

Decision \_\_\_\_\_

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

Order Instituting Rulemaking for the Purpose of Reviewing and Potentially Amending General Order 156 and to Consider Other Measures to Promote Economic Efficiencies of an Expanded Supplier Base and to Examine the Composition of the Utilities' Workforce.

Rulemaking 09-07-027  
(Filed July 30, 2009)

**DECISION AWARDING INTERVENOR COMPENSATION TO THE  
GREENLINING INSTITUTE FOR SUBSTANTIAL CONTRIBUTION  
TO DECISION 11-05-019**

<b>Claimant: The Greenlining Institute (Greenlining)</b>	<b>For contribution to Decision (D.)11-05-019</b>
<b>Claimed: \$22,608.50</b>	<b>Awarded: \$18,208 (reduced 20%)</b>
<b>Assigned Commissioner: Michael R. Peevey</b>	<b>Assigned ALJ: Melanie M. Darling</b>

**PART I: PROCEDURAL ISSUES**

**A. Brief Description of Decision:** This decision makes several amendments to General Order (GO) 156, some as a result of the proceeding and some to implement Assembly Bill (AB) 2758. The decision also sets forth findings, recommendations, and best practices regarding utility supplier diversity programs, the role of community based organizations (CBOs), and the Supplier Clearinghouse.

**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 to claim compensation (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	February 19, 2010	Correct
2. Other Specified Date for NOI:	April 30, 2010	Correct
3. Date NOI Filed:	April 30, 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:	R.09-07-027	Correct
6. Date of ALJ ruling:	July 6, 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.06-12-009	Correct
10. Date of ALJ ruling:	December 17, 2009	Correct-- A rebuttable presumption pursuant to §1804(b)(1) is applied to Greenlining’s participation here, as a substantive finding on significant financial hardship (referenced above) was issued within a year of the commencement of this proceeding.
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.11-05-019	Correct
14. Date of Issuance of Final Decision:	May 6, 2011	Correct
15. File date of compensation request:	July 5, 2011	Correct
16. Was the request for compensation timely?		Yes

**PART II: SUBSTANTIAL CONTRIBUTION**

**A. Claimant’s claimed contribution to the final decision:**

<b>Contribution</b>	<b>Citation to Decision or Record</b>	<b>Showing Accepted by CPUC</b>
<p><b>A. Technical Assistance (TA)</b></p> <p>To maximize the utility and impact of any workshops or seminars utilities or the Commission may conduct, Greenlining recommended that they should be recorded and made available as webinars, both live and archived for future use, where it makes sense to do so. <i>Opening Comments on Barriers to Entry Workshop Report, pp. 4-5.</i></p> <p>Greenlining advocated for the Clearinghouse website as a repository for archived technical assistance and supplier development resources. <i>Reply Comments on Barriers to Entry Workshop Report, p. 3.</i></p> <p>Greenlining recommended that utilities coordinate in providing basic, common technical assistance together, to maximize their resources and avoid duplication between the several companies’ efforts. We recommended that these be developed in consultation with DBE representatives, to best determine need and tailor programs to it, and that the programs contain a strong sustainability component, as “green” has become a strong selling point for competitive suppliers. <i>Comments on En Banc, pp. 7-8.</i></p> <p>Greenlining generally supported the</p>	<p>Technical assistance, along with capacity building, was a hot topic throughout the proceeding, as described on page 14 of D.11-05-019.</p> <p>The Decision adopted Greenlining’s recommendation that the Clearinghouse website be expanded to include technical assistance and other reference and training material. <i>p. 58-59.</i></p> <p>The Decision notes Greenlining’s recommendation that the utilities consult with CBOs in designing their TA programs, and that they coordinate to avoid duplication of efforts between them. <i>p. 17.</i></p> <p>The Decision gave extensive</p>	<p>We limit Greenlining’s contribution in this area only to its recommendation that the Clearinghouse website be expanded to include technical assistance and other reference and training materials.</p> <p>In all other matters the decision acknowledged that there was “broad agreement among parties as to the necessity of expanding technical assistance, but no record was developed to support that any particular amount of funding for TA is sufficient or appropriate for all utilities.”<sup>1</sup></p> <p>The Decision declined to order a specific amount or percentage, of procurement spend to be directed towards an element of a</p>

