

**PROPOSED DECISION**

Agenda ID #13960 (Rev. 2)  
6/11/2015 Item 33

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 Alternative Rates for Energy (CARE) and Energy Savings Assistance Program Budgets.	Application 11-05-017 (Filed May 26, 2011)
And Related Matters.	Application 11-05-018 Application 11-05-019 Application 11-05-020

**DECISION AWARDING INTERVENOR COMPENSATION TO THE GREENLINING INSTITUTE FOR SUBSTANTIAL CONTRIBUTION TO DECISION 14-08-030**

<b>Intervenor: The Greenlining Institute</b>	<b>For contribution to Decision (D.) 14-08-030</b>
<b>Claimed: \$18,315.50</b>	<b>Awarded: \$15,993.10 (~12.68% reduction)</b>
<b>Assigned Commissioner: Catherin J.K. Sandoval</b>	<b>Assigned ALJ: Kimberly Kim</b>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	This decision resolves and/or continues the review of several pending Phase II issues, resolves several pending petitions for modification of D.12-08-044, authorizes bridge funding for the IOUs’ ESA and CARE Programs, authorizes continued funding for the CHANGES pilot program, provides guidance to the IOUs in preparation of their 2015-2017 CARE and ESA Programs and Budget Applications, directs the IOUs to file their 2015-2017 applications within 90 days of issuance of this decision, and makes minor corrections and clarifications to D.12-08-044.
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:**

	<b>Intervenor</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference (PHC):	8/8/2011	Verified.
2. Other specified date for NOI:	n/a	
3. Date NOI filed:	9/7/2011	Verified.
4. Was the NOI timely filed?		Yes, Greenlining timely filed the NOI.
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	R.10-02-005	Verified.
6. Date of ALJ ruling:	3/29/2010	Verified.
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		Yes, Greenlining demonstrated appropriate status.
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	R.08-12-009	Verified.
10. Date of ALJ ruling:	7/29/2010	Verified.
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes, Greenlining demonstrated significant financial hardship.
<b>Timely request for compensation (§ 1804(c)):</b>		
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:	10/17/2014	Verified.
16. Was the request for compensation timely?		Yes, Greenlining 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
<p><u>A. Categorical Eligibility</u></p> <p>On 2/25/14, the Assigned Commissioner issued a ruling requesting comments in response to five questions regarding categorical eligibility and enrollment and definition of income. The IOUs had jointly filed advice letters proposing to significantly reduce the number of programs that could qualify a customer for CARE and ESA via categorical eligibility, and the Commission identified significant policy questions raised by these drastic reductions.</p> <p>Greenlining filed a joint opening response to the five questions, along with TURN, ORA, and the Center for Accessible Technology. As discussed below in section B.d., these parties split up the work in drafting the jointly filed comments to maximize efficiency and cost-effectiveness. As reflected in Greenlining’s time records, Greenlining took the lead in drafting the joint response on the issue of how to define a “household” and which public benefit programs to include and exclude in the</p>	<p><i>Assigned Commissioner’s Ruling Concerning Categorical Eligibility and Enrollment and Definition of Income, 2/25/14, p. 2.</i></p>	<p>Verified; but we note Greenlining put forth arguments that were duplicative of CHPC on this issue. This demonstrates that these parties failed to adequately coordinate on the Categorical Eligibility issue which resulted in duplicitous efforts.<sup>1</sup>,</p>

<sup>1</sup> 2015 Cal. PUC LEXIS 264 (Cal. PUC 2015).

