

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Own Motion to address the issue of customers' electric and natural gas service disconnection.	Rulemaking 10-02-005 (Filed February 4, 2010)
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DECISION GRANTING COMPENSATION TO CENTER FOR ACCESSIBLE TECHNOLOGY FOR SUBSTANTIAL CONTRIBUTION TO DECISION 14-06-036

Intervenor: Center for Accessible Technology (CforAT)	For contribution to Decision (D.) 14-06-036
Claimed: \$31,911.00	Awarded: \$31,911.00
Assigned Commissioner: Michel Peter Florio	Assigned ALJ: Maryam Ebke

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	Decision approves settlement agreement on credit, collection, and disconnection practices, to be implemented following expiration of prior decisions.
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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):	None held	Yes
2. Other specified date for NOI:	March 6, 2010	March 8, 2010
3. Date NOI filed:	September 13, 2011; see notes, below	Yes
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:	See below.	Yes
6. Date of ALJ ruling:	See below.	Yes
7. Based on another CPUC determination (specify):	D. 13-04-008 issued on April 5, 2013 in R.10-02-005 (prior decision granting compensation to CforAT for earlier work in this proceeding).	Yes
8. Has the Intervenor demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	See below.	Yes
10. Date of ALJ ruling:	See below.	Yes
11. Based on another CPUC determination (specify):	D. 13-04-008 issued on April 5, 2013 in R.10-02-005 (prior decision granting compensation to CforAT for earlier work in this proceeding).	Yes
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.14-06-036	Yes
14. Date of issuance of Final Order or Decision:	June 26, 2014	June 30, 2014
15. File date of compensation request:	August 29, 2014	Yes
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor’s Comment(s)	CPUC Discussion
	CforAT filed a Motion for Party Status and an NOI in September of 2011. Due to problems with the	Disability Rights Advocates timely filed its NOI on March 4, 2010. CforAT tendered its NOI together with its Motion for Party Status in September 2011

	<p>efiling submission, the NOI was officially filed on September 13, 2011, and the Motion for Party Status was officially filed on September 21, 2011. CforAT was authorized to file its Motion for Party Status after it had already submitted its NOI by an email from ALJ Ebke sent on September 21, 2011, in response to CforAT's request for direction on how to proceed when its error was identified.</p> <p>At the time CforAT obtained party status, we also requested authorization to act as the successor to Disability Rights Advocates, and adopt prior filings and testimony prepared by DisabRA in this proceeding as our own. CforAT then took over as a representative of the disability community in this proceeding. Both CforAT and Disability Rights Advocates were found eligible for compensation and were awarded compensation for earlier work in this proceeding. <i>See</i> D.13-04-008. Since CforAT obtained party status, Disability Rights Advocates ceased all work in this proceeding, and is not now seeking any compensation.</p>	<p>(<i>See</i> D.13-04-008). Due to problems with the efilng submission, the NOI was officially filed on September 13, 2011 and the Motion for Party Status on September 21, 2011. CforAT is acting as a successor to Disability Rights Advocates, thus the NOI is timely filed.</p>
<p>2</p>		<p>The OIR was dated February 4, 2010, but was issued on February 5, 2010. The NOI was due within 30 days of the date of issuance. (OIR, Ordering Paragraph 11.) Thirty days ran until Sunday, March 7, making the NOI due the next business day, Monday, March 8.</p>
<p>7 and 11</p>		<p>D.13-04-008 found CforAT demonstrated both (a) customer or customer-related status and (b) significant financial hardship. These demonstrations were made in A.10-03-014 and affirmed by ALJ Ruling dated October 31, 2011.</p>

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>Collectively with other consumer groups, CforAT negotiated a settlement to extend many disconnection and credit rules for IOUs adopted by the Commission in decisions earlier in this proceeding and to enact new pilot program protocols to experiment with different customer communication techniques.</p> <p>The agreement negotiated by CforAT and other consumer groups was found to be reasonable in light of the record, consistent with law, and in the public interest; it was thus adopted by the Commission.</p> <p>Key provisions of the settlement include:</p> <ul style="list-style-type: none"> - Continuing the requirement to provide in-person field visits for vulnerable customers, without charging the customer any fee for such visit. - Continuing effective communication provisions for customers who have difficulty communicating in standard English, including customers with disabilities that affect their ability to communicate 	<p>CforAT participated actively in all settlement negotiations, as reflected in our time records, and described in the Joint Motion of the Office of Ratepayer Advocates, The Utility Reform Network; the Greenlining Institute; the Center for Accessible Technology; Pacific Gas and Electric Company (U39E); Southern California Edison Company (U338-E); San Diego Gas & Electric Company (U902M); and Southern California Gas Company (U904G) for the Adoption of the Settlement Agreement, filed on April 1, 2014. The settlement was adopted by the Commission in D.14-06-036 (Ordering Paragraph 1).</p>	<p>Correct</p>

