

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Own Motion to Conduct a Comprehensive Examination of Investor Owned Electric Utilities' Residential Rate Structures, the Transition to Time Varying and Dynamic Rates, and Other Statutory Obligations.

Rulemaking 12-06-013
(Filed June 21, 2012)

DECISION GRANTING COMPENSATION TO THE GREENLINING INSTITUTE FOR SUBSTANTIAL CONTRIBUTION TO DECISION 15-07-001

Intervenor: The Greenlining Institute	For contribution to Decision (D.) 15-07-001
Claimed: \$183,924.60	Awarded: \$181,258.60 (1.5% reduction)
Assigned Commissioner: Michael Picker	Assigned ALJ: Jeanne M. McKinney

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	This decision approves electric rate reforms for California's three largest investor owned utilities. It narrows the existing tiers, approves a transition to default time-of-use rates, and permits fixed charges to be submitted for consideration later in the transition, under certain circumstances.
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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):	10/24/2012	Verified.
2. Other specified date for NOI:	n/a	n/a
3. Date NOI filed:	11/20/2012	Verified.
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:	R.10-02-005	R.12-06-013
6. Date of ALJ ruling:	3/29/2010	2/25/13
7. Based on another CPUC determination (specify):		N/A
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:	R.12-06-013	R.12-06-013
10. Date of ALJ ruling:	2/25/2013	2/25/13
11. Based on another CPUC determination (specify):		N/A
12. Has the Intervenor demonstrated significant financial hardship?		Yes.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.15-07-001	D.15-07-001
14. Date of issuance of Final Order or Decision:	7/13/2015	7/13/15
15. File date of compensation request:	9/11/15	9/11/15
16. Was the request for compensation timely?		Yes.

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>1. Affordability (A)</p> <p>Throughout the proceeding, Greenlining and CforAT were the only parties to represent solely the interests of low income and other vulnerable customers.</p> <p><u>Statutory and Policy Basis for Affordability</u></p> <p>Greenlining, together with CforAT, argued that affordability generally, but particularly for basic usage and for low income customers,</p>	<ul style="list-style-type: none"> • Opening Comments on 9/20/12 ALJ Ruling, filed 10/5/12, pp. 2-4 • Rate Design Proposal, filed 5/29/13, pp. 6, 9-12, 30-31, 56-57 	<p>Yes; please <i>see</i> Comments.</p> <p><u>Affordability and Statutory Basis</u></p> <p>The decision affirmed that Ca. Pub. Util. Code § 739.1(b) requires the average effective CARE discount to be between 30-35%. As the effective discounts for SDG&E</p>

<p>must be a policy priority throughout the proceeding, both as a statutory obligation as well as a matter of public policy. It cannot be sacrificed to advance competing goals.</p> <p>Greenlining/CforAT noted that for many customers, energy burdens are already untenably high, and urged the Commission to avoid making changes that would worsen energy burdens or energy insecurity for vulnerable customers. We were the only parties to introduce key data and evidence on affordability challenges for low income customers into the record of this proceeding, and argued consistently that affordability must be protected in any decision making around rate design.</p> <p><u>Low Income Needs Assessment</u></p> <p>Greenlining/CforAT argued that Ca. Pub. Util. Code §§ 382(b) and (d), and § 739.1(b) require the Commission to take into consideration the Low Income Needs Assessment (LINA), scheduled to be conducted during the proceeding, in order to properly evaluate the impacts of proposed changes on affordability for low income customers. We noted that the then-current LINA (referred to as the KEMA report) was based on data collected prior to 2007, which was also prior to</p>	<ul style="list-style-type: none"> • Reply Comments on ALJ PD, 5/18/15, p. 2 • Reply Comments on the Florio APD, 6/16/15, pp. 1-2 • Rate Design Proposal, 5/29/13, pp. 12-28, 55-59, 62-65 • Reply Comments on Rate Design Proposals, 7/26/13, pp. 9-13 • Comments on Coordination, filed 11/21/12, pp. 1-5 • Motion to Adjust Schedule, filed 12/26/12 • Rate Design Proposal, filed 5/29/13, pp. 7-8 	<p>and PG&E were above the statutory levels, the decision makes them reduce CARE discount levels to 35% by 2020.¹ Comments filed by Greenlining in 2012 and 2013 (prior to the passage of Assembly Bill 327), and Greenlining’s 2013 rate design proposals made an important contribution to the decision’s analysis of impacts of rate design on low income customers.</p> <p><u>Low Income Needs Assessment</u></p> <p>Yes.</p>
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¹ D.15-07-001, Conclusion of Law (COL) 25, pg. 329.