<p>Commission’s categorical eligibility policy.</p> <p>In this joint filing, the parties argued that AB 327 (Perea, 2013) sets the standard for participating programs as programs that have “substantially the same” income threshold as the CARE and ESA Programs. The parties argued that both the letter and spirit of the law weigh in favor of an expansive definition of “substantially the same.”</p> <p>In our 3/11/14 Comments, the parties proposed a methodology for determining which programs should qualify, and urged the Commission to direct the utilities to use the proposed methodology in their upcoming 2015-2017 cycle applications.</p> <p>In response to the ACR’s Question 2, the parties discussed the appropriateness of the thresholds proposed in our methodology.</p> <p>In response to the ACR’s Question 3, the parties urged the Commission to retain as eligible CalFresh/SNAP, CalWORKS/TANF, WIC, the National School Lunch Program, LIHEAP, Bureau of Indian Affairs General Assistance, Tribal TANF, Tribal Head Start Income Eligible, and SSI (for one-person households). The parties urged that Non-Tribal Head Start Income Eligible and 4 HUD programs be deemed</p>	<p><i>Comments of The Utility Reform Network, the Office of Ratepayer Advocates, the Center for Accessible Technology, and the Greenlining Institute in Response to Commissioner Sandoval’s Ruling Concerning Categorical Eligibility and Enrollment and Definition of Income, 3/11/14, pp. 2-3; Reply Comments of the Greenlining Institute, 3/17/14, pp. 2-4.</i></p> <p><i>Joint Comments, 3/11/14, pp. 3-14.</i></p> <p><i>Joint Comments, 3/11/14, pp. 14-18.</i></p> <p><i>Joint Comments, 3/11/14, pp. 18-23; Reply Comments of the Greenlining Institute, 3/17/14, pp. 6-9.</i></p>	
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eligible. The parties noted that Medi-Cal/Medicaid should be revisited in 2015, after program changes related to the Affordable Care Act are complete. The parties further noted that Healthy Families has been subsumed under Medi-Cal/Medicaid and should thus be removed from the list.

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In response to the ACR's Question 4, the parties asserted that non-cash benefits, specifically housing subsidies, should not be included in the income calculation used to determine CARE and ESAP eligibility, supporting the rationale set forth in detail by NCLC/CHPC/NHLP/NRDC.

D.14-08-030 determined that the income definition for CARE and ESA should remain the same pending review in the next cycle low income programs docket. D.14-08-030 affirmatively held that housing subsidies shall not be considered income.

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In response to the ACR's question 5, the parties argued for some flexibility in alignment in the definition of "household" between categorical eligibility programs and CARE/ESAP, as long as the programs have "substantially the same" overall income eligibility requirements. The parties asserted that in many instances, the difference between

*Joint Comments*, 3/11/14, pp. 23-25.

*Joint Comments*, 3/11/14, pp. 25-26,  
*Reply Comments of the Greenlining Institute*, 3/17/14, pp. 4-6.

<p>program guidelines is more semantic than actual. In many other instances, the difference in definition of “household” may result in no actual difference in overall income eligibility threshold, rendering the definition of “household” issue moot.</p> <p>The parties asserted that both CalWORKS/TANF and both General and Tribal Head Start have substantially the same definition of “household” for purposes of CARE and ESAP categorical eligibility.</p> <p>*****</p> <p>The parties further asserted that categorically eligible households that share housing are very likely to be CARE eligible, and should be treated as such for categorical eligibility purposes. This treatment is supported by the rules for LifeLine, which targets substantially the same population as CARE and ESAP, and allows for the all-too-likely scenario that low income households are often forced to “double up” in order to afford rent.</p> <p>Additionally, the parties noted that the utilities had been communicating to their customers that even those enrolled via categorical eligibility would need to provide income verification. The parties urged the Commission to affirm that customers who enroll via</p>	<p><i>Joint Comments, 3/11/14, pp. 26-28.</i></p> <p><i>Joint Comments, 3/11/14, pp. 28-30.</i></p> <p><i>Joint Comments, 3/11/14, pp. 30-33.</i></p>	
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<p>categorical eligibility will not be require to verify their incomes, unless they exceed the 400% baseline usage threshold.</p> <p>Finally, as a procedural matter Greenlining supported TURN’s arguments, in comments on the Alternate Proposed Position, that the Commission must preserve for the successor proceeding the record from this proceeding and ability to claim intervenor compensation regarding categorical eligibility and post-enrollment verifications issues left unresolved by D.14-08-030.</p> <p>D.14-08-030 continued consideration of several issues, including the categorical eligibility and income definition issues raised in the 2/25/14 ACR, until the next cycle.</p> <p>D.14-08-030 noted that the Commission intends to continue categorical eligibility as an alternative enrollment process.</p>	<p><i>Reply Comment of the Greenlining Institute on the Alternate Proposed Decision, 7/22/14, pp. 3-4.</i></p> <p>D.14-08-030, pp. 4, 71, COL 51, OPs 46 &amp; 47.</p> <p>D.14-08-030, FOF 5, COL 2.</p>	
<p><u>B. ESA Workforce Issues</u></p> <p>Greenlining urged that the Guidance Document issued with ALJ Kim’s Proposed Decision should direct the IOUs to provide for demographic data collection no the ESA workforce in their next cycle ESA program applications.</p> <p>While proceeding at a slower pace than Greenlining would ideally like, the Commission</p>	<p><i>Comments on the Proposed Decision of the Greenlining Institute, 6/2/14, pp. 1-2; Opening Comments of the Greenlining Institute on the Phase II Alternate Proposed Decision, 7/17/14, pp. 1-2.</i></p> <p>D.14-08-030, p. 67.</p>	<p>Verified.</p>

