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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U338E) for Approval of its 2012-2014 California Alternate Rates for Energy (CARE) and Energy Savings Assistance Programs and Budgets.

Application 11-05-017
(Filed May 16, 2011)

And Related Matters.

Application 11-05-018
Application 11-05-019
Application 11-05-020

ADMINISTRATIVE LAW JUDGE’S RULING ON GREEN FOR ALL’S SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

Customer: Green For All (GFA)	
Assigned Commissioner: Timothy Alan Simon	Assigned ALJ: Kimberly H. Kim

PART I: PROCEDURAL ISSUES

A. Status as “customer” (see Pub. Util. Code § 1802(b)): The party claims “customer” status because:	Applies
1. Category 1: Represents consumers, customers, or subscribers of any electrical, gas, telephone, telegraph, or water corporation that is subject to the jurisdiction of the Commission (§ 1802(b)(1)(A)).	
2. Category 2: Is a representative who has been authorized by a “customer” (§ 1802(b)(1)(B)).	
3. Category 3: Represents a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers, to represent “small commercial customers” (§ 1802(h)) who receive bundled electric service from an electrical corporation (§ 1802(b)(1)(C)),	X

or to represent another eligible group.	
<p>4. The party's explanation of its customer status, with any documentation (such as articles of incorporation or bylaws) that supports the party's "customer" status.</p> <p>Describe if you have any direct economic interest in outcomes of the proceeding.</p> <p>GFA states that it falls within the third category listed in Section 1802(b) because it is a representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers...." GFA has attached its March 2008 Articles of Incorporation to the Notice of Intent it filed in this proceeding. Article II (A) states that the corporation is a non-profit benefit corporation and is not organized for the private gain of any person and is organized under the Nonprofit Public Benefit Corporation Law for charitable purposes. Although GFA has not referenced the relative portion of its bylaws that authorizes it to represent without profit the interests of residential customers, Article II (B) states that the specific and primary purpose of the corporation is to engage in charitable activities within the meaning of Section 501 (c)(3) of the Internal Revenue Code of 1986.</p> <p>GFA states that it is a national non-profit organization with an interest in maximizing energy efficiency, with a particular focus on the participation of low-income residents in energy efficiency programs and practices that will help create stable energy services and a healthy California economy. GFA's supporters in California are purchasers of telecommunications and energy services from utilities in California. GFA states that it is uniquely positioned to represent low-income customers who are interested in energy efficiency and in minimizing the societal costs of providing reliable energy services throughout the state. GFA adds that its supporters are utility customers whom are concerned with the connection between workforce training and the delivery of high-quality energy efficiency services as well as maximizing access to energy efficiency while minimizing societal costs. As such, GFA submits that it represents utility customers whose concerns distinguish their interests from the interest of other organizations who have intervened in this case.</p> <p>According to GFA, it works in collaboration with the business, government, labor, and grassroots communities to improve the lives of all Americans through a clean energy economy by creating, advising and implementing programs that increase jobs and opportunities in the green industry, including the energy efficiency sector. Accordingly, GFA has no direct or immediate</p>	

interests in the Commission’s review and implementation of energy efficiency programs.	
B. Timely Filing of Notice of Intent (NOI) (§ 1804(a)(1)):	Applies
1 Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: September 6, 2011	No
2. Is the party’s NOI filed at another time (for example, because no Prehearing Conference was held, the proceeding will take less than 30 days, the schedule did not reasonably allow parties to identify issues within the timeframe normally permitted, or new issues have emerged)?	Yes
2a. The party’s description of the reasons for filing its NOI at this other time:	
2b. The party’s information on the proceeding number, date, and decision number for any Commission decision, Commissioner ruling, ALJ ruling, or other document authorizing the filing of NOI at this other time: GFA’s NOI was filed on November 14, 2011. GFA states that it received authorization to late-file its NOI in a November 14, 2011 email from ALJ Kim.	

PART II: SCOPE OF ANTICIPATED PARTICIPATION

A. Planned Participation (§ 1804(a)(2)(A)(i)):
<ul style="list-style-type: none"> The party’s statement of the issues on which it plans to participate. <p>In its August 1, 2011 prehearing statement, GFA states that it’s participation will focus on the following issues:</p> <ol style="list-style-type: none"> How the Commission and how the Investor Owned Utilities (IOUs) can improve and promote access to Energy Savings Assistance Program (ESAP) jobs for targeted low-income populations. This should include coordinating resources for training related to ESAP program needs; ensuring delivery of resources to the program; and implementing ESAP workforce education and training plans. How IOUs can support developing appropriate linkages with K-12 programs and coordinate with appropriate stakeholders (including

community colleges, adult education, and community based-organizations to create employment opportunities for low-income youth to jobs with visible career pathways in energy efficiency and related fields.

