

Decision 12-06-012 June 7, 2012

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company To Revise Its Electric Marginal Costs, Revenue Allocation, and Rate Design, including Real Time Pricing, to Revise its Customer Energy Statements, and to Seek Recovery of Incremental Expenditures. (U39M)

Application 10-03-014  
(Filed March 22, 2010)

**DECISION AWARDING INTERVENOR COMPENSATION TO DISABILITY RIGHTS  
ADVOCATES FOR SUBSTANTIAL CONTRIBUTION TO DECISION 11-05-047**

<b>Claimant: Disability Rights Advocates</b>	<b>For contribution to D.11-05-047</b>
<b>Claimed: \$167,958.86</b>	<b>Awarded: \$134,625.36 (reduced 20%)</b>
<b>Assigned Commissioner: Michael R. Peevey</b>	<b>Assigned ALJ: Thomas R. Pulsifer</b>

**PART I: PROCEDURAL ISSUES**

**A. Brief Description of Decision:** Decision (D.) 11-05-047 adopted various residential rate design changes for Pacific Gas and Electric Company (PG&E) customers, including creation of a California Alternatives Rates for Energy (CARE) Tier 3 rate, reduction of baseline quantities and adoption of a nonbypassable Conservation Incentive Adjustment. D.11-05-047 rejects PG&E's proposal to impose a residential customer charge and to eliminate non-CARE Tier 4.

**B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:**

Claimant	CPUC Verified
<b>Timely filing of notice of intent (NOI) to claim compensation (§ 1804(a)):</b>	
1. Date of Prehearing Conference:	May 19, 2010 Correct
2. Other Specified Date for NOI:	N/A
3. Date NOI Filed:	June 18, 2010 Correct
4. Was the notice of intent timely filed?	Yes
<b>Showing of customer or customer-related status (§ 1802(b)):</b>	
5. Based on ALJ ruling issued in proceeding number:	A.10-03-014 Correct

6. Date of ALJ ruling:	November 30, 2010	Correct
7. Based on another CPUC determination (specify):		
8. Has the claimant demonstrated customer or customer-related status?		Yes
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	A.10-03-014	Correct
10. Date of ALJ ruling:	November 30, 2010	Correct
11. Based on another CPUC determination (specify):		
12. Has the claimant demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision	D.11-05-047	Correct
14. Date of Issuance of Final Decision:	June 2, 2011	Correct
15. File date of compensation request:	August 1, 2011	Correct
16. Was the request for compensation timely?		Yes

## PART II: SUBSTANTIAL CONTRIBUTION

Claimed Contribution	Citation to Decision or Record	Showing Accepted by CPUC
1. Through its testimony, briefing, and comments, Disability Rights Advocates (or DisabRA) focused on the real-life impact that PG&E’s proposed rate changes would have on residential customers with disabilities, a population that is disproportionately low-income. After reviewing the comments made at public participation hearings and the written comments submitted to the Commission by members of the public, as well as DisabRA’s own outreach to residents with disabilities in PG&E’s service territory and organizations that serve this population, DisabRA compiled a list of personal stories documenting the extreme difficulty that many people with disabilities have in	D.11-05-047, pp. 11-12 (outlining Disability Rights Advocates’ position); 15-16 (explaining importance of affordability and avoiding rate shock); 24, 33-34 (denying PG&E’s proposed customer charge, in part, on the basis that it would inflict rate shock on those customers least able to afford an increase); 37, 39 (discussing the higher rate of disconnections among CARE customers, a theme emphasized in Disability Rights Advocates’ testimony and briefing); 41-42 (denying second automatic increase in CARE tier 3 rate proposed by PG&E on grounds that it would be too much for	Yes

<p>affording current PG&amp;E rates, sometimes having to choose between paying energy bills and other basic necessities (food and medication). Many of these individuals live on fixed incomes and have not received increases in several years.</p> <p>Disability Rights Advocates took the position that each of the rate changes proposed by PG&amp;E, from the fixed customer charge to reduction of the baseline quantities from 60% to 55% to imposition of a third tier rate for CARE, would impose an additional economic pressure on households, that may have forced them to choose tradeoffs which could potentially threaten personal health and safety. Moreover, Disability Rights Advocates maintained that the affordability of these changes could not be considered on a measure-by-measure basis but rather should be analyzed in terms of their cumulative impact, which would impact many Californians who are living under tight financial conditions.</p> <p>DisabRA argued that PG&amp;E's failed to meet its burden of proof. DisabRA, through its cross-examination of PG&amp;E's witnesses, got PG&amp;E to admit that the company had conducted no affordability study and/or survey of customer behavior to determine what effect PG&amp;E's proposed rate restructuring would have on low-income households. In an attempt to enhance the record, DisabRA cited to reports on the number of monthly service disconnections from PG&amp;E for</p>	<p>low-income households to absorb and would lead to rate shock); 77 (stating that comments on the Proposed Decision were taken into account in reaching the final decision); Findings of Fact 8, 9, 14 and 18; Conclusions of Law 1-4, 7, and 10-11.</p> <p>The Commission also discussed the economic realities brought to light through Disability Rights Advocates' testimony, expressed concern about rates of disconnection for CARE households, and invoked the statutory provisions regarding affordability and avoidance of rate shock which had been emphasized in Disability Rights Advocates' filings, at multiple points in the final decision.</p>	<p>Yes</p>
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<p>failure to pay, and noted that the rate of disconnection among CARE households was substantially higher than that for non-CARE households. PG&amp;E witnesses under oath testified that the rates of disconnection could be expected to increase if PG&amp;E’s proposals to raise rates on low-income and low-nergy-using customers went into effect.</p> <p>DisabRA’s participation sought to counter many other positions in this proceeding which focused on cost-based ratemaking and the need for rates to reflect the price of energy, by emphasizing the Commission’s responsibility, pursuant to Public Utilities Code Sections 382(b) and 451, to keep the essential service of electricity affordable to all Californians. DisabRA pointed out that this was the legislature’s purpose in creating the CARE program, which was intended to protect low-income Californians from the risk of disconnection by setting rates at artificially low levels for this population through subsidies. DisabRA posited that now, in the midst of an historic economic downturn, was not the time to remove this protection.</p>	<p>The final decision incorporated Disability Rights Advocates’ perspective and input in several respects. First, D.11-05-047 rejected the proposed customer charge on policy as well as legal grounds, citing in part the potential rate shock it would impose on struggling low-income households as an independent ground for denying that proposal. D.11-05-047 applied a similar rationale in denying one of the two automatic interim increases to the CARE tier 3 rates that PG&amp;E had sought.</p>	<p>Yes</p>
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**A. Duplication of Effort (§§ 1801.3(f) & 1802.5):**

