

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of San Diego Gas & Electric Company (U902E) for Authority to Update Marginal Costs, Cost Allocation, and Electric Rate Design.	Application 11-10-002 (Filed October 3, 2011)
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**DECISION GRANTING COMPENSATION TO UTILITY CONSUMERS'
ACTION NETWORK FOR SUBSTANTIAL CONTRIBUTION TO
DECISION 14-01-002**

Claimant: Utility Consumers' Action Network (UCAN)	For contribution to Decision (D.) 14-01-002
Claimed: \$27,832.50	Awarded: \$27,823.50
Assigned Commissioner: Micheal Picker	Assigned ALJs: Stephen C. Roscow and Amy C. Yip-Kikugawa

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	This Phase 2 Decision of SDG&E's GRC application granted approval of a Partial Settlement and adopted the Revised Proposed Decision of ALJs' Roscow & Yip-Kikugawa in the application of San Diego Gas and Electric Company (SDG&E) 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
Pub. Util. Code §§ 1801-1812:**

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	December 9, 2011	Verified.
2. Other Specified Date for NOI:		
3. Date NOI Filed:	December 27, 2011	Verified.
4. Was the NOI timely filed?		Yes, Utility

		Consumers' Action Network (UCAN) timely filed the notice of intent to claim intervenor compensation.
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	D.10-05-013 (see comment 1)	D.11-10-011
6. Date of ALJ ruling:	See comment 1	October 10, 2011
7. Based on another CPUC determination (specify):	See comment 1	R.08-12-009
8. Has the Claimant demonstrated customer or customer-related status?		Yes, UCAN demonstrated appropriate status.
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	D.10-05-013	D.11-10-011
10. Date of ALJ ruling:	May 10, 2010	October 10, 2011
11. Based on another CPUC determination (specify):		D.10-03-020
12. Has the Claimant demonstrated significant financial hardship?		D.11-10-011 provided UCAN with a rebuttable presumption of significant financial hardship in the present proceeding.

Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.14-01-002	Verified.
14. Date of Issuance of Final Order or Decision:	January 23, 2014	Verified.
15. File date of compensation request:	March 24, 2014	Verified.
16. Was the request for compensation timely?		Yes, UCAN timely filed the request for intervenor compensation.

C. Additional Comments on Part I:

#	CPUC Discussion	UCAN's Comment
1	UCAN satisfied the intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812.	The CPUC has repeatedly found that UCAN's bylaws "represent the interests of residential ratepayers." (<i>e.g.</i> D.10-05-013.) UCAN's articles of incorporation and bylaws have not been modified since those earlier findings.

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	CPUC Discussion
UCAN actively participated in this docket for the first 9 months while Mr. Shames was employed by this organization. It submitted testimony, conducted discovery, filed a protest and filed a Motion that impacted the scope of the proceeding. Once Mr. Shames left UCAN, it determined that it that it could no longer litigate this case.		Verified. <i>See also</i> D.14-12-064 (<i>awarding</i> compensation to Shames for post-UCAN work).

<p>When UCAN withdrew from this litigation, Mr. Shames continued in this docket through work with SDCAN. Mr. Shames took up the UCAN testimony and essentially picked up where he left off while with UCAN. Therefore, UCAN analyzes its substantial contribution for the time it was actively participating in this docket, including work performed by Mr. Shames in preparing the case, through analyzing the documents, preparing testimony, etc. which informed Mr. Shames subsequent work in this docket.</p> <p>As discussed below, UCAN is only claiming time for Mr. Shames while in UCAN's employment.</p>		
<p>1. UCAN filed an initial October 27, 2011 Motion asking the Commission to require SDG&E to resubmit its Application striking the issue of a Network Use Charge ("NUC") from the scope of the proceeding. The Scoping Memo granted UCAN's Motion as the NUC, saving resources for the Commission and parties.</p>	<p>UCAN Motion to Request SDG&E to resubmit rate design proposal, October 27, 2011</p> <p>Assigned Commissioner's Ruling - Scoping Memo and Ruling , January 18, 2012</p>	<p>Verified.</p>
<p>2. Legality of NUC UCAN's October 27, 2011 Motion urged the Commission to find that the NUC violated statutes that were designed to</p>	<p>Scoping Memo of January 18, 2012 pages 6-8</p> <p>UCAN motion of October 27, 2011 pages 12-19</p>	<p>Verified.</p>