<sup>1</sup> D.09-07-027 at 22

<p>Joint Utilities’ Technical Assistance Proposal as a starting point, but recommended several changes to improve its reach, reliability, and effectiveness. <i>Opening Comments on the PD, pp. 11-12.</i></p>	<p>commentary on the three Technical Assistance proposals submitted by various parties, and discussed Greenlining’s responses to them. The Decision agrees with Greenlining in part and disagrees in other parts. <i>pp. 19-24.</i></p>	<p>utility’s supplier diversity program.</p> <p>We disallow 75% of the time Greenlining spent on this issue.</p>
<p><b>B. Goals &amp; Reporting</b></p> <p><u>Goals</u></p> <p>Greenlining submitted that GO 156’s goals should increase incrementally until population parity is reached. Specifically, Greenlining recommended a 25% goal for minority business enterprises (MBEs) and 10% for women business enterprises (WBEs), and demonstrated the attainability of these goals. <i>Response and Opening Comments, pp. 9-10; Reply Comments on the OIR, pp. 4-7; Opening Comments on the PD, pp. 2-4; Reply Comments on the PD, p. 1.</i></p> <p>Greenlining recommended that the utilities set supplier diversity goals for their first tier professional service providers, as a means of improving overall performance and of addressing underutilization in professional service procurement categories. <i>Response and Opening Comments, p. 5; Reply Comments on Underutilized Areas Workshop Report, pp. 5-6; Opening Comments on the Proposed Decision (PD), p. 4; Reply Comments on the PD, p. 1.</i></p> <p>Greenlining stated that diversity goals must be applied to “green” contracts,</p>	<p>The Decision declined to adopt any specific new goals, but did strongly encourage each reporting company to set its own voluntary goals, be they in the aggregate, for specific categories or demographic groups, or both. The utilities are to include these new goals in their next annual reports, and they will be reviewed at the next <i>en banc</i>. <i>pp. 28-30, 31; Finding of Fact (FOF) 6.</i></p> <p>The Decision adopts new reporting requirements to</p>	<p>We make no reductions to Greenlining’s claim for time spent on this issue. Greenlining’s participation provided information and argument that allowed the Commission to consider the full range of positions, thereby assisting the Commission’s informed judgment based on a more complete record.</p>

<p>including renewable energy, energy efficiency, and smart grid. <i>Response and Opening Comments, p. 16; Opening Comments on the PD, p. 4.</i></p> <p><u>Reporting</u></p> <p>Greenlining submitted that the Commission should begin to track electric procurement, as a means of capturing the purchase of renewable energy, as it had done previously for natural gas. <i>Response and Opening Comments, pp. 3-4; Comments on En Banc, pp. 9-10; Opening Comments on the PD, p. 4.</i></p> <p>Greenlining suggested amendments to GO 156 that would include in annual reporting on how much business the utilities were doing with diverse businesses located in California, noting that keeping business in California keeps the state’s economy and the utilities’ customer bases strong and solvent. We provided detailed feedback on the means by which the Commission proposed to implement AB 2785’s reporting focus on California-based businesses. <i>Response and Opening Comments, pp. 19-21; Reply Comments on the OIR, p. 7; Comments on En Banc, p. 11; Opening Comments on the PD, p. 4, 5; Reply Comments on the PD, p. 3.</i></p> <p>Greenlining also suggested that the Commission begin to track the number of diverse contractors with which the utilities contract, in addition to the dollar amounts currently tracked, to assess concentration in diverse supplier pools. <i>Comments on En Banc, pp. 10-11; Opening Comments on the PD, p. 4; Reply Comments on the PD, p. 2.</i></p>	<p>summarize spend in renewable energy and smart grid, among other categories. <i>p. 32, 34.</i> The Decision notes in discussion Greenlining’s contributions in this area. <i>pp. 34-35.</i></p> <p>The Decision adopts a separate line item report on electric procurement spend. <i>p. 31; FOF 8; Conclusion of Law (COL) 2.</i></p> <p>Via AB 2758, reporting companies must disclose the number of reported contracts in which the supplier has a majority or more of its workforce in California, and the decision adopts changes in accordance with it. <i>p. 32, 34; FOF 11; COL 4.</i></p> <p>The Decision adopted a reporting requirement to track the number of WMDVBEs receiving direct spend during the reporting period. <i>p. 31, 32, 34; FOF 9; COL 3.</i></p>	
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<p>Greenlining submitted that GO 156 should be expanded to include cable and wireless. <i>Response and Opening Comments, pp. 3-4; Opening Comments on the PD, p. 4.</i></p> <p>Greenlining recommended that the Commission pursue MOUs with cable companies not jurisdictionally subject to GO 156. <i>Comments on the En Banc, pp. 3-5; Opening Comments on the PD, pp. 6-7.</i></p> <p>Greenlining argued that exclusions should not be reinstated in any categories. <i>Comments on Interim Steps, p. 5; Reply Comments on Underutilized Areas Workshop Report, pp. 7-8.</i></p> <p>Greenlining recommended that the Commission audit one or two reports annually, chosen at random, to ensure thorough and accurate reporting. <i>Opening Comments on Barriers to Entry Workshop Report, p. 2; Reply Comments to Rebuttal Remarks of Reporting Companies, section C.</i></p> <p>Greenlining also advocated for an RFP appeals process available to bidders who felt they were unfairly treated. <i>Reply Comments to Rebuttal Remarks of Reporting Companies, section D.</i></p>	<p>Via AB 2758, wireless providers are now formally included in GO 156, and the decision adopts changes in accordance with it. <i>p. 32, 34; FOF 11; COL 4.</i> The Decision notes in discussion Greenlining’s contributions in this area. <i>pp. 34-35.</i></p> <p>The Decision declines to exclude any categories from reporting. <i>p. 33.</i></p> <p>The Decision institutes at least one random audit every two years. <i>p. 31, 33-34; FOF 10; COL 6, Ordering Paragraph (OP) 3.</i></p>	
<p><b>C. Prime Suppliers and Prime Supplier Programs</b></p> <p>Greenlining submitted that the utilities should set supplier diversity goals for their prime suppliers, particularly in the professional service sectors.</p> <p>Greenlining noted that the work given to professional service subcontractors cannot be merely low-level tasks, but rather a meaningful opportunity to enter</p>	<p>The Decision generally supported activities by all parties to increase prime supplier participation in utility supplier diversity programs.</p>	<p>We disagree with Greenlining’s claimed contribution. D.09-07-027 at 39 states that “there was insufficient information in the</p>