Claimant		CPUC Verified
<b>a. Was Division of Ratepayer Advocates (DRA) a party to the proceeding?</b>	Yes	Yes
<b>b. Were there other parties to the proceeding?</b>	Yes	Yes
<b>c. If so, provide name of other parties:</b>		Correct
Pacific Gas and Electric Company (PG&E), The Utility Reform		

<p>Network (TURN), Greenlining Institute (Greenlining), Solar Alliance, Vote Solar, Sierra Club California (Sierra Club), KernTax, Kern County, California Large Energy Consumers Association/California Manufacturers and Technology Association, (CELCA/CMTA), City and County of San Francisco (CCSF), Marin Energy Authority (MEA), and Southern California Edison (SCE).</p>	
<p><b>d. Claimant’s description of how it coordinated with DRA and other parties to avoid duplication or how claimant’s participation supplemented, complemented, or contributed to that of another party:</b></p> <p>Disability Rights Advocates coordinated our efforts throughout the proceeding with other intervenors focused on the impact that PG&amp;E’s proposed rate changes would have on low-income and vulnerable Californians – primarily Greenlining and TURN. These parties conferred frequently to discuss strategy during evidentiary hearings and to avoid overlapping arguments in briefing, as well as to discuss settlement proposals. Disability Rights Advocates was unique among the parties to this proceeding in its direct outreach to low-income customers, particularly to the disability community and organizations serving that community. TURN and Greenlining focused on statistical and data-driven arguments, while Disability Rights Advocates took on the role of giving a voice to those residential customers who were unable to participate directly in the proceeding by relaying the stories that these customers had shared with their service providers and with DisabRA’s outreach coordinator about how even a modest increases in energy rates would affect their lives.</p> <p>DisabRA likewise coordinated its participation in this proceeding with DRA by regularly communicating throughout the proceeding on the substantive issues facing low-income ratepayers with disabilities. As such, we focused our arguments in areas that were distinct to our constituency and did not duplicate DRA’s positions.</p>	<p>DisabRA’s participation was unique and in areas where there might have been potential overlap with other parties, DisabRA coordinated with other intervenors and DRA to avoid unnecessary duplication of effort. We make no reductions to DisabRA’s claim for duplication of effort.</p>

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

<p><b>Claimant’s explanation as to how the cost of claimant’s participation bore a reasonable relationship with benefits realized through claimant’s participation</b></p>	<p><b>CPUC Verified</b></p>
<p>While it is not possible to directly quantify all the benefits to low-income consumers with disabilities that Disability Rights Advocates represented in this proceeding, these consumers will obtain a direct financial benefit as a result of the final decision, which rejected the proposed customer charge.</p>	<p>After the reductions and disallowances we make to this claim, the</p>

<p>Disability Rights Advocates conducted research, submitted comments, and provided testimony concerning the real-life impact that PG&amp;E's proposals would have on low-income consumers, including those with disabilities. The benefits to low-income customers, including those with disabilities will outweigh the cost of DisabRA's participation here.</p> <p>Disability Rights Advocates states that it divided its staff work in a team approach with the goal of efficiency in mind. When possible, attorneys divided work to avoid internal duplication and delegated the work to lower-billing staff whenever possible. In areas where potential attorney overlap might have occurred, DisabRA states that it has made every effort to not charge for these activities</p> <p>Disability Rights Advocates seeks \$612.50 for in-house printing and copying costs which is claims is one-half of the amounts it incurred.</p>	<p>remaining hours and costs to be reasonable and worthy of compensation.</p>
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**B. Specific Claim\*:**

CLAIMED						CPUC AWARD			
ATTORNEY AND ADVOCATE FEES									
Item	Year	Hours	Rate \$	Rate Rationale	Total \$	Year	Hours	Rate \$	Total \$
M. Kasnitz	2010	199.9	420	D.10-07-013	83,958	2010	169.9	420	71,358.00
M. Kasnitz	2011	80.2	420	D.11-06-035	33,684	2011	74.0	420	31,080.00
K. Gilbride	2010	39.3	200	D.10-07-013	7,860	2010	27.7	200	5,540.00
K. Gilbride	2011	15.5	210	Adopted here	3,255	2011	14.1	205	2,890.50
R. Williford	2010	52.8	150	D.11-07-024	7,920	2010	35.35	150	5,302.50
<i>Subtotal: \$136,677</i>						<i>Subtotal: \$116,171.00</i>			
OTHER FEES (Outreach Coordinator, Paralegal, Travel Time):									
Item	Year	Hours	Rate \$	Rate Rationale	Total \$	Year	Hours	Rate \$	Total \$
Summer Associate	2010	59.0	110	Adopted here	6,490	2010	44.0	110	4,840.00
Outreach Coordinator	2010	99.1	110	D.11-07-024	10,901	2010	64.65	110	7,111.50
Outreach Coordinator	2011	10.2	110	Adopted here	1,122	2011	7.9	110	869.00
Paralegal	2010	33.7	110	D.10-07-013	3,707	2010	21.15	110	2,326.50
Paralegal	2011	39.4	110	Adopted here	4,334	2011	19.65	110	2,161.50
M. Kasnitz (travel)	2010	8.1	210	½ D.10-07-013 rate	1,701	2010	0.00	210	0.00