<p>verbally or in writing.</p> <ul style="list-style-type: none"> - Continuing the requirement that all utilities enroll eligible customers in CARE with a live agent over the phone. - Requiring pilot programs regarding payment plans to determine effective mechanisms for restoring customers who are in arrears into good standing. - Continuing to constrain deposit size and allow CARE and FERA customers to pay deposits over time. - Establishing ongoing reporting requirements and regular meetings among parties to address developing issues. 		
<p>CforAT participated in regular meetings, mandated by the prior settlement with the Sempra Utilities and adopted by the Commission in D.10-12-051 in this proceeding. These meetings allowed parties to assess the effectiveness of various practices and eventually served as the initial forum for discussions that led to the subsequent settlement.</p>	<p>The settlement between the Sempra Utilities and the consumer organizations approved by the Commission in D.10-12-051 mandated quarterly meetings between the settling parties to discuss issues that might arise under the settlement. Through these meetings as well as the regular reports, settling parties were able to identify and resolve various concerns about credit and collection practices. It was also the initial forum for discussions that evolved into the broader settlement agreement with all the IOUs.</p> <p>The success of this forum as a mechanism for ongoing oversight of concerns regarding credit and collection practices also led to a comparable obligation for all IOUs to meet regularly with consumers, as memorialized in the successor settlement that is now in</p>	<p>Correct</p>

	effect. D.14-06-036 at p. 7 (describing ongoing reporting and meeting obligations under the settlement).	
CforAT participated in overseeing activity as appropriate on credit, collection and disconnection practices taken by PG&E and SCE following D.12-03-054. The active oversight by parties to this proceeding facilitated the discussions that led to the subsequent settlement.	CforAT’s records reflect modest time spent reviewing reports and other filings from PG&E and SCE, consistent with earlier Commission decisions.	Correct

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?¹	Yes.	Correct
b. Were there other parties to the proceeding with positions similar to yours?	Yes.	Correct
c. If so, provide name of other parties: TURN, the Greenlining Institute (Greenlining), the National Consumer Law Center (NCLC)		Correct
d. Intervenor’s claim of non-duplication: Throughout the portion of this proceeding addressing issues regarding credit, collection, and disconnection practices to be implemented by the IOUs following the expiration of prior obligations at the end of 2013, CforAT, TURN, Greenlining and NCLC worked jointly to address issues of concern to the constituency of each organization and to support adoption of practices that would be beneficial to consumers. At each stage, the consumer groups coordinated efforts, delegated tasks, and jointly prepared proposals and responses in order to proceed efficiently through complex negotiations. All of these consumer organizations other than NCLC eventually joined the settlement adopted in the decision (while NCLC was not a party to the settlement, it supported the settlement after seeking and obtaining clarification on some issue).		Correct

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.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

<p>a. Intervenor’s claim of cost reasonableness:</p> <p>While the direct benefits to individual consumers flowing from the new settlement are difficult to quantify, they are clear and substantial. Customers at risk of service disconnection, including many customers with disabilities (who are disproportionately low income, and also highly dependent on electricity to support their ability to live independently) benefit from clear rules controlling credit, collection, and disconnection practices, including the continuation of many consumer protections. These protections include deposit limits, in-person visits for vulnerable consumers prior to disconnection, and ongoing efforts to improve practices for setting payment plans for customers in arrears. Some of these rules will improve communication between the IOUs and their customers, and others (like deposit limitations and improved payment plan processes) will allow customers to avoid disconnection and the associated costs, likely resulting in substantial savings.</p> <p>In comparison to the benefits provided to low income and vulnerable customers, the costs were modest and reasonable. In terms of both the savings to customers and the non-dollar benefits obtained, the results bear a reasonable relationship with the reasonable costs incurred.</p>	<p>Correct</p>
<p>b. Reasonableness of hours claimed:</p> <p>CforAT spent fewer than 70 hours on this phase of proceeding, including participating in oversight of IOUs work to implement the two prior Commission decisions as well as detailed negotiations and additional work to develop and obtain approval of the new agreement. This work, done in conjunction with other consumer representatives and all the major IOUs in California, resulted in an agreement between virtually all relevant stakeholders for oversight of credit, collection and disconnection practices, and provides a forum for ongoing review and discussion of such issues. The value of this outcome for customers who will potentially subject to service disconnection, including members of CforAT’s constituency, is substantial. As noted above, the consumer representatives coordinated closely to avoid duplication of effort and proceed efficiently as parties worked to develop the new agreement.</p> <p>In light of the importance of this issue and the reach of the agreement that resulted, the Commission should find that the number of hours claimed are fully reasonable.</p>	<p>Correct</p>