<p>promote the deployment of solar power.</p> <p>The Scoping Memo found, “upon consideration of UCAN’s motion and the responses to it, I am concerned that this particular NUC charge may be inconsistent with current law . . .</p>		
<p>3. Legality of Basic Service Fee</p> <p>UCAN’s Motion also challenged the Basic Service Fee on legal grounds. While the Assigned Commissioner moved forward with consideration of the BSF in this docket, UCAN’s motion did inform the Commission of both the issues and the problems with SDG&E’s proposal.</p> <p>While the Commission did not find the proposal violated Sections 739.1 and 739.9 it did ultimately deny SDG&E’s request in this docket noting that consideration of this issue was more appropriately considered in R.12-06-013.</p>	<p>Basic Service fee - D. 14-01-002, p. 40</p>	<p>Verified.</p>
<p>2.Prepay option</p> <p>UCAN’s Motion also challenged SDG&E’S Prepay option proposal. While the Assigned Commissioner moved forward with consideration of the prepay issue in this docket, the Commission’s decision ultimately denied the request relying on similar arguments made by Mr. Shames while with UCAN in its initial</p>	<p>“While a Prepay Program may offer benefits to residential customers in certain circumstances, we do not find SDG&E’s proposed Prepay Program, in its current form, to be in the public interest.” D. 14-01-002, p. 54</p>	<p>Verified.</p>

<p>Motion as well as additional arguments made by Michael Shames while with SDCAN subsequently in the proceeding.</p>		
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
<p>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹</p>	<p>YES</p>	<p>Verified.</p>
<p>b. Were there other parties to the proceeding with positions similar to yours?</p>	<p>YES</p>	<p>Verified.</p>
<p>c. If so, provide name of other parties: The Utility Reform Network, Greenlining and San Diego Consumers Action Network</p>		<p>Verified.</p>
<p>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:</p> <p>UCAN’s participation in this proceeding was initiated by Michael Shames, UCAN ‘s former executive director. UCAN is only seeking compensation for Mr. Shames’ hours while he was employed with UCAN. During this time, UCAN coordinated with other parties, including ORA, to minimize duplication of effort. During the early phases of a GRC there is inevitable duplication while parties review and analyze the utility application and other documents that form the basis of the case. However, UCAN then coordinates with the other parties to determine which issues it should cover that would benefit from UCAN’s expertise and the expertise of the witnesses thus avoiding significant overlap of testimony and work on the issues within the Scope of the docket. UCAN notes that the resources brought in this case, does not compare to the resources dedicated by the utility. Accordingly, for the hours requested by UCAN in this compensation request, the Commission should find that the parties reasonably avoided duplication and that UCAN’s contribution stands on its own.</p>		<p>Agreed, UCAN adequately coordinated with other parties for the limited hours for which it seeks compensation.</p>

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.

C. Additional Comments on Part II:

#	CPUC Discussion	UCAN's Comment
2	Verified.	<p>UCAN's participation in this proceeding was initiated by Michael Shames, UCAN's former executive director. UCAN is only seeking compensation for Mr. Shames' hours through May 21, 2012. On June 20, 2012 Mr. Shames left UCAN employment and continued working on this proceeding for SDCAN, which has already submitted its intervenor compensation request. UCAN is requesting compensation for 80.40 hours for Mr. Shames' effort for this organization, the majority of which are for general preparation time for Mr. Shames. Since Mr. Shames work hours listed by UCAN were foundational (general preparation time understanding the issues, consulting the experts who submitted testimony for UCAN – later withdrawn and resubmitted for SDCAN) to the presentation he made while at SDCAN, UCAN will be referring to SDCAN's filing throughout this compensation request.</p>