<p>the industry and demonstrate quality work to the client. <i>Response and Opening Comments, p. 5; Comments on Underutilized Areas Workshop, pp. 2-3.</i></p> <p>Greenlining provided detailed commentary on best practices for prime supplier programs, noting that the best are “high-touch” and coordinated across industries, so that potential suppliers know that they must have strong supplier diversity programs of their own if they want to win a contract with <i>any</i> California utility in that industry. Greenlining recommended that the utilities develop common parameters and metrics for their prime supplier programs, to maximize their impact through solidarity. <i>Reply Comments on Underutilized Areas Workshop Report, pp. 4-5.</i></p> <p>Greenlining described the economic growth potential of supplier diversity in “green” contracts, and submitted that now is the right time to begin engaging green technology companies in utility supplier diversity programs. <i>Response and Opening Comments, pp. 16-18; Opening Comments on the PD, pp. 12-13.</i> Greenlining noted key developments in this area, in AB 2758 and the Commission’s smart grid decision, both of which extended supplier diversity principles into green technology sectors. <i>Comments on En Banc, p. 7.</i></p>	<p>The Decision recommended workshops and networking-model events to further develop relationships and supplier diversity buy-in with prime suppliers, but declined to make specific recommendations regarding “green” primes. However, the decision did adopt a requirement to report electric procurement spend, an increasing quantity of which is being done with renewable energy companies. Since the decision the Commission has held a workshop on GO 156 and electric procurement, a substantial component of which will involve renewable energy companies and related industries.</p>	<p>record about other recommendations related to primes.” As a result, although Greenlining recommended bringing renewable energy providers into prime supplier programs, that this issue was unexplored during the proceeding and as a result, the Commission was not able to thoughtfully evaluate these proposals at this time.”<sup>2</sup></p> <p>We disallow all of Greenlining’s time spent on this issue.</p>
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<sup>2</sup> D.09-07-027 at 39.

	<p>Greenlining advocated for electric procurement reporting under GO 156, as described herein, and these two arguments overlap substantially, since renewable energy companies are prime suppliers for the energy utilities. <i>p. 39.</i></p>	
<p><b>D. Underutilized Areas</b></p> <p>Greenlining provided several suggestions at the outset of the proceeding for how to address the problem of imbalance between procurement categories, which results in some categories being drastically underutilized. These suggestions included diverse subcontracting goals for professional service providers, opportunities for smaller minority-owned firms resulting from the economic downturn, unbundling contracts, and investments in professional service pipeline programs. <i>Response and Opening Comments, pp. 5-6.</i></p> <p>Greenlining provided comprehensive comments on the Staff’s workshop on Underutilized Areas, on the importance of relationship building, mentorship, prime contractor programs, transparency of bid opportunities, and industry-specific workshops in which the Commission should play a leading role. <i>Comments on Underutilized Areas Workshop.</i> In Reply Comments, we provided analysis and counterargument on issues of unbundling large contracts, best practices for prime supplier programs, specific goals for underutilized areas, and whether to reinstate exclusions in reporting. <i>Reply Comments on Underutilized Areas Workshop Report.</i></p> <p>Underutilized areas were also a key</p>	<p>The decision noted that the Staff Workshop Report on Underutilized Areas recommended workshops and voluntary goals for specific underutilized areas. It goes on to note that Greenlining also made and supported these recommendations. <i>p. 41.</i></p> <p>Generally, the decision advised reporting utilities to continue best practices, and to share information on best practices. The decision accepted several requests by both utility and CBO parties to co-host networking events, workshops, and other events that will help reporting industries progress in underutilized areas. <i>p. 41-44; FOF 13.</i></p>	<p>We agree with Greenlining’s contribution on this issue.</p>