3. How IOUs will identify training opportunity and create career ladders for entry-level employees to move up in the career ladder as they increase their skill levels;

4. How IOU's will track job outcomes for workers employed by ESAP contractors.

In its NOI, GFA supports states that it supports an expansive procedural scope, which provides parties with opportunities to consider many issues that may impact the success of the California Alternate Rates for Energy (CARE) and Energy Savings Assistance (ESAP).

- The party's explanation as to how it plans to avoid duplication of effort with other parties and intervenors.

According to GFA, it is working with other intervenors, including NRDC and the CA housing Partnership to share information and minimize duplication. GFA also adds that it is working with multiple stakeholders in preparation for the preconference workshop. One objective of this stakeholder outreach is to identify interests and planned efforts of other parties in order to avoid duplication. GFA submits that its particular expertise in workforce development strategies and multi-family affordable housing efficiency programs is unique among other intervenors, which will help minimize duplication of efforts with other parties or intervenors.

- The party's description of the nature and extent of the party's planned participation in this proceeding (as far as it is possible to describe on the date this NOI is filed).

GFA states that it intends to fully participate in all aspects of the proceeding by attending the prehearing conferences, and offering to take the lead in facilitating a workshop on Workforce Education and Training. GFA is also prepared to participate by attending hearings, submitting testimony and filing comments and briefs as necessary. GFA assures the Commission that it will work with other intervenors and parties to ensure that this done efficiently and without redundancy where its testimony and

responses to other's positions may overlap.

B. The party's itemized estimate of the compensation that the party expects to request, based on the anticipated duration of the proceeding (§ 1804(a)(2)(A)(ii)):			
Item	Hours	Rate \$	Total \$
ATTORNEY, EXPERT, AND ADVOCATE FEES			
Jeremy Hays (Chief Strategist)	20	250	5,000
Kat Daniel (Program Manager)	160	125	20,000
Emily Gordon (Senior Associate)	125	100	12,625
			Subtotal: \$37,625
OTHER FEES			
Diana Frappier (Director of Finance and Adm.)	2	200	400
			Subtotal: \$ 400
COSTS			
Misc. Expenses (postage, copies, telephone, FAX)			1,000
			Subtotal: \$ 1,000
TOTAL ESTIMATE: \$39,025			
Estimated Budget by Issues: Failed to provide			
Comments: At the onset of this review, we note that GFA's anticipated hours are nearly double that of other intervenors whose scope of participation is similar.¹ We provide several admonitions to GFA, and for other intervenors, in the ALJ Ruling section of the form.			
Estimate may include estimated claim preparation time. Claim preparation and travel hours are typically compensated at ½ of preparer's normal hourly rate.			

¹ See National Housing Law Project's Notice of Intent to Claim compensation filed on October 11, 2011.

PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

A. The party claims “significant financial hardship” for its Claim for intervenor compensation in this proceeding on the following basis:	Applies
1. “[T]he customer cannot afford, without undue hardship, to pay the costs of effective participation, including advocate’s fees, expert witness fees, and other reasonable costs of participation” (§ 1802(g)); or	
2. “[I]n the case of a group or organization, the economic interest of the individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding” (§ 1802(g)).	X
3. A §1802(g) finding of significant financial hardship in another proceeding, made within one year prior to the commencement of this proceeding, created a rebuttable presumption of eligibility for compensation in this proceeding (§ 1804(b)(1)).	
ALJ ruling (or CPUC decision) issued in proceeding number: Date of ALJ ruling (or CPUC decision):	

B. The party’s explanation of the factual basis for its claim of “significant financial hardship” (§ 1802(g)) (necessary documentation, if warranted, is attached to the NOI):
<p>When compared to the costs of GFA’s participation in this proceeding, GFA states that the costs to ratepayers will far outweigh the benefits for any individual ratepayer. Since GFA is representing the interests of its supporters in California who are customers of utilities under the jurisdiction of the Commission, these customers share an interest in the environmental and economic impacts of this proceeding. GFA proffers that while some of these California-residents may eventually experience lower and/or more stable electricity bills because of its participation, that the economic interest represented by such a potential savings is small when compared to the expenses incurred by GFA to present its views in this proceeding.</p>

