Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern California Gas Company (U904G) For Approval of The Branch Office Optimization Process.	Application13-09-010 Filed September 16, 2013

DECISION AWARDING INTERVENOR COMPENSATION TO THE GREENLING INSTITUTE FOR SUBSTANTIAL CONTRIBUTION TO DECISION 16-06-046

Intervenor: The Greenlining Institute	**For contribution to Decision (D.) 16-06-046**
Claimed: $23,013.00	**Awarded: $22,964.50**
Assigned Commissioner: Carla J. Peterman	**Assigned ALJ: Anthony W. Colbert**

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	The Decision grants, in part, the request of Southern California Gas Company to close certain branch offices.

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):	12/3/13	Verified.
2. Other specified date for NOI:	n/a	
3. Date NOI filed:	1/2/14	Verified.
4. Was the NOI timely filed?		Yes, The Greenlining Institute (Greenlining) 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:	R.10-02-005	Verified.
6. Date of ALJ ruling:	3/29/2010	Verified.
7. Based on another CPUC determination (specify):	n/a	
8. Has the Intervenor demonstrated customer or customer-related status?		Yes, Greenlining demonstrated appropriate status.
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.10-11-002	Verified.
10. Date of ALJ ruling:	7/16/13	Verified.
11. Based on another CPUC determination (specify):	n/a/	
12. Has the Intervenor demonstrated significant financial hardship?		Yes, Greenlining demonstrated significant financial hardship.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.16-06-046	Verified.
14. Date of issuance of Final Order or Decision:	6/27/16	Verified.
15. File date of compensation request:	8/22/16	Verified.
16. Was the request for compensation timely?		Yes, Greenlining timely filed the request for intervenor compensation.

PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(i), § 1803(a), and D.98-04-059).

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
1. Greenlining argued that the Branch Office Optimization Process (BOOP), which proposed an advice letter process for approving future branch office closures, would not allow for proper assessment of all the factors the Commission should consider in determining whether a particular branch office could be	Greenlining/CforAT Protest, p. 3; Testimony of Enrique Gallardo, pp. 1-3. D.16-06-046 noted that after reviewing intervenor testimony, SoCalGas withdrew its request to seek approval for future branch office closures via an advice letter, and would instead file a full application for any future closure requests. (p. 20) The Decision also noted that the Commission had several concerns about the proposed BOOP, including	Verified.

closed without harming vulnerable customers. Greenlining argued that while SCG proposed a well- considered, reasonably thorough set of tests that could serve well as a threshold assessment, proposed branch office closures require a more thorough, individualized review.	that the process did not provide sufficient information regarding specific customer preferences and needs, and that it did not consider proximity to another branch office not proposed for closure. (p. 49). The Decision also noted that in the future, in addition to filing a formal application for any requested closures, SoCalGas must also conduct a thorough study, including gathering public comments, on the impacts of the proposed closure on low income, elderly and disabled customers. SoCalGas must complete this review prior to filing an application, and include the study results therein. (pp. 45-46)	
2. Greenlining argued that SoCalGas must provide three alternate payment locations within a five mile radius of the office proposed for closure, as opposed to just 1 or 2. Of the six offices proposed for closure, Greenlining noted that the Santa Monica office only had 1 APL within a 5 mile radius and the San Luis Obispo office only had 2 within 5 miles. Greenlining argued that the Commission should not approve an office closure if there were fewer than 3 APLs within a 5 mile radius from the office in question. Greenlining argued that the APLs should be geographically diverse within the 5 mile area and should be accessible by public transportation.	Greenlining/CforAT Protest, pp. 2-3, 4- 5; Testimony of Enrique Gallardo, p. 4. D.16-06-046 noted that the San Luis Obispo branch office did not meet the threshold for adequate nearby APLs, and for this and other reasons denied the requested closure. (p. 43) The Decision found that the Santa Monica office had 4 APLs within a 3 mile radius, all accessible by public transportation, and granted the requested closure (p. 41). This level of APL availability is consistent with the threshold Greenlining proposed. The Decision ordered SoCalGas to maintain at least two APLs within a three mile radius of the branch offices approved for closure. (Ordering Paragraph 8)	Verified.
3. Greenlining argued that the Commission should require SoCalGas to translate notices of branch office closures (posters, flyers, bill inserts, etc.) into non-English languages if the office in question serves a significant non-English speaking population. Greenlining proposed that if a language is spoken by 5% or more of the population living within a 5 mile radius of the office in question, the utility must provide notice in that language.	Greenlining/CforAT Protest, pp. 5-6; Testimony of Enrique Gallardo, pp. 4-6. D.16-06-046, in finding reasonable SoCalGas' Outreach and Education Plan proposal, required SoCalGas to include in it a process for identifying what languages other than English should be used to communicate future branch office closures to customers. (p. 48) The Decision also ordered SoCalGas to urge that its APLs are staffed with employees who can speak non-English languages commonly spoken in nearby communities (Ordering Paragraph 8)	Verified.