<p>discussion point at the 2010 <i>en banc</i> hearing, with specific focus on minority media, real estate, and customer deposits that could potentially be deposited in minority-owned and community banks. Greenlining commented extensively on these issues. <i>Comments on En Banc, pp. 5-7.</i></p>		
<p><b>E. Barriers to Competing</b></p> <p>Greenlining made several recommendations in its opening comments on how to remove or reduce barriers to competing, in both underutilized categories as well as generally. These included increased transparency and better communication about bidding opportunities, more effective technical assistance and capacity building, and simplifying the certification process for small contracts. <i>Response and Opening Comments, pp. 7-8.</i></p> <p>Greenlining filed Opening and Reply Comments on the Barriers to Entry Workshop Report. In Opening Comments, we discussed the need for relationship building opportunities with key line of business decision makers; the value of Commission audits of annual reports; public notice of bid opportunities; ways to maximize the benefits of workshops and seminars conducted by utilities, chambers, and/or the Commission; and the advice successful DBEs could potentially provide to those still competing for their first utility contract. <i>Opening Comments on Barriers to Entry Workshop Report.</i></p> <p>In Reply Comments, Greenlining addressed the proposed expansion of the Clearinghouse’s role and capacity, and the establishment of a diverse</p>	<p>The decision recognized several barriers identified during the proceeding, and recommended that the utilities and CBOs continue to work together to make utility practices more small business-friendly, such as prompt pay provisions and flexible bond requirements. <i>p. 46-47; FOF 15.</i></p> <p>The decision further recommended that CBOs host workshops on access to credit and capital, and that staff work with CBOs and utilities to host a workshop on cost effective options for small business insurance. <i>p. 47-48; FOF 16.</i></p>	<p>We agree with Greenlining’s contribution on this issue.</p>

<p>supplier One Stop Shop for technical assistance, bid opportunities, and related information. <i>Reply Comments on the Barriers to Entry Workshop Report.</i></p>		
<p><b>F. Capacity Building</b></p> <p>Greenlining raised the issue of unbundling contracts, and by doing so creating more opportunities for new firms, at the outset of the proceeding. This was emphasized for professional service contracts. We addressed several concerns raised by the utilities, and recommended that the Commission recognize unbundling as a best practice. <i>Response and Opening Comments, p. 6; Reply Comments on Underutilized Areas Workshop Report, pp. 2-3; Reply Comments to Rebuttal Remarks of Reporting Companies, section E.</i></p> <p>Greenlining further noted that many businesses benefit substantially from capacity building when it is done right, which involves mentorship and specific assistance in building the right relationships. Greenlining emphasized the role business chambers can play in providing much of this mentorship, but noted that the utilities must work with the chambers in order to best maximize benefits both to the utility and to diverse businesses. <i>Response and Opening Comments, pp. 7-8.</i></p> <p>Noting that the businesses with the best relationships with utilities and their line of business decision makers are most likely to win contracts, Greenlining identified utility best practices that help diverse businesses build these relationships. <i>Comments on Interim Steps, p. 4; Opening Comments on Barriers to Entry Workshop Report, pp.</i></p>	<p>The decision discussed unbundling in some detail, and advocated that the utilities, CBOs, and diverse business representatives continue to current best practices, and seek out further opportunities to unbundle contracts, build stronger relationships, and other practices that will reduce barriers to entry. <i>p. 48-50; FOF 17.</i></p> <p>The Decision acknowledged the great benefit of mentorship to a small business, and encourages all utilities to develop and strengthen their mentorship programs. The Decision recommended that CBOs and utilities host mentor-matchmaking events to connect large and small suppliers. <i>p. 50-52; FOF 19, 21.</i></p>	<p>We agree with Greenlining’s contribution on this issue.</p>