ADMINISTRATIVE LAW JUDGE RULING

	Applies
1. The Notice of Intent (NOI) is rejected for the following reasons:	
a. The NOI has not demonstrated the party's status as a "customer" for the following reason(s):	
b. The NOI has not demonstrated that the NOI was timely filed (Part I(B)) for the following reason(s):	
c. The NOI has not adequately described the scope of anticipated participation (Part II, above) for the following reason(s):	
2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).	X
3. The NOI has not demonstrated significant financial hardship for the following reason(s):	
The ALJ provides the following additional guidance (see § 1804(b)(2)): Currently 14 intervenors: Green For All, National Housing Law Project, Black Economic Council, Latino Business Chamber of Greater Los Angeles, National Asian American Coalition, San Francisco Community Power; National Consumer Law Center, Inc., Association of California Community and Energy Services, California Housing Partnership Corporation, Center for Accessible Technology, Natural Resources Defense Council, The Utility Reform Network, Brightline Defense Project and The Greenlining Institute have filed Notices of Intent to claim compensation in this proceeding. The combined estimated hours and costs associated with the intervention of these parties is \$756,450. This amount is staggering given a proceeding of this nature, especially considering the overlap in interests of Green for All, National Housing Law Project, Black Economic Council, Latino Business Chamber of Greater Los Angeles, National Asian American Coalition, San Francisco Community Power;	X

² See D.08-04-010 for guidance on this matter.

³ See D.08-04-010, Resolution ALJ-235, Resolution ALJ-247 and Resolution ALJ-267 for guidance in establishing reasonable hourly rates.

National Consumer Law Center, Inc., Association of California Community and Energy Services, California Housing Partnership Corporation, Center for Accessible Technology, Natural Resources Defense Council, The Utility Reform Network, Brightline Defense Project and The Greenlining Institute. I reiterate in this ruling that each intervenor will have the burden to demonstrate the reasonableness of the hours and costs it may ultimately claim for compensation and to demonstrate that its efforts were not unreasonably duplicative of internal efforts or the work of other parties. Part of the burden is that each intervenor must demonstrate that it has taken all reasonable steps to coordinate its participation with that of other similarly-interested parties. Each intervenor is responsible to understand the types of activities that are eligible for compensation and other policies regarding intervenor compensation, and to coordinate with other parties to minimize duplication of effort. Green For All, National Housing Law Project, Black Economic Council, Latino Business Chamber of Greater Los Angeles, National Asian American Coalition, San Francisco Community Power; National Consumer Law Center, Inc., Association of California Community and Energy Services, California Housing Partnership Corporation, Center for Accessible Technology, Natural Resources Defense Council, The Utility Reform Network, Brightline Defense Project and The Greenlining Institute are under an obligation to meet and confer with other parties likely to take the same or similar positions in this case and coordinate with other intervenors, and distinguish their participation from the work of other intervenors. Each intervenor prior to receiving an award of compensation, must comply with Pub. Util. Code §§ 1801-1812 and the Commission's regulations, which are to be "administered in a manner that encourages the effective and efficient participation of all groups that have a stake in the public utility regulation process," and "that avoids unproductive or unnecessary participation that duplicated the participation of similar interests otherwise adequately represented or participation that is not necessary for a fair determination of the proceeding."

<p>In addition, the reasonableness of the hourly rates² requested by all intervenors, including Green for All must be addressed in each filed claim for an award of compensation, should a substantial contribution be made.³ Finally, Rule 17.1(c) requires that all intervenors maintain and submit daily records of time and costs spent on each issue by participant on each issue for which an intervenor intends to request compensation.</p>	
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IT IS RULED that:

	Applies
1. The Notice of Intent is rejected.	
2. Additional guidance is provided to the customer as set forth above.	X
3. The customer has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	X
4. The customer has shown significant financial hardship.	X
5. The customer is preliminarily determined to be eligible for intervenor compensation in this proceeding. However, a finding of significant financial hardship in no way ensures compensation.	X

6. Green For All's claim if filed at a later date must comply with Pub. Util. Code §§ 1801-1812, in addition to Rule 17.1(c).	X
7. Green For All shall make every effort to avoid duplicating the efforts of other parties with similar interests.	X

Dated December 20, 2011, at San Francisco, California.

/s/ KIMBERLY H. KIM

Kimberly H. Kim
Administrative Law Judge