

Decision **PROPOSED DECISION OF ALJ WONG** (Mailed 8/11/2015)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SAN DIEGO GAS & ELECTRIC COMPANY (U902E) for Approval of its Electric Vehicle-Grid Integration Pilot Program.

Application 14-04-014
(Filed April 11, 2014)

And Related Matter.

Rulemaking 13-11-007

DECISION GRANTING COMPENSATION TO THE NATIONAL ASIAN AMERICAN COALITION FOR SUBSTANTIAL CONTRIBUTION TO DECISION 14-12-079

Intervenor: National Asian American Coalition (NAAC)	For contribution to Decision (D.) 14-12-079
Claimed: \$71,593.50	Awarded: \$32,614.13 (54.4% reduction)
Assigned Commissioner: Carla J. Peterman	Assigned ALJ: John S. Wong¹

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	The Final Decision expands the electric utilities' potential role in ownership of electric vehicle charging infrastructure by setting aside the requirement that utilities demonstrate a market failure or underserved market in order to own personal vehicle charging structure. It also outlines the elements that will be examined on a case-specific basis when a utility seeks to own electric vehicle charging infrastructure.
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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 At the time of the issuance of D.14-12-079, this proceeding was assigned to Judge Irene K. Moosen. Judge John S. Wong is currently assigned to this proceeding.

1. Date of Prehearing Conference (PHC):	February 26, 2014	Yes
2. Other specified date for NOI:	n/a	
3. Date NOI filed:	March 27, 2014	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:	A.13-11-003	R.13-11-007
6. Date of ALJ ruling:	April 18, 2014	July 29, 2014
7. Based on another CPUC determination (specify):		
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:	A.13-11-003	R.13-11-007
10. Date of ALJ ruling:	April 18, 2014	July 29, 2014
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.14-12-079	Yes
14. Date of issuance of Final Order or Decision:	December 22, 2014	Yes
15. File date of compensation request:	February 13, 2015	Yes
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor’s Comment(s)	CPUC Discussion
3-4		On September 29, 2014, the Joint Assigned Commissioner and Administrative Law Judge’s Scoping Memo and Consolidation Ruling consolidated R.13-11-007 with A.14-04-014. According to Rule 17.2 of the Commission’s Rules of Practice and Procedure, a party found eligible for an award of compensation in one phase of a proceeding remains eligible in later phases of the same proceeding. As a result of the consolidation, NAAC did not need to file an additional NOI to be eligible for compensation in A.14-04-014.

PART II: SUBSTANTIAL CONTRIBUTION

A. Claimant’s description of its substantial contribution 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>1. Supported an expanded role for utilities in PEV infrastructure support and development.</p> <p>NAAC along with other members of the Joint Minority Parties supported an expanded role for utilities in owning PEV charging infrastructure.</p> <p>However, we also focused on the fact that these utilities need to acknowledge and not ignore low moderate income (LMI) communities in their plans to establish charging infrastructure and that whether there was an underserved market.</p> <p>We constantly brought up how the current plans for utility ownership generally called for all ratepayers to subsidize charging stations that benefitted only the affluent few who owned electric vehicles.</p> <p>We also brought up the need for utilities to better educate LMI communities on pricing and the benefits of EV ownership in order to spur widespread adoption of EVs and thus create a need for an expanded role for utilities in PEV charging infrastructure.</p> <p>While the Commission did not address this concern directly in their</p>	<ul style="list-style-type: none"> • Final Decision at p.5-6, and 9. • The Joint Minority Parties’ Opening Comments on Phase I, filed August 25, 2014, p.3-5 (JMP OC) • Opening Comments of Joint Minority Parties on the Proposed Phase I Decision Establishing Policy to Expand the Utilities Role in Development of Electric Vehicle Infrastructure, filed November 18, 2014, p.1. (OC on PD) • Protest of the Joint Minority Parties, filed May 12, 2014, p. 2-3 • Prehearing Conference Statement of the Joint Minority Parties, filed August 06, 2014, p. 2-4. • Reply Comments of Joint Minority Parties on Guiding Principles 	<p>Verified; but we note NAAC put forth arguments that were duplicative of other parties. This demonstrates the parties failed to adequately coordinate with one another, resulting in duplicative efforts.²</p>

² See Pub. Util. Code §1801.3(f) (stating that intervenor compensation program articles “shall be administered in a manner that avoids unproductive or unnecessary participation that duplicates the participation of similar interests otherwise adequately represented or participation that is not necessary for a fair determination of the proceeding.”); See also Decision (D.) 15-05-016.