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

<p>a. Intervenor's Claim of Cost reasonableness:</p> <p>UCAN would note that Mr. Shames presentation for UCAN resulted in several benefits for the ratepayers. While at UCAN, Mr. Shames successfully argued that the original application filed by SDG&E included a Network Use Charge that sought to impose surcharges on NEM customers in violation of Public Utilities Code section 2827. UCAN filed a preliminary motion asking that SDG&E strike the Network Use Charge, as well as other items, and refile its application. In the Scoping Memo issued on January 18, 2012, Commissioner Ferron ruled in favor of UCAN's motion and ordered SDG&E to refile its application extracting the Network Use Charge. UCAN's presentation on this issue saved the Commission and all parties the time and expense by not having to consider issues not appropriate for the proceeding. Further, UCAN's preliminary motion sought to remove the Basic Service Fee and the Prepayment option from SDG&E's proposals from the scope of the proceedings. While not initially granted, UCAN's early foundational work on these issues helped to pave the way for the Commission's ultimate rejection of these fees and charges.</p> <p>The Assigned Commissioner's ruling on UCAN's initial motion to strike and refile SDG&E's application, removing the Network Use Charge from consideration in this docket, resulted in substantial savings for rate payers.</p>	<p style="text-align: center;"><u>CPUC</u> <u>Verified</u></p> <p>Verified.</p>
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<p>In addition to this effort, the time spent by Mr. Shames at UCAN was foundational to his understanding and advocacy of the issues in the application.</p> <p>For ease of reference, UCAN is including SDCAN’s statement on this question as to how the claimant’s participation bears a reasonable relationship with the benefits realized through participation.</p> <p>Specifically, Mr. Shames noted for SDCAN:</p> <p>“SDCAN’s participation in this proceeding provides several benefits for current and future energy ratepayers. SDCAN addressed a number of issues, all of which were ultimately decided by the Commission in support of SDCAN’s position. Residential customers received a total rate reduction of approximately 3% in comparison to the system total .5% rate increase. (Motion of SDG&E and Settling Parties to Adopt Partial Settlement, October 5, 2012, p. 7, see also Update Filing of SDG&E, June 20, 2013, Attachment B which shows a 5.8% reduction for Residential customers) The decision adopts the settlement that was based, in part, upon the positions taken by SDCAN’s experts in regards to both rate design and revenue allocation.”</p>	
<p>b. Reasonableness of Hours Claimed.</p> <p>UCAN’s request for compensation seeks an award for 80.40 hours for Mr. Shames’ work while at UCAN. As noted above, Mr. Shames’ work highlighted to the Commission the problems with SDG&E’s original application. In a preliminary ruling, issued on January 18, 2012 Commissioner Ferron ordered SDG&E to extract the Network Use Charge and refile its application thus saving the Commission effort for not having to consider issues not appropriate to the proceeding.</p> <p>UCAN’s request for Mr. Shames’ 80.40 hours is reasonable given the results achieved which saved every party and the Commission from having to litigate the Network Use Charge. By having this issue dismissed early through a motion and a Scoping Memo ruling, every party saved time and expense.</p> <p>As noted previously, SDCAN also benefited from the foundational preparation of Mr. Shames in this docket when he was employed at UCAN. Therefore, time spent by Mr. Shames in reading SDG&E’s application, drafting UCAN’s protest, drafting data requests, consulting with experts, submitting testimony for UCAN and then resubmitting that same testimony for SDCAN, researching the issues and writing UCAN’s motion on SDG&E’s Prepay option and Basic Service Fee reviewing other parties responses to UCAN’s Motion, all while employed at UCAN should be viewed as contributing to the substantial contribution made by UCAN as</p>	<p>Verified.</p>