<p>the recession, making its data unreliable as an indicator of current economic conditions.</p> <p><u>Affordability in Proposed Rate Structures</u></p> <p>As discussed in greater detail below, under “Rate Design,” Greenlining/CforAT consistently advocated against rate design proposals under which the biggest rate increases would go to the lowest income customers, and argued that such outcomes would be highly inequitable and contrary to statutes protecting affordability for basic usage and for low income customers.</p> <p>We also argued that even under the then-current CARE and FERA programs, enrolled customers still struggle with affordability, and urged the Commission not to make the situation worse by adopting proposals that would reduce the CARE benefit to the statutory minimum of 20% discount, which would be a substantial reduction in the amount of benefit most CARE customers actually receive. We noted that special attention must be paid to the FERA program, as FERA customers struggle with affordability sometimes even more than their CARE counterparts.</p>	<ul style="list-style-type: none"> • Opening Comments on Rate Design Proposals, 7/12/13, pp. 7-8 • Reply Comments on Rate Design Proposals, 7/26/13, pp. 1-2, 4-9 • Opening Comments on the Florio APD, 6/11/15, pp. 4-5 • Reply Comments on the Florio APD, 6/16/15, p. 4 <ul style="list-style-type: none"> • Opening Comments on Rate Design Proposals, 7/12/13, pp. 21-25 • Reply Comments on Rate Design Proposals, 7/26/13, pp. 14-16 • Opening Comments on the Florio APD, 6/11/15, pp. 4-5 <p><u>Decision</u></p> <p>D.15-07-001 noted that affordability for essential amounts of electricity is of</p>	<p><u>Rate Structures</u></p> <p>Yes. The decision authorized a Super User Electric (SUE) Surcharge that begins in 2017, which CforAT and Greenlining endorsed. In addition, Comments filed by Greenlining in 2012 and 2013, and Greenlining’s 2013 rate design proposals made an important contribution to the decision’s analysis of affordability in residential rate designs and the mechanisms for measuring affordability.</p> <p><i>See Comments below in II.A.2, Rate Design.</i></p>
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	<p>particular concern. Noting the paramount importance of affordability as well as the Commission’s statutory obligations, the Decision retains the requirement that Tier 1 cover baseline quantities, and notes that it must evaluate the affordability of any proposed Tier 1 rates. The Decision also preserves “significant” low income assistance. (pp. 264-265)</p> <p>D.15-07-001 set the class average CARE discount at 35%, and directed the IOUs on glidepaths to reach this level by 2020. This level partially maintains the current level of CARE discount, especially in Southern California. All other changes to CARE were deferred to Phase 3. (pp. 231-243)</p> <p>D.15-07-001 changes the FERA discount structure to a flat 12% discount off the eligible customer’s total bill. This too partially maintains the current level of the FERA discount. The Decision also noted that FERA may have greater potential to help eligible customers than is currently being tapped, and ordered further consideration of how it might be enhanced in Phase 3. (pp. 243-247)</p>	
<p>2. Rate Design (B)</p> <p><u>Fixed Charges</u></p> <p>Greenlining/CforAT consistently opposed fixed customer charges, because they</p>	<ul style="list-style-type: none"> • Rate Design Proposal, 5/29/13, pp. 32-35, 43-44 	<p><u>Fixed Charges</u></p> <p>While the decision found that fixed charges should not be implemented at the same time as tier-flattening, it also</p>