M. Kasnitz (travel)	2011	4.5	210	½ D.11-06-035 rate	945	2011	0.00	210	0.00
K Gilbride (travel)	2010	1.2	100	½ D.10-07-013 rate	120	2010	0.00	100	0.00
Outreach Coordinator (travel)	2010	1.9	55	½ D.11-07-024 rate	104.50	2010	0.00	55	0.00
Outreach Coordinator (travel)	2011	1.5	55	½ rate adopted here	82.50	2011	0.00	55	0.00
<b>Subtotal: \$29,507</b>					<b>Subtotal: \$17,308.50</b>				

**INTERVENOR COMPENSATION CLAIM PREPARATION \*\*\***

Item	Year	Hours	Rate \$	Rate Rationale	Total \$	Year	Hours	Rate \$	Total \$
Paralegal	2010	2.9	55	½ D.10-07-013 rate	159.50	2010	1.7	55	93.50
Paralegal	2011	2.3	55	½ rate adopted here	126.50	2011	2.3	55	126.50
M. Kasnitz	2010	1.6	210	½ D.10-07-013 rate	336.00	2010	1.5	210	315.00
K. Gilbride	2010	0.2	100	½ D.10-07-013 rate	20.00	2010	0.2	100	20.00
R. Williford	2011	5.9	80	½ D.11-07-024 rate	472.00	2011	5.9	75	442.50
<b>Subtotal: \$1,114</b>					<b>Subtotal: \$997.50</b>				

**COSTS**

Item	Amount \$	Amount \$
Photocopies	612.50	100.00
Postage	48.36	48.36
<b>Subtotal: \$660.86</b>		<b>Subtotal: \$148.36</b>
<b>TOTAL REQUEST: \$167,958.86</b>		<b>TOTAL AWARD: \$134,625.36</b>

\*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. Claimant'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.

\*\*We compensate reasonable and non-routine travel at ½ professional hourly rates.

\*\*\*Reasonable claim preparation time typically compensated at ½ of preparer's normal hourly rate.

**C. DisabRA's Comments Documenting Specific Claim:**

Comment #	Description/Comment
Comment 1	<p><b><u>Allocation of Merits Time By Issue</u></b></p> <p>In calculating our request for compensation, Disability Rights Advocates has allocated its merits time, in the attached exhibits, into the following activity, or issue, categories:</p> <ul style="list-style-type: none"> <li>• <b><u>General Participation</u></b>: Time spent addressing procedural issues and other activities that all parties conduct in order to take part in the proceeding generally. Overall, 12.5% of the merits time recorded were spent on General Participation.</li> <li>• <b><u>Impact</u></b>: Time spent addressing Disability Rights Advocates' focus in this proceeding - the impact of PG&amp;E's proposed rate design on customers who are low-income and have disabilities. Disability Rights Advocates identified this issue as its primary focus throughout the proceeding, as one which other parties were not addressing. Overall, 52.2% of the merits time recorded were spent on Impact.</li> <li>• <b><u>Rate Design</u></b>: Time spent addressing the specific proposed changes such as the customer charge, tier allocations, etc. Overall, 2% of the merits time recorded was spent on Rate Design.</li> <li>• <b><u>Issues</u></b>: Includes time entries that cover both Impact and Rate Design, that cannot be easily further broken down. Of the time allocated as "Issues," 75% was Impact and 25% was Rate Design. Overall, 33.3% of the merits time recorded was spent on Issues.</li> </ul>
Comment 2	<p><b><u>Justification of 2010 Rate for Summer Associate</u></b></p> <p><b><u>Summer Associate</u></b></p> <p>Disability Rights Advocates is not seeking a rate increase for its summer associates in 2010. The requested rate remains at \$110, the same as the 2009 rate, which was approved in D.11-06-035. Because Commission Resolution ALJ-247, issued April 13, 2010 permits no cost-of-living increase for 2010, Disability Rights Advocates does not request any further increases at this time.</p> <p><b><u>Justification of 2011 Rates for Attorneys, Paralegal, and Outreach Coordinator</u></b></p> <p><b><u>Melissa Kasnitz</u></b></p> <p>As stated in Comment 2 of Disability Rights Advocates' request for intervenor compensation filed on July 11, 2011 in Investigation (I.) 07-01-022, Application (A.) 06-09-006, A.06-10-026, A.06-11-009, A.06-11-010, and A.07-03-019, Disability Rights Advocates is not seeking a rate increase for Melissa Kasnitz in 2011. The same hourly rate is requested for Kasnitz's 2011 work here.</p> <p><b><u>Karla Gilbride</u></b></p> <p>As stated in Comment 5 of Disability Rights Advocates' request for intervenor</p>

	<p>compensation filed on July 12, 2011 in A.09-12-020 and I.10-07-027, Disability Rights Advocates seeks a rate of \$210 for Karla Gilbride in 2011.</p> <p><u>Outreach Coordinator</u></p> <p>Disability Rights Advocates is not seeking a rate increase for its Outreach Coordinator in 2011. The requested rate remains at \$110, the same as the 2010 rate, which was approved in D.11-07-024. Because Commission Resolution ALJ-267, issued March 25, 2011 permits no cost-of-living increase for 2011; Disability Rights Advocates does not request any further increase at this time.</p> <p><u>Paralegal</u></p> <p>As stated in Comment 2 of Disability Rights Advocates’ request for intervenor compensation filed on July 11, 2011 in I.07-01-022, A.06-09-006, A.06-10-026, A.06-11-009, A.06-11-010, and A.07-03-019, Disability Rights Advocates does not seek a rate increase for paralegals in 2011. Their requested rate remains at \$110.</p>
<p>Comment 3</p>	<p><u>Summary of Costs</u></p> <p>Disability Rights Advocates incurred \$1,273.36 in costs for this proceeding. This includes \$1,225.00 for in-house printing and copying costs for documents that were deemed relevant to issues of concern for our constituency. In the exercise of billing judgment, Disability Rights Advocates has reduced this amount of copying costs by 50%. Therefore, we seek \$612.50 in copying costs.</p> <p>Disability Rights Advocates believes that the only other itemized cost, postage, is self-explanatory. However, Disability Rights Advocates is happy to prepare a more detailed description if such documentation would assist the Commission in evaluating and processing this request for compensation.</p>