<p>nonetheless took strong steps forward toward workforce diversity data collection by adopting the Workforce Education and Training Working Group’s final report and recommendation, which included steps forward on tracking diversity in the ESAP workforce, among other important issues.</p>		
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**B. Duplication of Effort (§ 1801.3(f) and § 1802.5):**

	Intervenor’s Assertion	CPUC Discussion
<p><b>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?<sup>2</sup></b></p>	<p>Yes</p>	<p>Verified.</p>
<p><b>b. Were there other parties to the proceeding with positions similar to yours?</b></p>	<p>Yes</p>	<p>Verified.</p>
<p><b>c. If so, provide name of other parties: Natural Resources Defense Council, National Consumer Law Center, California Housing Partnership Corp., Proteus, Brightline Defense Project, TURN, National Housing Law Project, Green for All, Center for Accessible Technology, La Cooperative Campesina de California, TELACU, The Maravilla Foundation, The Association of California Community and Energy Services.</b></p>	<p>Verified.</p>	
<p><b>d. Intervenor’s claim of non-duplication:</b>                      Greenlining’s position was unique among parties on some issues, but it also aligned with other parties on several issues. Where Greenlining’s position aligned with that of other parties, Greenlining attorneys actively coordinated with these parties to share work, avoid duplication, and maximize efficiency. Greenlining’s time records reflect this coordination, where parties divided workload on shared issues to avoid duplication. On some issues, Greenlining took the lead in drafting that section, where on others Greenlining played a more supportive role, in coordinating positions, reviewing and editing drafts, etc.                       In other instances, Greenlining simply expressed support for the positions taken by other parties, rather than restating the same case in its own comments. <i>See</i>, for example, Greenlining Opening Comments on the APD, where Greenlining supported the comments of other parties. This was done to avoid duplication of effort between parties, and was done by expressly coordinating while parties were drafting their</p>	<p>Verified, but see duplication, above, and CPUC Disallowances and Adjustments, below.</p>	

<sup>2</sup> 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.

comments. In these ways, Greenlining and other intervenors sought to maximize efficiency and avoid duplication of effort.	
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**C. Additional Comments on Part II:**

