>(c) The Utilities shall apply the two proposed new cost-effectiveness tests, the Energy Savings Assistance Cost-Effectiveness Test (ESACET) and the Total Resource Cost (TRC) test, replacing the existing tests; and</p> <p>(d) During the 2015-2017 cycle, for informational purposes, the Utilities shall conduct a preliminary, qualitative Equity Evaluation, with opportunity for party comment on the preliminary results.</p> <p>44. Energy Division is directed to reconvene the Cost-effectiveness (CE) Working Group for the narrow purpose of developing a program-level cost-effectiveness threshold as expeditiously as possible, and should the CE Working Group develop a consensus on a threshold in time for the filing of the 2015-2017 applications for the Energy Savings Assistance and California Alternate Rates for Energy Programs and Budgets, Pacific Gas and Electric Company, Southern California Edison Company, Southern California Gas Company and San Diego Gas & Electric Company shall use that threshold. However, should the Working Group not achieve consensus by the time the applications are filed, the IOUs are directed to make every effort to achieve as higher a level of cost efficiency as</p>	
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	possible for the 2015-2017 applications.	
<p>2. Multifamily Issues: Single Point of Contact</p>	<p>The Phase 1 Testimony of James Hodges on behalf of ACCES, TELACU and Maravilla included a proposed MF pilot project which included a “single point of coordination,” which is identical to the “single point of contact” adopted by the Commission. ACCES member TELACU acted as the installation contractor for the City Gardens Project, praised by NCLC/CHPC for successfully demonstrating the use of a single point of contact for the MF segment in the “Comments of the National Consumer Law Center, The California Housing Partnership Corporation, National Housing Law Project, and the Natural Resources Defense Council on the Phase II Alternate Proposed Decision of Commissioner Florio,” July 17, 2014. P. 9. OP 40 (5): “The Utilities shall appoint a single point of contact for the Energy Savings Assistance Program...”</p>	<p>Verified; but we note that ACCES put forth arguments that were duplicative of positions of NCLC and CHPC on the Multifamily Segment Issue. This demonstrates that these parties failed to adequately coordinate on this issue, which resulted in duplicitious efforts.¹</p>
<p>3. Multifamily Issues: Full-Building measures must be directly linked to low income tenants.</p>	<p>In its Opening Comments on the Alternate Proposed Decision, ACCES expressed a concern that, “because common area systems are owned and controlled by the owner of the building and since most tenants in multifamily government assisted housing do not pay for energy directly, such installations do not reduce the hardships facing low income households but, instead, provide financial benefits primarily to the owners of the assisted housing units.” We recommended, “The Commission should not authorize the use of ESA funds for the installation of common area measures in multifamily buildings unless and until it is demonstrated those installations reduce the hardships facing low income families.” The Phase 2</p>	<p>Verified.</p>

¹ 2015 Cal. PUC LEXIS 264 (Cal. PUC 2015).

	<p>Decision states, on page 64, “With the rollout of the above adopted highlighted recommendations, the ESA Program will also be in a better position to coordinate with multifamily energy efficiency offerings to deliver full-building measures where those measures are cost-effective and where the energy savings <i>and benefits can be directly linked to low-income tenants.</i>”</p>	
<p>Need for further review: MF issues, Workforce Education and Training, Cost Effectiveness, Mid-cycle Working Group, and Energy Education.</p>	<p>In workshop comments, and Comments on Working Group reports, ACCES has pointed to questions that need to be answered before Commission adopts many of the recommendations from the studies and working groups. The final decision reflects our point of view that to make an intelligent, informed future decisions, the Commission needs more information. “Some aspects of those issues or subject areas, including some of the related recommendations require further vetting, are not yet poised for full resolution at this junction and our review of those issues or subject areas should therefore be continued to the next cycle proceeding. Thus, on recommendations of the studies and working groups’ reports for which (1) parties have raised objections or concerns and (2) we do not explicitly direct implementation of the specific recommendation in this decision, including the Attachment Q to this decision, we are specifically reserving those recommendations for further deliberation during the upcoming cycle.” Decision, p. 56, 57.</p>	<p>Verified.</p>