Of the proposed closures, Greenlining found that all six of the offices proposed for closure well-exceeded the 5% threshold for Spanish speakers, and 3 of the 6 exceeded 5% for Asian or Pacific Islander languages. One office exceeded the threshold for IndoEuropean languages. Greenlining urged that materials for all six offices should be translated into Spanish, materials for the Monrovia office should be translated into Chinese, and that SoCalGas should take steps to identify any other languages that surpass the 5% threshold and provide notice materials in those languages. Finally, Greenlining as well as other consumer advocates worked with SoCalGas to refine its Outreach and Education Plan to ensure that any changes to service will be sufficiently communicated to non-English speakers and other communities of color.		

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**	Verified.
b. Were there other parties to the proceeding with positions similar to yours?	**Yes**	Verified.
c. If so, provide name of other parties: The Utility Reform Network (TURN), Center for Accessible Technology (CforAT), Utility Workers Union of America (UWUA)		Agreed.
d. Intervenor's claim of non-duplication: Greenlining's work in this proceeding was fundamentally different from that of ORA or the other consumer advocates, in that it focused on the proposed closures' impacts		Verified, Greenlining avoided

[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.

on communities of color. This perspective influenced the positions Greenlining took in the proceeding, specifically our focus on how the proposed closures would impact limited English proficient (LEP) customers. Throughout the proceeding, Greenlining remained in regular contact with advocates from TURN, CforAT, and UWUA to ensure coordination and avoid duplication of effort. Where parties agreed, they coordinated rather than merely echoing each other. Greenlining is claiming compensation only for the work its own attorneys performed.	duplication with other parties.

PART III: REASONABLENESS OF REQUESTED COMPENSATION General Claim of Reasonableness (§ 1801 and § 1806):

a. Intervenor's claim of cost reasonableness:	**CPUC Discussion**
It is difficult to assign a dollar value to the benefits customers can expect to receive as a result of Greenlining's participation in this proceeding. Given that the proceeding was about proposed branch office closures, the "benefits" expected to accrue to customers are actually prevention or mitigation of harm resulting from their local branch office being closed. Ratepayers achieved nonmonetary benefits as a result of Greenlining's advocacy, including clearer communication about closures and how to find alternate service, especially for customers whose primary language is not English. Customers will also benefit from more alternate payment locations being available near each office proposed for closure. And customers in the future are likely to benefit from a more thorough, individualized analysis of future proposed branch office closures. Greenlining submits that despite being difficult to quantify in dollars, these benefits to a limited but vulnerable segment of customers will accrue over time to a value that exceeds the reasonable cost of Greenlining's participation in this proceeding.	Verified.
b. Reasonableness of hours claimed: Greenlining ensured that its hours in participating in this proceeding remained reasonable by collaborating with other intervenors, as described above, and by focusing the bulk of its participation on issues of unique interest to Greenlining and its constituency. Greenlining kept its advocacy with a single representative through most of the proceeding, who as a result was well-versed in the details of the proceeding. However, this representative left Greenlining mid-2014. Thereafter, Greenlining's participation was minimal, and exclusively focused on issues unique to our constituency. In this way, Greenlining avoided requiring Ms. Miller to duplicate significant portions of Mr. Gallardo's original efforts to get up to speed with the proceeding. As such, Greenlining urges that the hours it spent participating in this proceeding were reasonable and warrant full compensation as requested.	Verified.
c. Allocation of hours by issue: A. Automatic Branch Closure Process = 12.8% B. Review of Proposed Closures = 32.6% C. Alternative Payment Locations Sufficiency = 22.1% D. Proper Notification of Branch Closures = 13.2% E. General/Procedural = 19.3%	Verified.

A. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Hours**	**Rate $**	**Total $**
Enrique Gallardo	2013	34.2	$390	D.14-02-036	$13,338	34.20	390.00	13,338.00
Enrique Gallardo	2014	18.4	$400	D.15-04-018	$7,360	18.40	400.00	7,360.00
Carmelita Miller	2016	3.5	$225	See Comment A	$787.50	3.50	220.00 [1]	770.00
					***Subtotal:* $21,485.50**	***Subtotal*: $21,468.00**		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Hours**	**Rate**	**Total $**
Enrique Gallardo	2014	2.6	$200	D.15-04-018	$520	2.60	200.00	520.00
Stephanie Chen	2016	6.2	162.50	See Comment B	$1,007.50	6.20	157.50 [2]	976.50
					***Subtotal:* $1,527.50**			***Subtotal:* $1,496.50**
					TOTAL REQUEST: $23,013.00	**TOTAL AWARD: $22,964.50**		

**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. 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 BAR[2]**	**Member Number**	**Actions Affecting Eligibility (Yes/No?)**
Enrique Gallardo	12/9/97	191670	No, but not eligible to practice law from 5/27/15 until 6/26/15.
Carmelita Miller	12/13/13	295398	No
Stephanie Chen	8/23/10	270917	No

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

B. Intervenor's Comments on Part III:

Comment #	Intervenor's Comment(s)
A	Greenlining is requesting a rate of $225/hour for work done by Carmelita Miller in 2016. Ms. Miller does not yet have a compensation rate approved by the Commission, but is in her 3rd year of practice before the Commission. ALJ-329, issued on May 20, 2016, sets the range for attorneys with 3-4 years of experience at $220-$255. Being at the bottom of the range appropriate for Ms. Miller's experience, a rate of $225/hour for Ms. Miller's work in 2016 is quite reasonable.
B	Greenlining is requesting a rate of $325/hour for work done by Stephanie Chen in 2016. Ms. Chen's most recent approved rate was $310 for work done in 2015, which was Ms. Chen's 6th year of practice before the Commission as an attorney. 2016 is Ms. Chen's 7th year of practice before the Commission, and ALJ-329 sets the range for attorneys with 5-7 years of experience at $305-$325. Given Ms. Chen's experience and the approved rate range for 2016, Greenlining asserts that $325/hour is a reasonable rate for work done by Ms. Chen in 2016.

D. CPUC Disallowances and Adjustments:

Item	Reason
[1]	Greenlining did not support Miller's requested rate with a resume, as required. Based on an independent verification, the Commission agrees that Miller has 3 years of experience practicing before the Commission and sets the 2016 rate at $220.
[2]	The Commission declines to raise Chen's rate beyond the standardized cost-of-living adjustment, which results in a rate of $315 for 2016. If Chen is able to justify a 5% step-increase, such a request may be made in a future claim for intervenor compensation. In addition, when Chen reaches the 8-12 year experience range, a new request for increasing the hourly rate may be made by intervenor.

PART IV: OPPOSITIONS AND COMMENTS
Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (*see* § 1804(c))

A. Opposition: Did any party oppose the Claim?	No.
B. Comment Period: Was the 30-day comment period waived (*see* Rule 14.6(c)(6))?	Yes.

FINDINGS OF FACT

1. Greenlining has made a substantial contribution to D.16-06-046.

2. The requested hourly rates for Greenlining'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 are reasonable and commensurate with the work performed.

4. The total of reasonable compensation is $22,964.50.

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 $22,964.50.

2. Within 30 days of the effective date of this decision, Southern California Gas Company shall pay The Greenlining Institute 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 November 5, 2016, the 75th day after the filing of The Greenlining Institute's request, and continuing until full payment is made.

3. The comment period for today's decision is waived.

This decision is effective today.

Dated_____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		**Modifies Decision?**	No
Contribution Decision(s):	D1606046		
Proceeding(s):	A1309010		
Author:	ALJ Colbert		
Payer(s):	Southern California Gas Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Greenlining Institute (Greenlining)	August 22, 2016	$23,013.00	$22,964.50	N/A	*C*

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Enrique	Gallardo	Attorney	Greenlining	$390	2013	$390
Enrique	Gallardo	Attorney	Greenlining	$400	2014	$400
Carmelita	Miller	Attorney	Greenlining	$225	2016	$220
Stephanie	Chen	Attorney	Greenlining	$325	2016	$315