<p>would increase costs for low-usage customers, who are already good at conserving and likely have little discretionary usage they can eliminate in order to bring their bills back down. We further argued that fixed charges would further jeopardize affordability for low income customers, and are anti-conservationist. We further argued that fixed charges reduce customer control over their bills, contrary to Rate Design Principle (RDP) 6.</p> <p>Greenlining/CforAT argued that fixed charges are a highly inaccurate way of attempting to reflect the fixed costs needed to serve each customer, such that any valuation would be so inaccurate as to be virtually arbitrary. We further argued that fixed charges are not necessary to recover a utility's fixed costs.</p> <p><u>Tiered Rates</u></p> <p>Greenlining/CforAT argued that a three tiered rate structure with a meaningful differential</p>	<ul style="list-style-type: none"> • Opening Comments on Rate Design Proposals, 7/12/13, pp. 9-11 • Reply Comments on Rate Design Proposals, 7/26/13, pp. 2-4 • Reply Comments on ALJ PD, 5/18/15, p. 3 • Opening Comments on the Florio APD, 6/11/15, p. 2 <ul style="list-style-type: none"> • Opening Comments on Rate Design Proposals, 7/12/13, pp. 12-14 • Reply Comments on Rate Design Proposals, 7/26/13, pp. 3-4 <p>D.15-07-001 found that there is insufficient evidence or agreement among parties at this time to determine an appropriate amount for a fixed charge, to ensure that it is reasonably cost-based and to minimize regressive impacts. It set forth criteria that must be met before any fixed charge can be even considered, including completion of the tier flattening and transition to default TOU rates also ordered in this Decision. (pp. 189-217, 269)</p> <ul style="list-style-type: none"> • Rate Design Proposal, 5/29/13, pp. 35-40 • Opening Comments on Rate Design 	<p>found that fixed charges were reasonable.² Greenlining's comments in 2012 and 2013 informed the development of the record on fixed charges. Although the decision found that electricity usage and income are not necessarily correlated, the comments and data provided by Greenlining resulted in close scrutiny of customer income in relation to proposed rate changes.</p> <p><u>Tiered Rates</u></p> <p>The decision adopted a plan for a two-tiered structure. Greenlining's</p>
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² D.15-07-001, COL 16.