<p>decision, they did include in their 4-point criteria for evaluating future utility programs the need to consider the utilities plan when it comes to metering, customer information and education.</p>	<p>and Current Program Issues, filed November 14, 2013, p. 1-2. (RC of JMP on GP)</p>	
<p>2. Emphasized need for specific data and metrics when evaluating proposed utility owned charging infrastructure.</p> <p>NAAC also emphasized that certain data and metrics should be required of all utilities hoping to expand their role in owning or developing PEV charging infrastructure.</p> <p>Particularly salient to any underserved community analysis, NAAC advocated for utilities to provide data on number of EV charging stations deployed in minority and low- and moderate-income neighborhoods, the number of EVs purchased by minority and low- and moderate-income families, and the amount of EV infrastructure deployed on site at low- and moderate-income multi-unit dwellings.</p> <p>Though the Commission declined to adopt greater prescriptive detail for the case by case analysis, NAAC did advocate for a more detailed approach as the current case-by-case approach creates certain uncertainties.</p>	<ul style="list-style-type: none"> • Final Decision at p.6 • JMP OC at p.5-6. • OC on PD at p.2-3. • RC of JMP on GP at p.4. 	<p>Not accepted. NAAC did not make a substantial contribution on this issue. In its description of this item (last line), the NAAC itself recognizes that in the Commission’s decision, “the Commission declined to adopt greater prescriptive detail for the case by case analysis.”</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?³	Yes	Yes
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Yes
c. If so, provide name of other parties: TURN, ORA, Edison		Yes
d. Intervenor's claim of non-duplication: Like TURN, ORA, Edison, and many other intervenors, NAAC endorsed an expanded role for utility activity in developing and supporting PEV charging infrastructure. However, unlike other groups, NAAC focused on how utility ownership of PEV charging infrastructure might be detrimental to minority and low-income community adoption of PEVs. Additionally, we pushed for a more stringent criteria in determining whether a utility should be allowed to own PEV charging infrastructure as well as the need to consider other alternatives to PEVs and how that might affect the forecasted need for PEV charging infrastructure.		NAAC's general argument was duplicative of other parties', but NAAC also specifically focused on the minority and low income community. We therefore do not reduce the award for duplication but do so for other reasons below.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