<p>well as informing his efforts prior to his participation at SDCAN. In light of the impact both organizations had on this docket, UCAN’s request for 80.4 hours for 9 months of work is reasonable.</p> <p>Again for ease of reference, UCAN is including SDCAN’s filing on the reasonableness of hours issues which states:</p> <p>“This request for compensation seeks a substantial award covering a large number of hours devoted to this proceeding by our attorney and expert witnesses. However, when viewed in context and in light of the course the proceeding took, the Commission should have little trouble realizing that the number of hours is reasonable under the circumstances.</p>	
<p>c. Allocation of Hours by Issue</p> <p>The hours spent by Mr. Shames for UCAN as evidenced by his timesheets are allocated between the issues for General Preparation time and UCAN’s preliminary motion. In SDCAN’s filing Mr. Shames notes his definition for general preparation time, some of which, reading SDG&E’s application for example, happened while at UCAN.</p> <p>As Mr. Shames noted for SDCAN:</p> <p>“General Participation work essential to participation that typically spans multiple issues and/or would not vary with the number of issues that SDCAN addressed. This includes reading the initial application, drafting of a protest, reviewing Commission rulings, case management tasks, participating in prehearing conferences, attending workshops, and reviewing pleadings submitted by other parties. The relatively large number of GP hours in this case reflects the role that SDCAN’s attorney played as attorney but also an expert in the settlement meetings and workshops conducted.”</p> <p>Because Mr. Shames was at UCAN only during the early phases of this docket, while parties were reviewing the Application and coordinating issues, it is inevitable that Mr. Shames GP time while at UCAN would be a substantial portion of the total percentage of hours UCAN seeks reimbursement for.</p> <p>UCAN is asking for reimbursement for – 52.8 hours for General Preparation – 66% of total time. Given that Mr. Shames work at UCAN on this docket was in the early stages of this proceeding it is not unusual that 52.8 hours was spent trying to understand SDG&E’s original application, preparing and submitting UCAN’s protest, filing data requests, and hiring experts and submitting their testimony.</p>	<p>Verified.</p>

<p>Mr. Shames time for the Motion to Strike issues in SDG&E's application - 27.6 hours – is 34% of the total time UCAN is seeking compensation for.</p> <p>As noted above SDG&E sought to impose a Network Use Charge for NEM customers and through effective advocacy UCAN convinced Commissioner Ferron to remove the issue from the scope of these proceedings.</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 \$
Mr. Shames	2011	43.5	330	D.13-11-016	\$14,355	43.5	330.00	14,355.00
	2012	36.9	365	D.13-11-016	\$13,468.50	36.9	365.00	13,468.50
Subtotal: \$27,832.50						Subtotal: \$27,823.50		
TOTAL REQUEST: \$27,832.50						TOTAL AWARD: \$27,823.50		

**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. Intervenors' 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	Date Admitted to CA BAR ²	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Michael Shames	May 1983	108835	As explained by Shames in SDCAN's filing, from January 1, 1997 until October 4, 2011, Shames was an inactive member of the California Bar. He restored his active status before the commencement of this proceeding.

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

² This information may be obtained at: <http://www.calbar.ca.gov>.

Attachment or Comment #	Description/Comment
UCAN's Comment	Because UCAN and SDCAN have submitted a compensation request for the work of the same individual in the same docket, and because SDCAN's presentation in this docket was more substantial than UCAN's initial presentation, UCAN will waive asking for compensation for the preparation of this claim.

D. CPUC Disallowances & Adjustments:

Item	Reason
[1]	The Commission's disallowance is solely due to a mathematical error by UCAN.

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(2)(6))?	Yes.

FINDINGS OF FACT

1. UCAN has made a substantial compensation to D.14-01-002.
2. The requested hourly rates for UCAN'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 \$27,823.50.

CONCLUSION OF LAW

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

ORDER

1. Utility Consumers' Action Network shall be awarded \$27,823.50.
2. Within 30 days of the effective date of this decision, San Diego Gas & Electric Company shall pay Utility Consumers' Action Network 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 June 7, 2014 the 75th day after the filing of Utility Consumers' Action Network'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 and the proceeding is now closed.

Dated _____, 2015, at Sacramento, California.

APPENDIX A

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	A1110002		
Proceeding(s):	D1401002		
Author:	ALJ Roscow and ALJ Yip-Kikugawa		
Payer(s):	San Diego Gas & Electric Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Utility Consumers' Action Network (UCAN)	03/24/2014	\$27,832.50	\$27,823.50	No.	See Disallowances and Adjustments, above.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Michael	Shames	Attorney	UCAN	\$330.00	2011	\$330.00
Michael	Shames	Attorney	UCAN	\$365.00	2012	\$365.00

(END OF APPENDIX A)