**D. CPUC Adoptions, Adjustments and Disallowances:**

<b>Adoptions</b>	
<p>2010 hourly rate for Summer Associate</p>	<p>Disability Rights Advocates requests an hourly rate of \$110 for its 2010 Summer Associate’s work. This rate is equal to the 2009 rate approved in D.11-06-035 for Summer Associate work. Resolution ALJ-247 disallows cost-of-living increases for 2010 intervenor work. We find DisabRA’s requested rate reasonable and adopt it here.</p>
<p>2011 hourly rate for Outreach Coordinator</p>	<p>DisabRA requests an hourly rate of \$110 for the 2011 work of its Outreach Coordinator. This rate is equal to the 2010 rate approved in D.11-07-024 for Outreach Coordinator work. Resolution ALJ-267 disallows cost-of-living increases for 2011 intervenor work. We find DisabRA’s requested rate reasonable and adopt it here.</p>
<p>2011 hourly rate for Paralegal</p>	<p>Disability Rights Advocates requests the same hourly rate of \$110 be applied to its 2011 Paralegal work here. We approved this hourly rate in D.10-07-013 for 2010 Paralegal work. Resolution ALJ-267 disallows cost-of-living increases for 2011 intervenor work. We find DisabRA’s requested rate reasonable and adopt it here.</p>

2011 hourly rate for R. Williford	DisabRA makes no justification for an increase in the 2011 hourly rate for Rebecca Williford. Williford's 2011 rate of \$150 was approved by the Commission in D.11-06-035 and D.11-07-024. We apply this same hourly rate to her 2011 work here. We note that during this period of time, Williford's work was restricted to assisting DisabRA in preparing its request for compensation.						
2011 hourly rate for K. Gilbride	DisabRA requests for attorney Karla Gilbride's work in 2011 the rate of \$210/hour, representing a 5% step increase applied to the 2010 rate. DisabRA explains that this rate is the minimum of the range for attorneys with 3-4 years of experience. However, according to the California State Bar information at <a href="http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch">http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch</a> , Gilbride was licensed to practice law in July of 2009. By July of 2011, Gilbride had two years of the attorney experience, with the applicable rate range \$150-\$205. As a general rule, step increases may not result in rates above the highest rate for any given range in a given year (see, D.08-04-010 at 11-12). We adopt the rate of \$205 for Gilbride's work in 2011.						
<b>Item</b>	<b>Adjustments/Disallowances</b>						
Disallowance of clerical work	<p>We disallow clerical work as it is subsumed in the fees paid to attorneys.<sup>1</sup> Time representing our disallowances in this area include the following: "preparing and finalizing documents, preparing and indexing binder for exhibits, finalizing motions and reply briefs, sending of data responses, preparing meeting requests with all Commissioners, teleconference with Commissioners office setting exparte meetings, following-up with public advisors office regarding meetings, RSVP to all party meeting, finalize exparte notices and prepare for filings, finalizing meeting with Commissioner's office."</p> <p><b>Disallowances:</b></p> <table> <tr> <td><b>2010 Paralegal: 5.85 hrs</b></td> <td><b>2011 Paralegal: 9.4 hrs</b></td> </tr> <tr> <td><b>2010 Outreach Coordinator: 1.3 hrs</b></td> <td><b>2011 Kasnitz: .50 hrs</b></td> </tr> <tr> <td><b>2010 Williford: .65 hrs</b></td> <td></td> </tr> </table>	<b>2010 Paralegal: 5.85 hrs</b>	<b>2011 Paralegal: 9.4 hrs</b>	<b>2010 Outreach Coordinator: 1.3 hrs</b>	<b>2011 Kasnitz: .50 hrs</b>	<b>2010 Williford: .65 hrs</b>	
<b>2010 Paralegal: 5.85 hrs</b>	<b>2011 Paralegal: 9.4 hrs</b>						
<b>2010 Outreach Coordinator: 1.3 hrs</b>	<b>2011 Kasnitz: .50 hrs</b>						
<b>2010 Williford: .65 hrs</b>							
Disallowance of time for matters with no apparent bearing on substantial contribution <sup>2</sup>	<p>See Appendix A, page 15.</p> <p><b>Disallowances:</b></p>						
Disallowance of	We disallow DisabRA's efforts related to the filing and review of other documents						

<sup>1</sup> See D.11-07-024 and D.11-05-044.

<sup>2</sup> In D.04-08-041 at 12, we determined that PPHs provide members of the public who are not parties to the proceeding an opportunity to offer their comments to the Commission. We do not award compensation for time spent preparing for or participation in PPHs. Secondly, in D.10-04-024, we reaffirmed as we had in D.04-09-050, D.03-10-056 and D.04-08-025, that communications with the press are not compensable. Finally, we note that outreach activities similarly reduced here were also disallowed most recently in D.10-04-024 because they had no bearing on substantial contribution. We make reductions to DisabRA's request in these areas.

<p>efforts related to DisabRA’s Motion for Judicial Notice of Disconnect Data as this motion was denied. These hours had no bearing on substantial contribution.</p>	<p>stemming from its Motion for Judicial Notice of PG&amp;E’s Monthly Disconnect Data Report Through October 2010. On December 20, 2010, an Administrative Law Judge’s Ruling was issued which denied this motion.<sup>3</sup></p> <p><b>Disallowances: 8.9 hrs-2010 Williford; 4.6 hrs-2010 Kasnitz</b></p>
<p>Disallowance of travel related to “routine commuting”<sup>4</sup> and travel to and from public participation hearing<sup>5</sup></p>	<p>The Commission disallows compensation for time and expenses incurred during “routine travel.” In D.10-11-032, the Commission defined “routine travel” as travel that occurs with a one-way travel distance of 120 miles or less for attorneys, consultants and other experts participating in Commission matters. Examples of time we exclude in this category are: “travel to/from Arnieville, CA to attend Public Participation Hearing (1), travel to/from Berkeley, CA to attend all party meetings in San Francisco, CA (2) travel to/from Berkeley, CA to San Francisco, CA to attend hearings, (5) and travel to/from Berkeley, CA to attend exparte meetings (3).</p> <p><b>Disallowances: 1.9 hrs-2010 Outreach Coordinator 8.1 hrs-2010 Kasnitz 1.2 hrs-2010 Gilbride 1.5 hrs-2011 Outreach Coordinator 4.5 hrs-2011 Kasnitz</b></p>
<p>Disallowance of time recorded for “receiving” documents.</p>	<p>In D.10-04-024 we stated that DisabRA’s timesheets, as a separate task, request compensation for the “receiving of documents”, a clerical task. In D.10-04-024 and D.12-03-052, we cautioned DisabRA that future claims it may file that included this activity would face reductions. Here, we note a total of 59 incidences recorded in the timesheets of M. Kasnitz. Based on our evaluation of these timesheets, we estimate that approximately 6 minutes or .10 hrs are allocated for this work.<sup>6</sup></p> <p><b>We disallow 3.9 hours of Kasnitz’s 2010 time (.10 hrs x 39 entries) and 2.0</b></p>