<p>1-2.</p> <p>Greenlining noted the potential benefit of asking successful DBE suppliers to share advice and feedback with those still working toward their first utility contract, as a means of mentoring these market entrants. <i>Opening Comments on Barriers to Entry Workshop Report, p. 5.</i></p>		
<p><b>G. Transparency and the Bid Process</b></p> <p>Greenlining noted that simply not knowing about a bid opportunity is still a significant barrier to participation, and advocated that the proceeding should scrutinize the utilities’ existing practices for RFP notification, and require the utilities to improve transparency of bid opportunities. Greenlining discussed in depth the merits and potential disadvantages of publicly noticing bid opportunities, advocating for as much transparency and advance notice as possible. <i>Response and Opening Comments, p. 7; Comments on Underutilized Areas Workshop, p. 3; Opening Comments on Barriers to Entry Workshop Report, pp. 2-4; Reply Comments on Barriers to Entry Workshop Report, pp. 4-5.</i></p>	<p>The decision reviewed the many positions taken on the issue of public bid notifications, but agreed that these are individual business decisions. As such, it recommended that utilities post information on their websites about bidding opportunities as early as possible, when possible, and to work with CBOs and other parties to make other improvements in this area. <i>p. 52-55; FOF 22, 30.</i></p>	<p>We agree with Greenlining’s contribution on this issue.</p>
<p><b>H. Supplier Clearinghouse</b></p> <p>The role of the Clearinghouse was discussed in earnest at the Barriers to Entry workshop, and in the comments that followed it. Greenlining supported the Staff Report’s proposed expansion of the Clearinghouse’s role and capacity, and addressed several of the utilities’ concerns about it. <i>Reply Comments on Barriers to Entry Workshop Report, pp. 2-5; Reply Comments to Rebuttal Remarks of Reporting Companies, section B.</i></p>	<p>The Decision supports the proposed expansion of the Clearinghouse’s capabilities, including more detailed profile information about certified businesses, a central calendar, technical assistance and other training and reference materials. <i>p. 56-59; FOF 26, 27, 28.</i></p>	<p>We agree with Greenlining’s contribution on this issue.</p>

<p>Greenlining supported the proposal that the Clearinghouse collect information on workforce located in California as part of its data on certified diverse suppliers, to support the utilities’ California-based business reporting requirement. <i>Reply Comments on the PD, p. 3.</i></p>	<p>The Decision delegates the collection of information on workforce location, to track those located in California, to the Clearinghouse. <i>p. 36, 60-61; FOF 29.</i></p>	
<p><b>I. The Roles of CBOs and the Commission</b></p> <p>Greenlining noted that not only will working with CBOs help the utilities create and provide appropriate technical assistance and capacity building to help diversify their supplier pools, but CBOs also offer valuable insight into diverse communities, which can help the utilities better serve these communities in all areas of their work. <i>Response and Opening Comments, pp. 3-4.</i></p> <p>Greenlining submitted that Commission engagement is essential for further progress. <i>Reply Comments on the OIR, p. 8; Comments on Interim Steps, p. 5; Opening Comments on the PD, pp. 10-11; Reply Comments on the PD, pp. 1-2, 4-5.</i> With respect to matchmaking and networking events, key prime contractors are much more likely to attend an event sponsored and attended by Commissioners and key staff. Good turnout among primes is critical to connecting potential subprimes to these primes, as well as to help primes understand the value of supplier</p>	<p>The Decision notes that CBOs can provide valuable assistance to the utilities in improving their diverse supplier base, and urge the utilities and CBOs to work more closely together. Specifically the Decision noted that CBOs should work to bring in more certified businesses, work with utilities to make technical assistance and capacity building more effective, and to coordinate with each other where possible. <i>pp. 30-31, 61-63; FOF 31, 32, 33.</i></p> <p>In discussion of Underutilized Areas, the decision agreed that the Commission will co-host, with utilities and CBOs, networking events, best practice workshops, and other events designed to improve spend in underutilized areas. <i>p. 44.</i></p>	<p>We agree with Greenlining’s contribution on this issue.</p>

<p>diversity. <i>Comments on Underutilized Areas Workshop, p. 4.</i></p> <p>Greenlining recommended that the Commission’s annual <i>en banc</i> hearing be codified formally in GO 156. <i>Comments on En Banc, p. 9; Opening Comments on the PD, pp. 7-8.</i></p>	<p>The Decision amends GO 156 to require <i>en banc</i> hearings annually. <i>p. 64; FOF 35; COL 7.</i></p>	
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**B. Duplication of Effort (§§ 1801.3(f) & 1802.5):**