<p>We noted that providing options for both tiered and TOU rates would promote customer choice and awareness, and that it would be appropriate for utilities to offer both.</p> <p>Greenlining/CforAT argued that if a default TOU rate was adopted, certain categories of vulnerable customers must be exempt from default, to protect their health and safety, as well as affordability. Additionally, any default TOU rate should include enhanced education for CARE, Medical Baseline, and other vulnerable customers.</p> <p>Greenlining/CforAT noted that TOU proposals were vulnerable to cost-shifting between structural winners and losers – if only the customers who save money on TOU stay on TOU, and the utility fails to collect its revenue requirement from these customers, the shortfall will fall back on tiered rate customers, many of whom will be vulnerable customers who are unable to shift their usage.</p> <p>We highlighted evidence that TOU rate proposals would significantly increase bills for low income customers, and noted that none of the TOU rate proposals contained any mechanism for protecting affordability for low usage or low income customers.</p>	<ul style="list-style-type: none"> • Rate Design Proposal, 5/29/13, pp. 44-47 • Second PHC Statement, 5/2/14, pp. 3-4 • Opening Comments on Rate Design Proposals, 7/12/13, pp. 14-19 • Second PHC Statement, 5/2/14, p. 5 • Opening Comments on the Florio APD, 6/11/15, p. 3 • Reply Comments on Rate Design Proposals, 7/26/13, pp. 4-9 • Second PHC Statement, 5/2/14, pp. 2-3 <p>D.15-07-001 adopts default TOU rates, to be implemented in 2019, with significant work done in the interim to prepare for the transition and introduce it gradually. (pp. 129-138)</p> <p>The Decision noted particular areas that</p>	
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<p><u>High Usage Surcharge</u></p> <p>Greenlining/CforAT proposed a high usage surcharge, to apply to customers who use far more than average, to maintain the price signal that discourages excessive use. We argued that these customers likely have ample discretionary usage that could be reduced in response to such a signal. We proposed that such a surcharge would help to balance out the utility proposals, which</p>	<p>must be carefully evaluated before transitioning to default TOU rates, including how to address customers who are not able to respond and should remain on the tiered rate. It noted restrictions imposed by AB 327 preventing certain classes of vulnerable customers from being defaulted to TOU rates, and the need to ensure that vulnerable customers who cannot shift their usage in response to TOU rates are protected from harmful bill impacts. (pp. 129-138)</p> <p>The Decision ordered that the default TOU rate must contain a baseline credit, in part to minimize inequities between structural winners and losers, as well as to account for differences in climate zones and protect those in hotter zones. (p. 136)</p> <p>The Decision ordered that in the event of a revenue shortfall due to too many structural winners on the TOU rate, the undercollection should be allocated across the residential rate class, and not just fall on customers who remain on tiered rates. (pp. 158-162)</p> <ul style="list-style-type: none"> • Rate Design Proposal, 5/29/13, pp. 48-53 • Opening Comments on Rate Design Proposals, 7/12/13, pp. 19-21 • Reply Comments on Rate Design Proposals, 7/26/13, pp. 16-19 • Corrections to Staff Proposal, 1/31/14 • Reply Comments on ALJ PD, 5/18/15, pp. 4-5 	
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<p>collapsed the existing tiers in a way that would raise rates for low usage and low income customers, and substantially lower rates for customers with extremely high usage.</p> <p>We noted that in a different proceeding, the Commission imposed certain requirements (e.g. an energy efficiency audit) and penalties (e.g. loss of CARE enrollment) for CARE customers using more than 400% or 600% of baseline (different requirements apply to each level of usage). We argued that if that level of usage is deemed excessive for CARE customers, it should also be deemed excessive in this context. As such, we advocated for a monthly surcharge for customers exceeding 400% of baseline, with an escalated monthly charge for customers exceeding 600%.</p>	<p>D.15-07-001 adopted a Super User Electric Surcharge (SUE Surcharge), to send a clear signal to customers with usage substantially above average that they need to conserve, and to avoid rewarding super-users with substantially lower rates as a result of tier consolidation. The SUE Surcharge would apply to customers with usage over 400% of baseline, and be set at a ratio of 1:2.19 of the Tier 1 rate by 2019. (pp. 121-128)</p>	
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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: CalSEIA, Marin Clean Energy, California Energy Efficiency Industry Council, Center for Sustainable Energy, San Diego Consumers' Action Network, Utility Consumers' Action Network, The Utility Reform Network, Natural Resources Defense Council, Environmental Defense Fund, Consumer Federation of California, Solar Energy Industries Association, Center for Energy Efficiency & Renewable Technology, Efficiency First California, SolarCity Corporation, Interstate Renewable Energy Council, Sunrun, The Alliance for Solar Choice, Center for Accessible Technology, Sierra Club, Vote Solar.		Verified.
d. Intervenor's claim of non-duplication: Greenlining coordinated closely with the Center for Accessible Technology (CforAT) through most of the proceeding, including jointly retaining an expert and filing together whenever possible to maximize coordination and avoid duplication. Throughout the proceeding, Greenlining sought to identify areas of alignment with other parties so that we could potentially coordinate our efforts and avoid duplication. As mentioned above in Part II(A), Greenlining and CforAT were the only parties who represented exclusively the interests of low income and other vulnerable customers. As a result, our positions usually differed from those of other intervenors, which naturally eliminates duplication. At times Greenlining's position aligned with that of other consumer advocates, like TURN and ORA, and at times also with environmental and solar parties. However, even where our positions may have aligned on a particular issue, we still differed in our overall focus and goals.		Verified for 2012, 2013 and 2014 hours. During 2012, 2013 and 2014 Greenlining and CforAT closely coordinated their filings and use of an outside expert. However, during the most significant period of record development and briefing, Greenlining did not participate in the proceeding (as noted in Section C Comments on Section IIA, Greenlining was unable to participate in late 2014 due to unexpected staffing constraints). During this time, CforAT was very active in the proceeding. We are concerned that the

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>comments filed by Greenlining on the PD and APD are duplicative of the work already performed by CforAT. Greenlining’s hours for 2015 are excessive compared to the work completed and contribution made in 2015. Greenlining has failed to demonstrate that it was adequately coordinating with CforAT during this period.⁴ We therefore reduce Greenlining’s 2015 hours from 35.6 to 27 hours.</p>
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C. Additional Comments on Part II:

#	Intervenor’s Comment	CPUC Discussion
II.A	<p>Greenlining experienced unexpected staffing changes midway through this very lengthy and complex proceeding. Mr. Gallardo had been Greenlining’s lead counsel for the proceeding’s first two years, but left Greenlining in July 2014. Ms. Chen was on leave for a significant portion of 2014, including the time when evidentiary hearings for Phase 1 were taking place. During that time and in the early portion of 2015, there were no other staff at Greenlining who could carry on Mr. Gallardo’s participation to the same degree, as a significant degree of institutional knowledge on these issues left with him, and took time to replace. Greenlining</p>	<p><i>See CPUC Discussion Below.</i></p>

⁴ 2015 Cal. PUC LEXIS 264 (Cal. PUC 2015).

	<p>resumed participation in the proceeding as soon as possible given its out-of-the-ordinary staffing constraints during this time. Greenlining respectfully requests that its staffing shortage should not be deemed detrimental to its substantial contribution to this proceeding.</p>	
<p>II.A.</p>	<p>It is well established that a party may make a substantial contribution to a Commission decision even if its positions are not adopted, as long as the party makes contributions that benefitted and enhanced the Commission’s consideration of the issues at hand.</p> <p>While the final decision did not always adopt the specific positions Greenlining advocated for, our input in conjunction with the Center for Accessible Technology around affordability and the need to protect vulnerable customers substantially informed the Commission’s analysis of all issues considered in this proceeding, and served the interests of a significant group of customers who were the primary focus for no other parties to the proceeding.</p>	<p>While the Commission has previously held that a contribution can be made “where an unsuccessful intervenor has provided a unique perspective adding to the PUC's understanding of a complex proceeding...the critical factor...is whether the intervenor has assisted the PUC in carrying out its statutory mandate to regulate public utilities in the public interest.”⁵</p>

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

<p>a. Intervenor’s claim of cost reasonableness:</p> <p>In this proceeding, Greenlining represented the interests of thousands of California’s customers who are least able to afford bill increases, and least able</p>	<table border="1"> <tr> <td style="text-align: center;">CPUC Discussion</td> </tr> <tr> <td style="text-align: center;"><i>See II.C.,</i></td> </tr> </table>	CPUC Discussion	<i>See II.C.,</i>
CPUC Discussion			
<i>See II.C.,</i>			

⁵ The Utility Reform Network v. Public Utilities Com., 166 Cal. App. 4th 522, 535.

<p>to invest in the energy saving technologies that help other customers manage their usage and costs. Greenlining’s various contributions to the record, discussed above, helped to keep cost increases contained for many of these customers, while providing a small but significant level of relief to others. While these may only add up to a few dollars every month, on a budget that’s stretched too thin already, those dollars are highly significant. When added up across the customer base Greenlining represented in this proceeding, the impact of these savings over time certainly exceeds the cost of Greenlining’s participation. As such, Greenlining submits that its overall costs are reasonable.</p>	<p>Additional Comments on Part II.</p>
<p>b. Reasonableness of hours claimed:</p> <p>For a proceeding of this scale, scope, and duration, Greenlining’s hours is reasonable. This phase of the proceeding alone has taken three years, and developed a record that stands – as the Decision notes – 3.5 feet tall. It contemplated a significant number of important and complex issues, including tiered rates, time of use rates, fixed charges, high usage surcharged, and affordability for a collective customer base that varies widely in its demographics – geographic, income, housing, etc. Greenlining intentionally kept its hours reasonable throughout by focusing on the interests of one group of customers, and by collaborating closely with CforAT to share the workload. Greenlining specifically sought not to duplicate work done by other intervenors, as discussed above. As such, the Commission should find that Greenlining’s hours claimed here are reasonable.</p>	<p><i>See III.D., CPUC Disallowances and Adjustments.</i></p>
<p>c. Allocation of hours by issue:</p> <p>A. Affordability = 28.7% B. Rate Design = 49.8% C. General = 21.5%</p> <p>Of note, Greenlining recorded slightly more time than usual in the General/Procedural category in this proceeding. In part, this is because of the unusual complexity of the proceeding, which split into two concurrent phases more than a year after the proceeding opened and involved multiple scoping memos. The proceeding also subsumed many issues initially raised in other applications (primarily Rate Design Windows and GRC Phase II Applications). Additionally, this time includes work involving each utility’s bill calculator tool, as well as multiple PHCs, several workshops, and several rulings and proposed/alternate decisions.</p>	<p>Verified.</p>

a. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Enrique Gallardo	2012	108.1	\$380	D.10-10-013	\$41,078.00	108.1	\$380	\$41,078.00
Enrique Gallardo	2013	186.7	\$390	D.14-02-036	\$72,813.00	186.7	\$390	\$72,813.00
Enrique Gallardo	2014	86.0	\$400	D.15-04-018	\$34,400.00	86	\$400	\$34,400.00
Stephanie Chen	2012	5.3	\$220	D.13-10-033	\$1,166.00	5.3	\$220	\$1,166.00
Stephanie Chen	2013	3.5	\$225	See Comment 4	\$787.50	3.5	\$225	\$787.50
Stephanie Chen	2014	10.2	\$230	A.11-05-017	\$2,346.00	10.2	\$230	\$2,346.00
Stephanie Chen	2015	35.6	\$310	See Comment 5	\$11,036.00	27	\$310	\$8,370.00
Nancy Brockway	2012	56.7	\$150	See Comment 6	\$8,505.00	56.7	\$150	\$8,505.00
Nancy Brockway	2013	45.7	\$150	See Comment 6	\$6,855.00	45.7	\$155	\$6,855.00
Subtotal: \$178,986.50						Subtotal: \$176,320.50		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Enrique Gallardo	2012	2.9	\$190	D.10-10-013	\$551.00	2.9	\$190	\$551.00
Stephanie Chen	2015	21.4	\$155	See Comment 5	\$3,317.00	21.4	\$155	\$3,317.00
Subtotal: \$3,868.00						Subtotal: \$3,868.00		
COSTS								
#	Item	Detail			Amount	Amount		
1	Airfare/hotel	Airfare and hotel for Nancy Brockway to attend workshop, December 5 th and 6 th , 2012 (Attachment 3)			\$1,070.10	\$1,070.10		
TOTAL REQUEST: \$183,924.60						TOTAL AWARD: \$181,258.60		
**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 BAR⁶	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Enrique Gallardo	12/9/1997	191670	No
Stephanie Chen	8/23/2010	270917	No

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

Attachment or Comment #	Description/Comment
1	Time Recording for the Greenlining Institute's Attorneys and Expert
2	Certificate of Service
3	Receipt for N.Brockway Travel
4	Stephanie Chen does not have a Commission-approved rate for work done in 2013. However, the Commission did approve a rate of \$220 for Ms. Chen 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).
5	Ms. Chen's first Commission approved rate was for work done in 2010. Ms. Chen is now in her 6 th year of practice before the Commission. Resolution ALJ-308 sets the range for work done in 2015 for attorneys with 5-7 years of experience at \$300-\$320. As 6 is the mid-point between 5 and 7 (years of experience) and \$310 is the mid-point between \$300 and \$320, \$310 is an appropriate rate for Ms. Chen's work in 2015.
6	In the early stages of this proceeding, Greenlining and CforAT jointly engaged expert Nancy Brockway. Pursuant to an agreement between Ms. Brockway, Greenlining and CforAT, all expert time and billing was directed to Greenlining. In order to avoid confusion, all information regarding Ms. Brockway's work is being submitted with Greenlining's compensation request. Nancy Brockway charged Greenlining and CforAT at a rate of \$150/hour for her time. This rate is also quite reasonable according to Resolution ALJ-287, which