<sup>3</sup> In denying the motion (at 5), the ruling states that “granting DisabRA’s motion may set an unfavorable precedent, opening the door to subsequent motions to keep considering more updated information after the close of the evidentiary record. In the interests of judicial economy, the integrity of the schedule and due process should be upheld. If the record is left open-ended with continuing additions of updated information, the timeliness of the Commission’s deliberative process could be compromised.”

<sup>4</sup> See D.01-04-010 and D.09-12-040.

<sup>5</sup> See D.190970915. Preparation for and participation in a PPH is not compensable.

<sup>6</sup> Where DisabRA has combined this task with other activities in one timesheet entry, we estimate the actual time for each task to be equal to the total compensation requested divided by each task it lists.

	<b>hours of Kasnitz's 2011 hours (.10 hrs x 20 entries)</b>																				
Adjusted compensable hours to attend evidentiary hearings	<p>4 days of evidentiary hearings were held in this proceeding. In determining the appropriate amount of hours to compensate, we consider the start and end times verified from the transcript records, and reduce for morning and afternoon recesses (total of ½ hr) and the lunch recess (1 hr). We disallow any remaining hours in excess of the compensable time listed here.</p> <table border="1"> <thead> <tr> <th><u>Hearing Date</u></th> <th><u>Start Time</u></th> <th><u>End Time</u></th> <th><u>Compensable Time</u></th> </tr> </thead> <tbody> <tr> <td>11/12/10</td> <td>9:30 am</td> <td>3:30 pm</td> <td>4.5 hours</td> </tr> <tr> <td>11/15/10</td> <td>9:00 am</td> <td>3:32 pm</td> <td>5.0 hours</td> </tr> <tr> <td>11/18/10</td> <td>9:00 am</td> <td>3:37 pm</td> <td>5.0 hours</td> </tr> <tr> <td>11/19/10</td> <td>9:05 am</td> <td>3:50 pm</td> <td>5.5 hours</td> </tr> </tbody> </table> <p><b>Disallowances: 11/12/10 Gilbride 1.0 hr. 11/15/10 Kasnitz 0.5 hr. 11/18/10 Kasnitz 1.5 hrs.</b></p>	<u>Hearing Date</u>	<u>Start Time</u>	<u>End Time</u>	<u>Compensable Time</u>	11/12/10	9:30 am	3:30 pm	4.5 hours	11/15/10	9:00 am	3:32 pm	5.0 hours	11/18/10	9:00 am	3:37 pm	5.0 hours	11/19/10	9:05 am	3:50 pm	5.5 hours
<u>Hearing Date</u>	<u>Start Time</u>	<u>End Time</u>	<u>Compensable Time</u>																		
11/12/10	9:30 am	3:30 pm	4.5 hours																		
11/15/10	9:00 am	3:32 pm	5.0 hours																		
11/18/10	9:00 am	3:37 pm	5.0 hours																		
11/19/10	9:05 am	3:50 pm	5.5 hours																		
Excessive hours for DisabRA's Protest	<p>DisabRA requests a total of 8.85 hours (4.15-2010 Gilbride and .80-2010 Kasnitz) to prepare DisabRA's 3 page protest. We find this amount of time to be excessive considering the scope of the work. We approve 5 hrs of the requested time and disallow the remaining 3.85 hours. We share the disallowances of 1.9 hours equally between the efforts of Gilbride and Kasnitz.</p> <p><b>Disallowances: 1.9 hrs-2010 Gilbride and 1.9 hrs-2010 Kasnitz</b></p>																				
Excessive hours for DisabRA's Opening	<p>DisabRA requests a total of 54.5 hours for the 2010 work of its participants (29.3-Kasnitz, 16.6 Williford and 8.6 Gilbride). We find this time to be excessive given the scope of the work (22 pages). In drawing this conclusion, we note that DisabRA's most efficient work is reflected in the preparation of its reply brief (20 pages) which involved 16.15 hours, shared between two participants. Allowing for slightly more hours to prepare its opening brief, we approve 25 hours for this task, and disallow the remaining 29.5 hours. We distribute the reduction of hours equally between all three participants.</p> <p><b>Disallowances: 7.9 hrs-2010 Kasnitz; 7.9 hrs-2010 Williford and 7.9 hours-2010 Gilbride</b></p>																				
Disallowances of efforts preparing DisabRA's response to TURN's motion to strike part of PG&E's application	<p>We disallow these efforts as this document was never filed. In D.97-10-078 at 52, we determined that work that was not filed, and did not become a part of the record, is not compensable.</p> <p><b>Disallowances: 2.4 hrs-2010 Summer Associate; .70 hrs-2010 Kasnitz</b></p>																				
Excessive hours preparing Notices of Ex-	<p>On April 28, 2011, DisabRA filed a Notice of Exparte Communication, a one page document and requests 2.9 hours (2.4 hrs-2011 Paralegal and .50 hrs-2011 Kasnitz) for this work. We approve 1.5 hours for this task and disallow the remaining hours</p>																				