#	Intervenor’s Comment	CPUC Discussion
II.A.	<p>D.14-08-030 did not set forth a final decision on the categorical eligibility and income definition issues raised in the 2/25/14 Assigned Commissioner’s Ruling, yet Greenlining did a substantial amount of work in response to the ACR, which is claimed as compensable time here. Greenlining submits that it is reasonable and appropriate for the Commission to grant compensation for that time in this proceeding.</p> <p>First, it was reasonable for Greenlining to have spent that time in this proceeding because the issues were raised by the Commission via the Assigned Commissioner’s Ruling, and thus it was reasonable to expect that a final decision would be issued.</p> <p>Second, the work done by Greenlining and other intervenors clearly informed the Commission’s decision making process, because the Decision found that the issues were too intricate to decide hastily, and that more consideration was needed. Avoiding hasty decisions on a program with wide-reaching consumer impact is, in itself, an important outcome that protects consumers and thus should be considered a substantial contribution in this proceeding.</p> <p>Finally, though for the moment the result is temporary, by continuing the program unaltered until the issues are decided in the next cycle, the Commission did, in a way, agree with the intervenors who argued that</p>	Verified.

	<p>the majority of programs currently part of the categorical eligibility process are properly included and should be retained. While this is by no means a final Commission ruling on the issue, it does indicate that the arguments of Greenlining and other intervenors contributed to the Commission’s deliberative process and provided it assurances – upon which it relied – that the program is sustainable, at least for the next few years, in its current form.</p>	
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**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

<p><b>a. Intervenor’s claim of cost reasonableness:</b></p> <p>While a great many issues were contemplated and decided in D.14-08-030, Greenlining focused its participation on two narrow, defined issues – categorical eligibility and income definition, and workforce demographic data tracking. The majority of our time was spent on the former issue. There, preserving categorical eligibility as broadly as is reasonable under its current statutory framework keeps open a much-used and highly efficient channel for enrolling in low income assistance programs. This creates efficiencies for the thousands of households who enroll via categorical eligibility each year, who save money on their bills and save time in the enrollment process. The amount these households will save in even one year, in monthly bill savings as a result of low income assistance programs, will alone exceed the cost of Greenlining’s participation.</p> <p>Categorical eligibility also creates administrative savings for each applicant that uses it, by providing a streamlined process – that is also highly accurate – for enrolling eligible households. These administrative savings, particularly when compiled with the customer savings described above, far exceed the modest cost of Greenlining’s participation in this phase of the proceeding.</p>	<p style="text-align: center;"><b>CPUC Discussion</b></p> <hr/> <p>Verified.</p>
<p><b>b. Reasonableness of hours claimed:</b></p> <p>As discussed above, Greenlining sought to minimize the number of hours claimed in this phase of the proceeding by collaborating with other intervenors where our positions aligned. We were able to share work and thus significantly reduce the number of hours each intervenor will claim for their work. Again, given the broad scope of issues contemplated in D.14-08-030, Greenlining’s hours were quite modest and narrowly focused on the issues that stood to most greatly impact our constituency.</p> <p>It should be noted that Greenlining’s lead counsel for the first part of Phase II, Mr. Gallardo, left Greenlining early in the summer. As such, Ms. Chen assumed the lead counsel role for this proceeding mid-way through the Phase, necessitating a little bit of catching-up time. However,</p>	<p>Verified, <i>but see</i> CPUC Disallowances and Adjustments, below.</p>

Greenlining maintains that even with this shift in responsibilities, Greenlining’s hours are very minimal and reasonable, especially given the very broad range of issues under consideration in this proceeding.	
<p><b>c. Allocation of hours by issue:</b></p> <p>A. Categorical Eligibility = 62.3%</p> <p>B. ESA Workforce Issues = 15.1%</p> <p>C. General/Procedural = 22.6%</p>	Verified; due to duplication with CHPC we reduce 20% of the hours related to Categorical Eligibility.