<p>c. Allocation of hours by issue:</p> <p>Post 2013: 57.7 hours (85% of total)</p> <p>This category includes all time developing, researching, negotiating, and pursuing approval of the agreement that is now in effect.</p> <p>Sempra Settlement: 6.5 hours (9% of total)</p> <p>This category includes all time spent participating in regular meetings and otherwise overseeing the effective implementation of the prior settlement between consumer groups and the Sempra Utilities.</p> <p>General Participation/Implementation: 4.1 hours (6% of total)</p> <p>This category includes all time spent reviewing activities undertaken by PG&E and SCE pursuant to D.12-03-054, as well as additional tasks addressing procedural items that arose during the relevant time period.</p>	<p>Correct</p>
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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	2012	3.2	\$430	D.13-04-008	\$1,376.00	3.2	\$430	\$1,376.00
Melissa W. Kasnitz	2013	29.0	\$440	D.13-11-017	\$12,760.00	29.0	\$440	\$12,760.00
Melissa W. Kasnitz	2014	36.1	\$450	See below	\$16,245.00	36.1	\$450 [a]	\$16,245.00
Subtotal: \$30,381.00						Subtotal: \$30,381.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Melissa W. Kasnitz	2014	6.8	\$225 ²	½ requested rate	\$1,530.00	6.8	\$225	\$1,530.00
Subtotal: \$1,530.00						Subtotal: \$1,530.00		
TOTAL REQUEST: \$31,911.00						TOTAL AWARD: \$31,911.00		

² Half of the requested hourly rate of Kasnitz in 2014 is \$225. In CforAT’s original request, it listed the half hourly rate as \$250. This error has been corrected moving forward.

****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**

ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR³	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Melissa W. Kasnitz	December 24, 1992	162679	No; but from January 1, 1993 until January 25, 1995 and January 1, 1996 until February 19, 1997 Kasnitz was an inactive member of the California Bar.

C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
1	Certificate of Service
2.	2012 Merits Time Records
3	2013 Merits Time Records
4	2014 Merits Time Records
5	Compensation Time Records
	Justification for 2014 Rate for Melissa W. Kasnitz: As noted above, Ms. Kasnitz’s approved rate for 2013 is \$440 per hour. No COLA or other rate adjustment has yet been authorized for 2014. However, if a 2% COLA, consistent with what was authorized for 2013, is eventually approved, the appropriate adjustment would result

³ This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch> .

	in a rate of \$450 for 2014. To the extent that a different rate adjustment is eventually authorized, CforAT requests that the adopted adjustment be applied in place of this estimate. CforAT has requested a 2014 rate of \$450 for Ms. Kasnitz in other pending compensation requests in other proceedings (e.g. R.11-03-013), but no decision has yet issued authorizing such rate.
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D. CPUC Disallowances and Adjustments:

Item	Reason
a	Per Resolution ALJ-303, we apply the 2.58% COLA to Kasnitz 2013 hourly rate to adopt the rate of \$450 per hour for 2014.

PART IV: OPPOSITIONS AND COMMENTS

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

1. CforAT has made a substantial contribution to Decision (D.)14-06-036.
2. The requested hourly rates for CforAT’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 \$31,911.00.

CONCLUSION OF LAW

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

ORDER

1. Center for Accessible Technology shall be awarded \$31,911.00.
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 Center for Accessible Technology 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 November 12, 2014, 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.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1406036		
Proceeding(s):	R1002005		
Author:	ALJ Ebke		
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
Center for Accessible Technology (CforAT)	8/29/2014	\$31,911.00	\$31,911.00	N/A	N/A

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Melissa	Kasnitz	Attorney	CforAT	\$430	2012	\$430
Melissa	Kasnitz	Attorney	CforAT	\$440	2013	\$440
Melissa	Kasnitz	Attorney	CforAT	\$450/\$225	2014	\$450/\$225

(END OF APPENDIX)