<p>Parte Communications</p>	<p>for excessiveness. <b>To achieve this adjustment, we reduce the 2011-Paralegal hours by 1.4 hrs.</b></p> <p>On May 23, 2011, DisabRA filed a Notice of Exparte Communication, a document a ½ page in length, and requests 1.6 hrs of 2011-Paralegal time for this work. We approve the more reasonable amount of time of .75 hours for this work and disallow the remaining hours for excessiveness. <b>To achieve this adjustment, we reduce the 2011-Paralegal hours by .85 hrs.</b></p>
<p>Photocopying and printing expenses</p>	<p>DisabRA requests \$612.50 for printing/photocopying costs. We approve \$100 of these costs and disallow the remainder (\$512.50) for excessiveness. Two of the four intervenors requesting compensation in this proceeding request nothing for photocopying expenses. One of the four intervenors filing its claim for compensation after DisabRA’s, requested a similar amount for photocopying. Given the availability of electronically filed documents, we find the adjusted amount more closely reflects our standards of reasonableness.</p>
<p>Hours spent on compensation matters</p>	<p>We disallow <b>1.2 hrs of 2010-Paralegal hours</b> for “finalizing and filing” DisabRA’s NOI. This is a non-compensable clerical task.</p> <p>We disallow <b>.10 of 2010-Kasnitz hours</b> for the “receiving” of documents for reasons outlined above.</p>

**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?**

Yes
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**FINDINGS OF FACT**

1. Claimant has made a substantial contribution to Decision 11-05-047.
2. The claimed fees and costs, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The total of reasonable contribution is \$134,625.36.

**CONCLUSION OF LAW**

The claim, with any adjustment set forth above, satisfies all requirements of Public Utilities Code §§ 1801-1812.

**ORDER**

1. Disability Rights Advocates is awarded \$134,625.36.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay Disability Rights Advocates the total award. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning October 15, 2011, the 75<sup>th</sup> day after the filing of Disability Rights Advocate'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.

Dated June 7, 2012, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
TIMOTHY ALAN SIMON  
CATHERINE J.K. SANDOVAL  
MARK J. FERRON  
Commissioners

I abstain.

MICHEL PETER FLORIO  
Commissioner

## APPENDIX A

### Time spent on Matters with No Apparent Relationship to Substantial Contribution

Date	Participant	Activity	Disallowances <sup>1</sup>
6/07/10	K. Gilbride	Meeting with Kasnitz; Outreach Coordinator (OC) and Summer Associate (SA) re: investigation and outreach to disability community	0.60
6/07/10	M. Kasnitz	Meeting with Gilbride, OC and SA re: outreach to collect information on rate increase impact on disability/low-income community	0.60
6/07/10	OC	Meeting with Kasnitz, Gilbride and SA re: outreach strategy to identify rate impacts on low income people with disabilities	0.60
6/07/10	SA	Conference with Kasnitz, Gilbride and OC re: outreach strategy.	0.60
6/08/10	K. Gilbride	Email exchange with OC re: outreach to disability organizations	0.20
6/08/10	OC	Made calls to ILCs (Independent Living Centers) to identify Outreach Coordinators who are familiar with utility issues.	1.50
6/08/10	OC	Created ILC list for outreach, updated and verified list, email exchange with Kasnitz and Gilbride re: same	2.00
6/09/10	M. Kasnitz	Review draft outreach script; conference with SA re: same and preliminary email to ILCs.	0.60
6/09/10	OC	Made calls to ILCs to identify outreach coordinators who are familiar with utility issues	2.00
6/09/10	SA	Instructions from Kasnitz re: revising draft ILC outreach script	0.20
6/09/10	SA	Compose draft script for outreach communications to California ILCs regarding proposed PG&E rate design	2.00
6/10/10	M. Kasnitz	Conference with Outreach Coordinator re: outreach list and status	0.20
6/10/10	OC	Prepare CBO (Community Based Organizations) list for outreach. Update and verify list.	2.00
6/10/10	OC	Conference with Kasnitz re: outreach list and status	0.20
6/10/10	SA	Revise draft ILC outreach script and draft letters to Executive Director of CFILC (California Foundation for Independent Living Centers)	2.20
6/11/10	M. Kasnitz	Review and edit mail to CFLIC and attached flyer, conference with Summer Associate re: finalizing same	0.80
6/11/10	OC	Update contact information for ILC outreach coordinators familiar with utility issues	1.10
6/11/10	SA	Finalize letter to Executive Director of CFILC re: outreach to California ILCs re: proposed PG&E rate design, conference with Kasnitz re: same	0.50
6/14/10	M. Kasnitz	Conference with SA and OC re: outreach to individuals and CBOs re: rate impacts	0.40
6/14/10	OC	Met with Kasnitz and SA re: status of outreach efforts	0.40
6/14/10	SA	Instructions from M. Kasnitz re: outreach to CFILC and other disability services organizations re: likely effects of utility	0.40

<sup>1</sup> Where DisabRA has combined multiple tasks into one time sheet entry, we approximate the time spent on each task by dividing the time requested by the number of tasks listed.