Claimant		CPUC Verified
<p><b>a. Was the Division of Ratepayer Advocates (DRA) a party to the proceeding?</b></p>	<p>No</p>	<p>Correct</p>
<p><b>b. Were there other parties to the proceeding?</b></p>	<p>Yes</p>	<p>Correct</p>
<p><b>c. If so, provide names of other parties:</b></p> <p>Cabrera Capital Markets, LLC; NV Energy; San Diego Gas &amp; Electric Company; Southern California Gas Company; Latino Business Chamber of Greater Los Angeles; Cadence Leasing, Inc.; Suburban Water Systems; Southern California Edison Company; Elite Service Disabled Veterans Business Enterprise Alliance; Elite SDVOB Network; National Asian American Coalition (formerly Mabuhay Alliance); California Water Association; Pacific Gas &amp; Electric Company; Sprint Nextel; TW Telecom of California, LP; CTIA – The Wireless Association; Wild Goose Storage; CalTel; Verizon California, Inc.; Verizon Business; Gray Greer Shelby &amp; Vaughn, LLC; Disability Rights Advocates; California Hispanic Chambers of Commerce; California Asian Pacific Chamber of Commerce; California Department of Veterans Affairs; Qwest Communications Company, LLC; Southwest Gas Corporation; GEM Communications; American Indian Chamber of Commerce of California; Park Water Company; Southern California Edison Company; Golden State Water Company; Utility Workers Union of America, AFL-CIO; Coalition of California Utility Employees; AT&amp;T California; Cox California Telecom, LLC; Cox TMI Wireless, LLC; SureWest Telephone; California Pacific Electric Company, LLC; CBeyond Communications, LLC; Black Economic Council; Disabled Veterans Business Enterprise Alliance; Pacificorp.</p>		<p>Correct</p>
<p><b>d. Claimant’s description of how it worked with other parties to avoid duplication or claimant’s participation supplemented, complemented, or contributed to that of another party:</b></p>		<p>We make no reductions to Greenlining’s claim</p>

<p>Though DRA was not a party to this proceeding, and this proceeding did not deal with consumer issues, the parties representing diverse businesses generally worked together to avoid duplication of efforts. For example, Final Oral Argument in this proceeding involved a joint presentation by DBE representatives, which allocated certain topics to each representative based on areas of expertise and the areas each party focused on during the proceeding. Where parties each addressed different topics, the parties almost always differed in their positions, allowing for a robust debate without duplication. For example, technical assistance was a major area of focus, and even among the DBE representatives, the parties’ positions differed widely. There were attempts by parties to bring together consensus where possible, but even where such efforts did not succeed, the discussion served to ensure that no parties were duplicating the efforts of another.</p> <p>Further, Greenlining collaborated not only with DBE representatives, but with the larger utility participants as well. For example, Greenlining met with supplier diversity staff from all of the large reporting utilities, to discuss the results and content of their GO 156 annual filings. This was a research effort that helped Greenlining learn what was working and what was not at each of the utilities. This effort helped us present suggestions on the record regarding best practices, and commentary intended to help the Commission better understand how supplier diversity programs actually work. Greenlining also discussed supplier diversity and working relationships with the utilities with its coalition members, many of whom are ethnic chambers of commerce and small business development organizations, throughout the proceeding.</p>	<p>for unnecessary duplication of effort. Greenlining’s timesheets indicate that it coordinated its efforts with other parties.</p>
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**C. Additional Comments on Part II:**

#	Claimant	CPUC	Comment
Part II(A)	X		<p>The categories above, which mirror how Greenlining staff recorded time for this proceeding, match the organization and content of the final decision in this proceeding. However, there is substantial overlap between the categories. For example, unbundling large contracts and mentorship assistance are sub-headings in the final decision under “Capacity Building,” but they are also solutions to problems identified under “Barriers to Competing.” Similarly, items included under “Transparency of Procurement and the Bid Process,” can also constitute Barriers to Competing. As such, there is time discussing certain topics that could easily have been properly categorized in multiple of the above categories. Greenlining has put forth its best effort in categorizing its arguments, above, and its time in the attached records. No time has been duplicated, and where there</p>

			were multiple categories under which certain time could have been properly recorded, Greenlining chose one category only.
Part II(A)	X		In addition to the above-described positions taken in filings, Greenlining also participated in all workshops, final oral argument, and the <i>en banc</i> hearing.
Part II(A)	X		Greenlining’s recorded time reflects attendance at certain events – workshops, the en banc, meetings with utility supplier diversity staff – by both Ms. Chen and Mr. Kang. There are two primary reasons why two staff attended these events. First, supplier diversity in all industries is a key issue area for Greenlining, and has been since the organization’s inception. As such, it required the attention of the Managing Attorney, Mr. Kang. The details of the proceeding, however, including research and writing Greenlining’s filings, were handled by Ms. Chen. At the beginning of the proceeding, Ms. Chen was a Legal Fellow, and thus relatively new to Commission procedure, the issue of supplier diversity (as compared to the depth in which it was discussed in this proceeding), and the legal profession in general. As such, Mr. Kang played a more active supervisory role. As the proceeding went on and Ms. Chen gained experience and independence within the organization (including a full time management staff position), Mr. Kang’s role diminished, as is reflected in Greenlining’s recorded time. Mr. Kang’s last significant recorded time in this proceeding was at the <i>en banc</i> hearing, in which he was a scheduled participant.
Part II(A)	X		As noted above, the Commission chose not to adopt certain aspects of Greenlining’s position. Even where the Commission did not ultimately agree with Greenlining’s position, the availability of alternatives for consideration provided a more full, robust debate on the issues at hand. This range of options and perspectives allows the Commission to reach a sound, well reasoned decision, and thus constitutes a substantial contribution to the record and the decision-making process.