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours [1]	Rate \$	Total \$
Enrique Gallardo	2014	40.7	\$400	See Comment 3 below	\$16,280	34.94	\$400.00 See D.15-03-040.	13,976.00
Stephanie Chen	2014	6.2	\$230	See Comment 4 below	\$1,426	6.12	\$230 See Res. ALJ-287 and Res. ALJ-303.	1,407.60
<b>Subtotal: \$ 17,706</b>						<b>Subtotal: \$ 15,383.60</b>		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Stephanie Chen	2014	5.3	\$115	See Comment 4 below	\$609.50	5.3	\$115.00	609.50
<b>Subtotal: \$609.50</b>						<b>Subtotal: \$609.50</b>		
<b>TOTAL REQUEST: \$18,315.50</b>						<b>TOTAL AWARD: \$15,993.10</b>		

\*\*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

<b>ATTORNEY INFORMATION</b>			
<b>Attorney</b>	<b>Date Admitted to CA BAR<sup>3</sup></b>	<b>Member Number</b>	<b>Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation</b>
Enrique Gallardo	12/9/1997	191670	No
Stephanie Chen	8/23/2010	270917	No

**C. Intervenor's Comments on Part III**

<b>Comment #</b>	<b>Intervenor's Comment(s)</b>
1	The last Commission approved rate for Enrique Gallardo was \$390, for work done in 2013. To date, the Commission has not issued a Resolution setting intervenor rates for 2014. However, assuming that the 2014 Resolution would grant a 2% COLA, as the 2013 Resolution did, it would result in a 2014 rate of \$400 for Mr. Gallardo (when rounded to the nearest \$5 increment). Greenlining submits that this is a reasonable rate to approve for Mr. Gallardo's work in 2014.
2	The last Commission approved rate for Stephanie Chen was \$220 for work done in 2012 (D.13-10-033). Resolution ALJ-287 ordered a 2% Cost of Living Adjustment (COLA) for 2013 rates, which would set the rate for Ms. Chen's work in 2013 at \$225 (when rounded to the nearest \$5 increment). To date, the Commission has not issued a Resolution setting intervenor rates for 2014. However, assuming that the 2014 Resolution would grant a 2% COLA, as the 2013 Resolution did, it would result in a 2014 rate of \$230 for Ms. Chen. Greenlining argues that this is a reasonable rate to approve for Ms. Chen's work in 2014.

**D. CPUC Disallowances and Adjustments:**

<b>Item</b>	<b>Reason</b>
[1]	The Commission approves the 2014 rate of Chen at \$230, based on the application of the 2013 and 2014 cost-of-living adjustments. <sup>4</sup>
[2]	Duplication with CHPC occurred when preparing work on the Categorical Eligibility issue. For this duplication, the Commission has reduced the number of hours associated with this issue by 20%. A total of 5.84 hours is disallowed from Greenlining's request.

**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))**

<b>A. Opposition: Did any party oppose the Claim?</b>	No.
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<sup>3</sup> This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

<sup>4</sup> See Resolution ALJ-287 and ALJ-303.

<b>B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?</b>	Yes.
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**FINDINGS OF FACT**

1. The Greenlining Institute has made a substantial contribution to D.14-08-030.
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, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$15,993.10.

**CONCLUSION OF LAW**

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

**ORDER**

1. The Greenlining Institute is awarded \$15,993.10.
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 the Greenlining Institute 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 December 31, 2014, the 75<sup>th</sup> day after the filing of the Greenlining Institute'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.

**APPENDIX**  
**Compensation Decision Summary Information**

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	
<b>Contribution Decision(s):</b>	D1408030		
<b>Proceeding(s):</b>	A1105017 et al.		
<b>Author:</b>	ALJ Kim		
<b>Payer(s):</b>	Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company		

**Intervenor Information**

<b>Intervenor</b>	<b>Claim Date</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
The Greenlining Institute	10/17/2014	\$18,315.50	\$15,993.10	N/A	See Disallowances & Adjustments, above.

**Advocate Information**

<b>First Name</b>	<b>Last Name</b>	<b>Type</b>	<b>Intervenor</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Stephanie	Chen	Attorney	The Greenlining Institute	\$230.00	2014	\$230.00
Enrique	Gallardo	Attorney	The Greenlining Institute	\$400.00	2014	\$400.00

**(END OF APPENDIX)**