a. Intervenor's claim of cost reasonableness: NAAC's request for \$71,593.50 reflects a significant amount of unique work in this proceeding. We were the only group to focus on the need to include LMI communities in analyzing whether to allow utilities to charge all ratepayers to expand PEV charging infrastructure. Additionally, as the entire proceeding is not yet resolved, specifically SDG&E's pilot program, we only included hours spent working specifically on the question of whether or not utilities should have an expanded role in PEV charging infrastructure and if so what criteria we should judge the utilities' applications by.	CPUC Discussion After the adjustments set forth in Section III.C below, intervenor's efforts are reasonably proportioned to the outcome of the decision.
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³ 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>b. Reasonableness of hours claimed:</p> <p>Attorney Robert Gnaizda was the lead attorney in the case and was supported at various times during the case by staff attorneys Aaron Lewis, Cassandra Yamasaki, and Jessica Tam. Mr. Gnaizda was primarily responsible for coordinating the work between the other attorneys on the case as well as with the other intervenors. Due to his many years of expertise and wealth of contacts, he was an integral part of the case and primarily responsible for reaching out to interested community groups and the utilities involved.</p> <p>Faith Bautista was also an integral part of the case due to her expertise in community outreach and education. Through her network of contacts she was able to create a diverse coalition of parties to address the effects increased rates due to an expansion of EV infrastructure could have on various community groups. It was mostly due to her experience that NAAC was able to conduct various community focused surveys and report that information back to the interested parties. She was also instrumental in coordinating with other intervenors in order to avoid duplication in this case.</p> <p>Michael Philips is well known for being an expert on public outreach issues and surveying strategies. He was instrumental in developing a survey to gauge community ownership and perception of PEVs.</p> <p>The hours claimed for staff attorneys Jessica Tam and Cassandra Yamasaki are quite reasonable as the total amount of hours claimed by the staff attorneys was actually reduced since we were unable to find Aaron Lewis’s hours. All staff attorneys were instrumental in drafting, writing, and filing all briefs in this matter.</p> <p>NAAC submits that the recorded hours are reasonable, both for each attorney, the expert witnesses, and in the aggregate.</p> <p>Therefore, NAAC seeks compensation for all of the hours recorded by our attorneys and experts as stated in this request.</p> <p>Compensation Request Preparation Time: NAAC is only requesting compensation for approximately 8.65 hours devoted to the preparation of this request. In order to save on costs, Ms. Tam was solely responsible for drafting this request with some oversight from Mr. Gnaizda, who has extensive knowledge of the CPUC Intervenor Compensation program. In fact, the actual preparation was slightly longer due to extensive searches for Mr. Lewis’s hours and the need to re-edit the claim once those hours were determined to be irretrievable.</p>	<p>After the adjustments set forth in Section III.C below, the remainder of this request for compensation is reasonable.</p>
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c. Allocation of hours by issue:		<p>NAAC must allocate the specific work performed to a specific issue for which substantial contribution is claimed, instead of allocating a large amount of work in more general categories. 37% of the work performed in this request was allocated to more general categories. <i>See also</i> discussion and reductions set forth in Part III.C below.</p>
NAAC has allocated its time entries in the attachments by the following codes:		
GP	General Issues and Procedural Requirements - This category includes time spent on procedural requirements, reviewing briefs of other parties, or filings related to procedural issues. This category also includes time spent coordinating with other intervenors.	
PREP	General Preparation - Work that generally does not vary with the number of issues that NAAC addresses in the case. For example, meetings to discuss strategy, to delegate work, to review status, etc.	
SUPP	Supported an expanded role for utilities in PEV infrastructure support and development – Time spent researching or working specifically on this issue	
METRIC	Emphasized need for specific data and metrics when evaluating proposed utility owned charging infrastructure – Time spent researching or working specifically on this issue	
Issue	Percentage	
GP	26%	
PREP	11%	
SUPP	43%	
METRIC	20%	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Robert Gnaizda	2014	100.80	\$570	See Comment #1	\$57,456.00	46.65	\$570	\$26,590.50
Robert Gnaizda	2015	6.3	\$570	See Comment #1	\$3,591.00	0	n/a	\$0.00
Faith Bautista	2014	19.3	\$160	See Comment #2	\$3,088.00	11.4	\$165 ⁴	\$1,881.00
Michael Phillips	2014	3.2	\$400	See Comment #3	\$1,280.00	2.6	\$405	\$1,053.00
Cassandra Yamasaki	2014	23.5	\$180	See Comment #4	\$4,230.00	10.15	\$165	\$1,674.75
Jessica Tam	2014	6.50	\$180	See Comment #5	\$1,170.00	4.25	\$165	\$701.25
Subtotal: \$70,815.00						Subtotal: \$31,900.50		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Jessica Tam	2015	8.65	\$90	Half of \$180, See Comment #5	\$778.50	8.65	\$82.50	\$713.63
Subtotal: \$778.50						Subtotal: \$713.63		
TOTAL REQUEST: \$71,593.50						TOTAL AWARD: \$32,614.13		
<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 an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate</p>								

⁴ See Decision (D.) 15-06-024.

ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR ⁵	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Robert Gnaizda	January 9, 1962	32148	No
Cassandra Yamasaki	December 6, 2013	293186	No
Jessica Tam	June 1, 2014	296837	No

C. CPUC Disallowances and Adjustments:

Item	Reason
1. Adoption of Hourly Rate(s).	<p>Hourly Rates</p> <p>2014 and 2015 Hourly Rates for Gnaizda</p> <p>NAAC requests an hourly rate of \$570 for Gnaizda's work in 2014. This figure represents a \$555 hourly rate previously approved for his work in 2013 (see D.15-06-024) escalated by the 2014 cost of living adjustment (COLA) of 2.58% provided for in Resolution ALJ-303. We adopt the \$570 hourly rate for Gnaizda's work performed in this proceeding in 2014. We decline to adopt a 2015 hourly rate for Gnaizda for this proceeding as we do not award compensation for any work performed in 2015. The decision for which NAAC requests its award was issued in 2014.</p> <p>2014 Hourly Rate for Phillips</p> <p>Pursuant to Resolution ALJ-303, NAAC requests an hourly rate of \$400 for Phillips's work in 2014. In D.15-06-024, the Commission approved a 2013 hourly rate for Mr. Phillips of \$395. When applying the 2.58% COLA provided for in Resolution ALJ-303, we adopt an hourly rate for Phillips of \$405 for 2014.</p> <p>2014 Hourly Rates for Yamasaki and Tam</p> <p>NAAC requests a 2014 hourly rate of \$180 for both Yamasaki and Tam. NAAC states that Yamasaki became a licensed member of the California Bar in December 2013 and had approximately one-half a year of experience as a licensed attorney when she began work on this proceeding. Yamasaki did not have any previous experience practicing with the Commission. Similar to Yamasaki, Tam did not have any previous experience practicing with the Commission. Resolution ALJ-303 sets forth the reasonable compensation range for attorneys with 0-2 years of experience at 165 to \$220. NAAC does not justify why \$180 (or any amount over \$165) for either attorney is reasonable. Both have only six months of experience as practicing attorneys prior to working on this</p>