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

<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>	<b>CPUC Verified</b>
It is difficult to assign a precise dollar value to Greenlining’s participation, particularly in a non-traditional policymaking proceeding such as this, where the focus of the proceeding is on policy rather than dollars and cents. The sheer dollar value to utility customers depends on the degree of savings the utilities can achieve by diversifying their supplier pools, thereby increasing competition and driving down prices across their supply	After the adjustments and disallowances we make to Greenlining’s claim, the remaining hours and costs are reasonable and

<p>chains.</p> <p>There is also a dollar value of benefits to communities supporting, and supported by, diverse businesses. Diversifying the supply chain helps to spread out the economic benefits of the business utilities conduct across a greater number of suppliers and communities. This results in local and statewide economic stimulus and job creation, particularly in communities of color, where the predominant employers are small and mid-sized businesses. When combined, ratepayer savings along with these economic benefits are likely to be vastly greater than the cost of Greenlining’s participation in the proceeding.</p>	<p>beneficial to ratepayers and should be compensated.</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 \$
S. Chen	2009	39.8	125	D.10-10-013	4,975.00	2009 2010	65.8 <sup>3</sup>	125	8,225
This hours listed here include Chen’s reallocated hours from 3/1/10 through 8/5/10 when she was a legal fellow									
S. Chen	2010	49.9 <sup>4</sup>	185	D.10-10-013	9,231.50	2010	14.3	185	2,646
These hours exclude Chen’s time as a legal fellow which have been re-allocated. See explanation in Part III, Section C									
S. Chen	2011	7.3	220	Adopted here <sup>5</sup>	1,606.00	2011	5.7	185	1,055
S. Kang	2009	8.0	190	D.09-11-031	1,520.00	2009	6.7	190	1,273
S. Kang	2010	16.6	220	D.11-01-023	3,652.00	2010	16.6	220	3,652
<b>Subtotal: \$20,984.50</b>						<b>Subtotal: \$16,851</b>			
<b>OTHER FEES: Travel<sup>6</sup></b>									

<sup>3</sup> The hours listed here include Chen’s re-allocated hours from 3/1/10 through 8/5/10 when she was a legal fellow.

<sup>4</sup> We reallocate 35.6 of Chen’s time as a legal fellow to the correct area of the form where these hours are compensated at an hourly rate of \$125, and re-calculate the remaining 2011 hours which are compensated at an hourly rate of \$185 for Chen’s time as an attorney. See Part III, Section C.

<sup>5</sup> See Part III, Section C.

<sup>6</sup> The hours listed here are for Chen and Kang’s roundtrip travel to Southern California on May 5, 2010 to attend an Underutilized Areas workshop.

Item	Year	Hours	Rate \$	Rate Rationale	Total \$	Year	Hours	Rate \$	Total \$
S. Chen	2010	4.0	92.50	½ D.10-10-013 rate	370.00	2010	4.0	62.50	250
S. Kang	2010	3.0	110	½ D.11-01-023 rate	330.00	2010	3.0	110	330
<b>Subtotal: \$700.00</b>						<b>Subtotal: \$580</b>			
INTERVENOR COMPENSATION CLAIM PREPARATION **									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
S. Chen	2011	8.4	110	½ rate adopted here	924.00	2011	8.4	92.50	777
<b>Subtotal: \$924.00</b>						<b>Subtotal: \$777</b>			
<b>TOTAL REQUEST: \$22,608.50</b>						<b>TOTAL AWARD: \$18,208<sup>7</sup></b>			
<p>*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. 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.</p> <p>**Reasonable claim preparation time typically compensated at ½ of preparer's normal hourly rate.</p>									

### C. CPUC Adoptions and Disallowances:

Item	Adoptions
2011 Chen hourly rates	<p>Greenlining requests a 2011 hourly rate of \$220 for Chen's work in this proceeding. If approved, this would represent an increase of \$35 an hour over her previously approved 2010 rate of \$185 in D.10-10-013. In support of this request, Greenlining argues that Chen has four years of experience appearing before the Commission in a variety of proceedings, including general rate cases, and that her level of experience is equal to its attorney Kang, who received this same rate in 2010 in D.11-01-023. Although Greenlining argues that Resolution (Res.) ALJ-267 provides a range of \$200-\$235 for attorneys with 3-4 years of experience, this argument has no merit, as Chen was not admitted to the State Bar of California until 8-23-10. Chen worked on this proceeding from 8-14-09 through 5-1-11. Greenlining records and bills her entire 2010 hours as legal council. In D.11-06-014 we stated: "[i]n September of 2009, Chen became a legal counsel; however, she was not licensed to practice until August of 2010.<sup>8</sup> Therefore, the Commission rate range for attorneys<sup>9</sup> does not apply to Chen's work in this proceeding." Here, we compensate Chen's work from 8/14/09 through 8/5/10 as a legal fellow, at the rate of \$125. For the remainder of Chen's</p>

<sup>7</sup> Rounded to nearest dollar amount.