⁶ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

	<p>lists approved rate ranges for experts' work in 2012 and 2013 in the Attachment.</p> <p>Ms. Brockway has more than 20 years of experience in the regulated utility sector, including as General Counsel to the Massachusetts Public Utilities Commission, as a utility and energy expert with the National Consumer Law Center, and as a Commissioner on the New Hampshire Public Utilities Commission. Ms. Brockway has served on and chaired several relevant committees of the National Association of Regulated Utility Commissioners, the New England Conference of Public Utility Commissioners, and the ISO-New England Advisory Committee. Ms. Brockway has also served as Director of Multi-Utility Research and Analysis for the National Regulatory Research Institute. Ms. Brockway's full bio and resume are available at http://www.nbrockway.com/.</p> <p>ALJ-287 provides, for experts with 13+ years of experience, a range of \$160-\$400 for work done in 2012 and \$165-\$410 for work done in 2013. As such, Ms. Brockway's rate of \$150/hour is more than reasonable, and should be approved.</p>
7	<p>Greenlining (specifically Ms. Chen) recorded an unusually high number of hours in preparing this intervenor compensation claim. However, this claim was unusually complex for a number of reasons. First, as discussed above, the proceeding was unusually complicated, involving multiple phases, several scoping memos, the use of an expert witness, close coordination and joint filing with another organization (CforAT), and work performed in calendar years 2012 through 2015. Further, Mr. Gallardo did the bulk of the work in this proceeding for Greenlining, during 2012-2014. Under ordinary circumstances, he would have prepared the claim for his own work, but as mentioned above he left Greenlining in 2014. As such, Ms. Chen prepared the claim and, while Ms. Chen was Mr. Gallardo's supervisor during that time and oversaw his work, she was naturally less familiar with the detailed time spent on the proceeding than he would have been. As a result, it took longer than normal to review the records and documents necessary to compile this claim thoroughly and accurately. Greenlining respectfully requests that the Commission take the totality of these circumstances into account when determining whether these hours are reasonable, and find that they are.</p>

D. CPUC Disallowances and Adjustments:

Item	Reason
Stephanie Chen's Hourly Rates	Greenlining requests a 2015 rate of \$310 for Chen. Greenlining states the increase is due to Chen's 6 years of experience practicing before the Commission. Chen was admitted to the bar in 2010. Resolution ALJ-308 sets the range for work done in 2015 for attorneys with 5-7 years of experience at \$300-\$320. We authorize a 2015 hourly rate of \$310 for Chen.
Nancy Brockway's Hourly Rates	Greenlining requests an hourly rate of \$150 for Brockway for both 2013 and 2014, based on her billed rate. We authorize the requested rate of \$150 per hour for 2012, the rate at which

	Brockway bills Greenlining. We apply the 2% COLA to Brockway's 2012 rate and authorize a 2013 rate of \$155, after rounding to the nearest \$5.
Disallowances of excessive hours and duplication in 2015.	<u>Attorney Chen</u> Greenlining claimed an excessive amount of hours for work in 2015. Those hours also appear to be duplicative of work performed by CforAT. During the early period of the proceeding, Greenlining and CforAT clearly coordinated their efforts to avoid duplication. But, Greenlining failed to clearly demonstrate adequate coordination in 2015. We therefore disallow 8.6 hours of Chen's time 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 (<i>see</i> Rule 14.6(c)(6))?	Yes.
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FINDINGS OF FACT

1. Greenlining Institute has made a substantial contribution to D.15-07-001.
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 \$181,258.60.

CONCLUSION OF LAW

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

ORDER

1. The Greenlining Institute shall be awarded \$181,258.60.
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 shall pay The Greenlining Institute their respective shares of the award, based on their 2014 California-jurisdictional gas and electric revenues. 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 25, 2015, the 75th day after the filing of 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 _____, 2016, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1507001		
Proceeding(s):	R1206013		
Author:	ALJ McKinney		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison.		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Greenlining Institute (Greenlining)	9/11/15	\$183,924.60	\$181,258.60	N/A	Disallowance of Excessive and Duplicative Hours

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Enrique	Gallardo	Attorney	Greenlining	\$380	2012	\$380
Enrique	Gallardo	Attorney	Greenlining	\$390	2013	\$390
Enrique	Gallardo	Attorney	Greenlining	\$400	2014	\$400
Stephanie	Chen	Attorney	Greenlining	\$220	2012	\$220
Stephanie	Chen	Attorney	Greenlining	\$225	2013	\$225
Stephanie	Chen	Attorney	Greenlining	\$230	2014	\$230
Stephanie	Chen	Attorney	Greenlining	\$310	2015	\$310
Nancy	Brockway	Expert	Greenlining	\$150	2012	\$150
Nancy	Brockway	Expert	Greenlining	\$150	2013	\$155

(END OF APPENDIX)