⁵ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

	proceeding, and NAAC does not state the nature of that experience. We therefore establish a 2014 hourly rate of \$165 for both Yamasaki and Tam for their work performed in this proceeding.
2. Hours spent on work unrelated to D.14-12-079	A portion of the work claimed by NAAC in this compensation claim is related to SDG&E's electric vehicle pilot program application, A. 14-04-014. This matter has yet to be resolved. NAAC's claimed hours for this issue are dismissed without prejudice and should be re-filed following the resolution of that portion of A. 14-04-014. 21.1 hours for Gnaizda in 2014 and 2.7 hours for Bautista in 2014 have been removed.
3. Hours allocated to Item II.A (NAAC's issue #2, metric)	Because we find in Part II.A above no substantial contribution for NAAC's issue #2 (metric), we disallow hours allocated to this issue. This results in a reduction of the following hours for 2014: 19.0 hours for Gnaizda; 1.6 hours for Bautista, 9.9 hours for Yamasaki and 1 hour for Tam.
3. Hours allocated to General Issues and Procedural Requirements and General Preparation (Part III.A.c above)	<p>The Commission disallows certain hours claimed under the heading of "General Issues and Procedural Requirements" and "General Preparation" that are unproductive or unrelated to NAAC's substantial contribution to D.14-12-079. The disallowed hours involve various non-compensable activities, such as writing letters to other public officials such as the Governor's Office, and for work that is insufficiently characterized such as "additional research". We also disallow hours spent filing documents as that is a clerical task and is not separately compensable. This amounts to a reduction of the following hours for 2014: 5.7 hours for Gnaizda and 0.6 hours for Bautista.</p> <p>In addition to the specific hours disallowed above, the Commission disallows 50% of the remaining hours that the NAAC allocates to these two general categories. NAAC allocates slightly more than one-third (37%) of its total hours in this proceeding under these general categories. As we stated in D.15-06-025 at 8, "this is the sort of amorphous, indeterminate category to which intervenors might allocate a few hours that could not fairly be subsumed in any specific issue-related activity." The allocation of one-third of NAAC's total hours to this category is excessive, particularly considering that NAAC's representatives are experienced in the Commission's general practices and procedures. NAAC has not shown that its work claimed under 'general and procedural' was efficient and productive." We apply a similar rationale to the two general categories listed here. As a result, we reduce hours claimed in this category by 50% after removing from the total hours the specific disallowances already discussed above. This results in a reduction of the following hours for 2014: 8.35 hours for Gnaizda; 0.6 hours for Phillips; 3 hours for Bautista, 3.45 hours for Yamasaki and 1.25 hours for Tam.</p>
4. 2015 Hours for Mr. Gnaizda	We dismiss without prejudice all hours requested for Gnaizda for work performed in 2015, as the decision for which NAAC requests its award was issued in 2014. This results in a reduction of 6.3 hours for 2015.

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 (see Rule 14.6(c)(6))?	No
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If not:

Party	Comment	CPUC Discussion
	No comments were filed.	

FINDINGS OF FACT

1. NAAC has made a substantial contribution to D.14-12-079.
2. The requested hourly rates for NAAC'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 \$32,614.13.

CONCLUSION OF LAW

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

ORDER

1. National Asian American Coalition shall be awarded \$32,614.13.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company shall pay National Asian American Coalition 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 April 29, 2015, the 75th day after the filing of National Asian American Coalition's request, and continuing until full payment is made.

3. The comment period for today's decision is not waived.

This decision is effective today.

Dated _____, 2015, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision? No
Contribution Decision(s):	D1412079	
Proceeding(s):	A1404014/R1311007	
Author:	ALJ Wong	
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier	Reason Change/Disallowance
National Asian American Coalition (NAAC)	2/13/2015	\$71,593.50	\$32,614.13	n/a	Changes in hourly rates; disallowances for hours spent on issues on which there is no substantial contribution.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Robert	Gnaizda	Attorney	NAAC	\$570	2014	\$570
Robert	Gnaizda	Attorney	NAAC	\$570	2015	non-substantiated
Faith	Bautista	Advocate	NAAC	\$160	2014	\$165
Michael	Phillips	Expert	NAAC	\$400	2014	\$405
Cassandra	Yamasaki	Attorney	NAAC	\$180	2014	\$165
Jessica	Tam	Attorney	NAAC	\$180/\$90	2014	\$165/\$82.50

(END OF APPENDIX)