<sup>8</sup> Information about admission to attorney practice was obtained from the California State Bar Association's website, at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

<sup>9</sup> D.08-04-010 at 5.

	hours billed from 10/12/10 through 5/1/11 we apply the hourly rate of \$185 as an attorney with 1 year of experience. This rate was previously approved for Chen's 2010 work in D.10-10-013. We will not consider a rate increase for Chen's work in other proceedings unless that work is performed after 8/23/11, when she moves into her second year as an attorney. We remind Greenlining that future claims must separate Chen's work as legal fellow from her work conducted after she became licensed to practice law in California. Failure to do so will be considered a deceptive practice and subject to a similar sanction proposed in D.10-10-30. <sup>10</sup>
Items	Disallowances
Hours related to efforts on Technical Assistance	For reasons outlined in Part II, Section A, we disallow 75% of Greenlining's time spent of Technical Assistance matters for failing to provide a substantial contribution to D.11-05-019  <b>Disallowances: (2009 Chen 1.7 hrs, 2010 Chen (legal fellow) .6 hrs; 2011 .5 hrs) (2009 Kang .7 hrs)</b>
Hours related to efforts on Prime Suppliers and Prime Supplier Programs	For reasons outlined in Part II, Section A, we disallow 100% of Greenlining's time spent of Prime Suppliers and Prime Supplier Program matters for failing to provide a substantial contribution to D.11-05-019 <b>Disallowances: (2009 Chen 2.2 hrs, 2010 Chen (legal Fellow) 1.7 hrs; 2011 Chen .6 hrs)</b>
General hours	We reduce Greenlining's time spent on "General" matters to be equally proportionate to the amount of hours we have disallowed above. (2009-Chen 10%, 2010-Chen (legal fellow) 5%, 2011-Chen 15% and 2009 Kang-9%)  <b>Disallowances: (2009 Chen 2.17 hrs, 2010 Chen (legal fellow) 1.25 hrs, 2011 Chen .5 hrs, 2009 Kang .6 hrs)</b>

#### PART IV: OPPOSITIONS AND COMMENTS

**A. Opposition: Did any party oppose the claim?**

No

**B. Comment Period: Was the 30-day comment period waived?**

Yes

<sup>10</sup> In D.10-10-030, we advise another intervenor that we would deduct from any future award a sanction based on the following formula:  $S=(X-Y)H$  where S= \$Sanction, X= \$/hour improperly requested, Y= \$/hour most recently approved, H= hours claimed.

**FINDINGS OF FACT**

1. Claimant has made a substantial contribution to Decision (D.)11-05-019.
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 \$18,208.

**CONCLUSION OF LAW**

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

**ORDER**

1. Claimant is awarded \$18,208.
2. Within 30 days of the effective date of this decision, The CPUC Intervenor Compensation Fund shall pay claimant 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 September 18, 2011, the 75<sup>th</sup> day after the filing of claimant'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 \_\_\_\_\_, at San Francisco, California.

## APPENDIX

## Compensation Decision Summary Information

<b>Compensation Decision:</b>		<b>Modifies Decision?</b> No
<b>Contribution Decision:</b>	D1105019	
<b>Proceeding:</b>	R0907027	
<b>Author:</b>	ALJ Melanie M. Darling	
<b>Payer:</b>	The CPUC Intervenor Compensation Fund	

## Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Greenlining Institute	07-05-11	\$22,608.50	\$18,208	No	adjusted hourly rates, lack of substantial contribution

## Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Stephanie	Chen	Attorney	The Greenlining Institute	\$125/\$185	2009/2010	\$125/\$125
Compensation in this category includes Chen's professional and travel hours between 8/14/09 and 8/5/10 when Chen was not licensed to practice law in California.						
Stephanie	Chen	Attorney	The Greenlining Institute	\$185/\$220	2010/2011	\$185/\$185
Compensation in this category includes Chen's attorney hours between 10/12/10 through 5/1/11 and time spent on compensation matters between 6/27/11 through 7/4/11 which are compensated at 1/2 professional rate.						
Samuel	Kang	Attorney	The Greenlining Institute	\$190	2009	\$190
Samuel	Kang	Attorney	The Greenlining Institute	\$220	2010	\$220

(END OF APPENDIX)