		rate hikes on people with disabilities	
6/15/10	M. Kasnitz	Review and edit outreach to CFILC and other disability services organizations re: likely effects of utility rate hikes on people with disabilities	0.50
6/15/10	SA	Instructions from Kasnitz re: outreach to CFILC and other disability services re: likely effects of utility rate hikes on people with disabilities	0.10
6/16/10	M. Kasnitz	Teleconference with Sonoma County customer re: hardships due to rate increases, email exchange with OC re: same	0.50
6/16/10	M. Kasnitz	Review email from ratepayer re: hardships due to rate increases; email exchange with OC re: same	0.20
6/16/10	M. Kasnitz	Conference with OC re: outreach	0.20
6/16/10	OC	Emailed PUC flyer to G. Griffin to be posted to California Connection's website.	0.20
6/16/10	OC	Posted re: proposed PG&E rate design flyer to disability listservs.	0.30
6/16/10	OC	Conference with Kasnitz re: response to rate design flyer	0.20
6/16/10	OC	Produced summary of B. Rockwell's personal experience with rate impacts	0.50
6/16/10	OC	Teleconference with Kasnitz re: interview with constituent re: rate impacts	0.40
6/16/10	SA	Conference with Kasnitz re: interview with constituent re: rate impacts	0.20
6/16/10	SA	Revise outreach materials	0.25
6/17/10	OC	Monitored our Yahoo Groups (where outreach flyer is posted) for responses	0.30
6/17/10	OC	Emailed PUC flyer to CBO list and other contacts	0.30
6/18/10	OC	Monitored outreach responses	0.10
6/19/10	OC	Reviewed email responses to PUC flyer; notes re: same	0.10
6/21/10	M. Kasnitz	Conference with SA re : outreach on rate impacts and write-up for same; provide examples	0.40
6/21/20	M. Kasnitz	Review memo re: individual experience with rates; conference with SA re: same	0.30
6/21/10	M. Kasnitz	Outreach calls to CBOs; follow-up with SA and OC re: same	1.20
6/21/10	SA	Directions from Kasnitz re: outreach and CBOs and ILCs re: effect of proposed utilities changes on low-income/disabled consumers	0.40
6/22/10	OC	Attended Arnieville Tent City to speak to folks regarding rate design impacts	0.40
6/22/10	M. Kasnitz	Conference with Outreach Coordinator re: outreach calls to collect more detailed information from consumers affected by rate design	0.50
6/22/10	OC	Emailed PUC flyers-ILC and general to Christina t CFILC to send to all ILCs	0.20
6/22/10	OC	Post outreach flyer	0.20
6/22/10	OC	Met with Kasnitz to discuss status of outreach and phone training re: outreach calls:	0.50
6/23/10	OC	Monitored our Yahoo Groups account (where outreach flyer was posted) for responses.	0.20

6/24/10	OC	Attended Arnieville Tent City. Talked to attendees about PG&E rate impacts and placed flyers on their resource table	0.30
6/25/10	M. Kasnitz	Conference with SA re: status of outreach	0.15
6/28/10	OC	Follow-up re: outreach flyer, teleconference with ILCs, emails re: additional copies, collect information re: client utility issues And local results	2.00
6/28/10	SA	Outreach calls to ILCs re: likely impact of PG&E's proposed rate changes on low-income consumers and consumers with disabilities	2.50
6/29/10	OC	Outreach calls to ILCs; email exchanges following up on the same, collect and log information re: client utility issues	1.70
6/30/10	M. Kasnitz	Conference with OC and SA re: status of outreach and the next steps	0.20
6/30/10	OC	Met with Kasnitz and SA re: status of outreach efforts and next steps	0.20
6/30/10	OC	Respond to calls from ILCs in response to outreach; email exchanges following up on same, collect and log information regarding the same; collect and log information re: client utility issues	0.40
6/30/10	SA	Outreach calls to ILCs re: potential impact of PG&E's proposed rate changes on low-income consumers and consumers with disabilities	2.60
6/30/10	SA	Conference with Kasnitz and OC re: status of outreach efforts and next steps	0.20
7/1/10	M. Kasnitz	Message and email with CFILC re: outreach	0.20
7/7/10	OC	Exchange phone messages and emails with CRIL (Hayward) re: impacts of PG&E's proposed rate changes for clients	0.20
7/8/10	OC	Outreach calls to ILCs; email exchanges to follow-up; collect and log information re: client utility issue	1.00
7/8/10	OC	Repost outreach flyer to disability listservs	0.30
7/9/10	OC	Outreach calls to ILCs; email exchanges to follow-up re: calls; collect and log information re: client utility issue	1.80
7/12/10	M. Kasnitz	Update from OC and SA re: outreach and customer information	0.40
7/12/10	OC	Conference with SA regarding status of outreach; email exchange with Kasnitz re: outreach update regarding reposting of flyer and calls to ILCs.	0.30
7/12/10	OC	Conference with Kasnitz and SA to discuss status of outreach efforts	0.40
7/12/10	SA	Meet with OC and Kasnitz re: outreach and customer information on rate impacts	0.40
7/16/10	OC	Outreach calls to ILCs; email follow-up; collect and log information re: client utility issues	1.00
7/28/10	M. Kasnitz	Update from OC re: responses to outreach	0.10
7/28/10	OC	Update to Kasnitz re: responses to outreach	0.10
8/5/10	OC	Called ILCs to follow-up on PUC flyer, collect any information they could provide surrounding client utility issues. Logged results of calls on spreadsheet	0.50
8/13/10	OC	Outreach calls and email exchanges with ILCs; collect and log information re: utility issues	0.80

8/19/10	OC	Outreach calls and email exchanges with ILCs; collect and log information re: client utility issues	1.00
8/20/10	OC	Outreach calls and email exchanges with ILCs; collect and log information re: client utility issues	0.40
8/25/10	M. Kasnitz	Conference with OC re: update on outreach efforts and status	0.15
8/26/10	M. Kasnitz	Conference with Outreach Coordinator re: Salinas outreach and local opinion piece re: rate design issues	0.20
8/26/10	OC	Teleconference with Salinas ILC re: outreach and opinion piece in local paper, conference with Kasnitz re: same	0.30
8/27/10	M. Kasnitz	Review draft opinion piece for Salinas paper; conference with OC re: same and outreach status	0.20
8/27/10	OC	Teleconference and email with Salinas ILC re: opinion piece, coordination with Kasnitz re: same	0.20
9/8/10	M. Kasnitz	Email exchange with OC re: outreach and media on rate design	0.50
9/8/10	OC	Email to Kasnitz re: article on efforts to oppose PG&E's proposed rate increases	0.10
9/8/10	OC	Email to Kasnitz re: ILCs request for flyer in Spanish and plans for translation	0.50
9/9/10	OC	Email to ILC contact re: outreach on impact of rate design proposals	0.20
9/9/10	OC	Email to Kasnitz updating status of outreach and contacts	0.10
9/12/10	OC	Follow-up with D. Boardman re: media coverage of rate design proposal and Spanish flyer	0.20
9/13/10	M. Kasnitz	Update from OC re: status of outreach	0.30
9/13/10	OC	Monitored disability listserv email for responses to flyer; update to Kasnitz re: same and other outreach	0.30
9/14/10	OC	Email to D. Boardman with Spanish flyer	0.10
9/20/10	OC	Meeting with Paralegal re: final outreach efforts; follow-up re: same	1.30
9/20/10	Paralegal	Outreach calls to Independent Living Centers with OC	0.80
9/20/10	Paralegal	Meet with OC re: final outreach efforts; calls to ILCs re: same	1.30
9/21/10	OC	Outreach calls to ILCs/CBOs. Collect information surrounding client utility issues and log the same	0.50
9/22/10	OC	Email correspondence with Paralegal re: final outreach efforts	0.30
9/22/10	Paralegal	Email correspondence with Paralegal re: final outreach efforts	0.30
9/23/10	OC	Email correspondence with Paralegal re: collection of stories.	0.30
9/23/10	Paralegal	PUC outreach calls to ILCs; multiple emails to OC re: same	4.30
10/20/10	OC	Targeted outreach to ILCs, CBOs, and individual consumers re: collecting stories from Central Valley representatives and residents to illustrate harm by rate increases; email exchanges with M. Kasnitz re: same	1.50
11/5/10	OC	Teleconference and email to Central Valley residents re: response to PG&E data request. Conference with R. Williford re: same	0.90
12/1/10	M. Kasnitz	Conference with OC re: additional outreach and review of media cov	0.20
12/2/10	OC	Prepare draft of Medical Baseline flyer	0.35