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

	Intervenor’s Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?²	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: To avoid duplication of effort James Hodges represented TELACU, Maravilla, and ACCES (TELACU et al.) in A.11-05-017 et al. Only ACCES has filed an NOI and no claims are made for TELACU or Maravilla. On Cost effectiveness: the Joint OIUs, NRDC, TURN, DRA. Midcycle issues: TELACU, Maravilla, Energy Efficiency Council, Synergy. On MF Assisted Housing issues: TELACU, Maravilla, Energy Efficiency Council. On support for a “single point of contact” for MF housing: NCLC, CHPC, NHLP, TURN, NRDC, ORA.		Verified.
d. Intervenor’s claim of non-duplication: To avoid duplication of effort James Hodges represented TELACU, Maravilla, and ACCES (TELACU et al.) in A.11-05-017 et al. Only ACCES has filed an NOI and no claims are made for TELACU or Maravilla. The membership of the Cost Effectiveness Working Group consisted of the Joint IOUs, DRA (ORA), NRDC, Synergy, and James Hodges representing ACCES, TELACU, and Maravilla. Though our final report consisted of a number of consensus recommendations which required agreement of parties, this should not be viewed as duplication, rather it is a constructive joint effort.		Verified; <i>see</i> CPUC Disallowances and Adjustments.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

a. Intervenor’s claim of cost reasonableness:	CPUC Discussion
Mr. Hodges served as both expert and advocate, a role which this Commission has found to have value: “Similarly, an advocate who surpasses expectations may ask us to award a higher hourly rate. For example, where an advocate served ably in the dual role of attorney and expert, eliminating the intervenor’s need to employ separate individuals for each role, we may consider awarding a higher hourly rate for that advocate’s work in that proceeding: Resolution ALJ-184, August 19, 2004, “Resolution Adopting annual process for setting hourly rates to use in	Verified.

² 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.

calculating compensation awards to intervenors.”	
<p>b. Reasonableness of hours claimed: To avoid duplication of effort James Hodges represented TELACU, Maravilla, and ACCES (TELACU et al.) in A.11-05-017 et al. Only ACCES has filed an NOI and no claims are made for TELACU or Maravilla. The hours claimed by ACCES should be seen in the context of a Phase 2 proceeding which, from the Phase 1 decision to the final Phase 2 decision covered over 2 years. The level of complexity effort required to remain informed and to comment intelligently, takes a great effort which, we believe, should be rewarded.</p>	Verified; <i>see</i> CPUC Disallowances and Adjustments below.
<p>c. Allocation of hours by issue: Cost Effectiveness Methodology: 33% Multifamily Segment: 23% General Procedural: 12% Categorical Eligibility: 10% Midcycle Issues: 8% Needs Assessment: 7% Impact Evaluation: 7%</p>	Verified; as noted above, duplication with other parties occurred. As such, we reduce 20% of the hours claimed in the Multifamily Segment issue.

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours [1]	Rate \$	Total \$
Expert/Advocate James Hodges	2012	5.8	\$320	D.13-12-020	\$1,856	5.8	320.00	1,856.00
Expert/Advocate James Hodges	2013	85	\$320	D.13-12-020	\$27,200	79.3	325.00 See Res. ALJ-287	25,772.50
Expert/Advocate James Hodges	2014	23.75	\$320	D.13-12-020	\$7,600	23.25	335.00 See Res. ALJ-303	7,788.75
Subtotal: \$36,656						Subtotal: \$35,417.25		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
James Hodges	2014	10	\$160	½ of full rate	\$1,600	10.00	167.50	1,675.00
Subtotal: \$						Subtotal: \$1,675.00		
TOTAL REQUEST: \$38,256						TOTAL AWARD: \$37,092.25		
**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.

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

C. CPUC Disallowances and Adjustments:

#	Reason
[1]	Duplication with other parties occurred when preparing work on the Multifamily Segment issue. For this duplication, the Commission has reduced the number of hours associated with this issue by 20%. A total of 5.7 hours is disallowed from Hodges’ 2013 claimed hours.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No.
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	Yes.

FINDINGS OF FACT

1. Association of California Community and Energy Services has made a substantial contribution to D.14-08-030.
2. The requested hourly rates for Association of California Community and Energy Services’ 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, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$37,092.25.

CONCLUSION OF LAW

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

ORDER

1. Association of California Community and Energy Services is awarded \$37,092.25.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company shall pay Association of California Community and Energy Services their respective shares of the award, based on their California-jurisdictional electric and gas revenues for the 2014 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning January 3, 2015, the 75th day after the filing of Association of California Community and Energy Services' request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX
Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1408030		
Proceeding(s):	A1105017 et al.		
Author:	ALJ Kim		
Payer(s):	Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Association of California Community and Energy Services (ACCES)	10/20/2014	\$38,256.00	\$37,092.25	N/A	See Disallowances & Adjustments, above.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
James	Hodges	Expert/Advocate	ACCES	\$320.00	2012	\$320.00
James	Hodges	Expert/Advocate	ACCES	\$320.00	2013	\$325.00
James	Hodges	Expert/Advocate	ACCES	\$320.00	2014	\$335.00

(END OF APPENDIX)