<b>2010 Disallowances</b> <b>M. Kasnitz-9 hrs, K. Gilbride-.8 hrs, Summer Associate (SA)-12.6 hrs,</b> <b>Outreach Coordinator (OC) 33.15 hrs, Paralegal-6.7 hrs</b>			
4/22/11	M. Kasnitz	Develop strategy for organizing outreach re: consumer attendance at May 5 Commission meeting; conference with Paralegal and OC re: same	0.50
4/22/11	OC	Meeting with M. Kasnitz and Paralegal re: outreach and attendance at Commission voting meeting	0.50
4/22/11	Paralegal	Meet with Kasnitz and OC re: outreach for Commission voting meeting	0.50
4/24/11	OC	Prepare contact list from consumers who provided information on rate design impact; email exchange with Paralegal re: same	1.30
4/25/11	Paralegal	Email exchange with OC re: outreach for voting meeting; follow-up re: same	0.40
4/26/11	K. Gilbride	Conducting outreach for 5/5 Commission meeting	0.30
4/26/11	M. Kasnitz	Conference with Gilbride re: strategy for outreach	0.15
4/26/11	Paralegal	Continue outreach to consumers re: attendance at voting meeting	1.80
4/28/11	M. Kasnitz	Conference with CFILC (T. Favuzzi) re: coalition letter and	1.80
4/28/11	Paralegal	Email draft letter to ILCs re: attendance of voting meeting; conference with Gilbride re: same	0.40
4/29/11	K. Gilbride	Review revised outreach flyer, e-mail exchange and meeting with Paralegal re: outreach plan	0.30
5/3/11	K. Gilbride	Draft outreach flyer to send to individuals; e-mail Paralegal re: e-mailing flyer and making reminder calls	0.30
5/4/11	K. Gilbride	Call and send e-mils to disability advocates and community organizations regarding 5/5 meeting	0.50
5/4/11	Paralegal	Follow-up calls with ILC's regarding voting meeting	1.40
5/11/11	M. Kasnitz	Teleconference with H. Contreras (CFILC) re: consumer participation at meeting	0.30
5/16/11	M. Kasnitz	Review agenda; conference with Paralegal re: outreach and attendance at meeting	0.30
5/16/11	M. Kasnitz	Email exchange with Paralegal re: outreach for 5/26 meeting	0.15
5/16/11	Paralegal	Update Kasnitz re: outreach and follow-up; email exchange re: same	0.30
5/19/11	Paralegal	Draft, finalize and email outreach to consumers re: attendance at voting meeting	1.40
5/20/11	M. Kasnitz	Email exchange with Paralegal re: outreach for voting meeting	0.20
5/20/11	Paralegal	Call to deaf organizations re: May 26 voting meeting; email exchanges with Kasnitz re: same	1.90
5/24/11	OC	Prepare media and outreach re: proposed rate design changes and impacts	0.50
5/27/11	M. Kasnitz	Follow-up on final decision and media re: same	0.30
<b>2011 Disallowances</b> <b>M. Kasnitz-3.7 hrs, K. Gilbride-1.4 hrs, Outreach Coordinator-2.3 hrs, Paralegal-8.1 hrs</b>			

(END OF APPENDIX A)

**APPENDIX B****Compensation Decision Summary Information**

<b>Compensation Decision:</b>	D1206012	<b>Modifies Decision?</b> No
<b>Contribution Decision:</b>	D1105047	
<b>Proceeding:</b>	A1003014	
<b>Author:</b>	ALJ Thomas R. Pulsifer	
<b>Payee:</b>	Pacific Gas and Electric Company	

**Intervenor Information**

<b>Intervenor</b>	<b>Claim Date</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
Disability Rights Advocates	08-01-11	\$167,958.86	\$134,625.36	No	adjusted hourly rate, disallowance of photocopying expenses, disallowance of participation in Public Participation Hearings (PPH), disallowance of time for work never filed, lack of substantial contribution, disallowance of clerical tasks, disallowance of time spent during "routine" commuting, disallowance for communication with press/media, adjusted time to attend evidentiary hearings.

**Advocate Information**

<b>First Name</b>	<b>Last Name</b>	<b>Type</b>	<b>Intervenor</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Melissa	Kasnitz	Attorney	Disability Rights Advocates	\$420	2010/2011	\$420
Karla	Gilbride	Attorney	Disability Rights Advocates	\$200	2010	\$200
Karla	Gilbride	Attorney	Disability Rights Advocates	\$210	2011	\$205
Rebecca	Williford	Attorney	Disability Rights Advocates	\$150	2010	\$150
Rebecca	Williford	Attorney	Disability Rights Advocates	\$160	2011	\$150
Paralegal			Disability Rights Advocates	\$110	2010/2011	\$110
Summer Associate			Disability Rights Advocates	\$110	2010	\$110
Outreach Coordinator			Disability Rights Advocates	\$110	2010/2011	\$110

**(END OF APPENDIX B)**