

Decision 09-10-025 October 15, 2009

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

Application of SOUTHERN CALIFORNIA EDISON COMPANY (U338E) for Authority to, Among Other Things, Increase Its Authorized Revenues For Electric Service in 2009, And to Reflect That Increase In Rates.	Application 07-11-011 (Filed November 19, 2007; reopened May 11, 2009)
And Related Matters.	Investigation 08-01-026 (Filed January 31, 2008; reopened May 11, 2009)

**DECISION GRANTING INTERVENOR COMPENSATION TO DISABILITY RIGHTS ADVOCATES FOR SUBSTANTIAL CONTRIBUTION TO DECISION 09-03-025**

<b>Claimant: Disability Rights Advocates (DisabRA)</b>	<b>For contribution to D.09-03-025</b>
<b>Claimed (\$): 61,898.88</b>	<b>Awarded (\$): 61,547.38</b>
<b>Assigned Commissioner: Michael R. Peevey</b>	<b>Assigned ALJ: Regina DeAngelis</b>

**PART I: PROCEDURAL ISSUES**

**A. Brief Description of Decision:** Decision on Test Year 2009 General Rate Case for Southern California Edison Company (SCE).

**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:	1/15/08	Yes
2. Other Specified Date for NOI:		
3. Date NOI Filed:	2/14/08	Yes
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.07-11-011	<b>Yes</b>
6. Date of ALJ ruling:	3/17/08	<b>Yes</b>
7. Based on another CPUC determination (specify):		
8. Has the claimant demonstrated customer or customer-related status?		<b>Yes</b>
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	A.07-11-011	<b>Yes</b>
10. Date of ALJ ruling:	3/17/08	<b>Yes</b>
11. Based on another CPUC determination (specify):		
12. Has the claimant demonstrated significant financial hardship?		<b>Yes</b>
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision	D.09-03-025	<b>Yes</b>
14. Date of Issuance of Final Decision:	3/17/09	<b>Yes</b>
15. File date of compensation request:	5/18/09	<b>Yes</b>
16. Was the request for compensation timely?		<b>Yes</b>

**PART II: SUBSTANTIAL CONTRIBUTION** (completed by Claimant)

**A. In the fields below, describe in a concise manner Claimant’s contribution to the final decision** (see § 1802(i), § 1803(a) & D.98-04-059) (For each contribution, support with specific reference to final or record.)

<b>Contribution</b>	<b>Citation to Decision or Record</b>	<b>Showing Accepted by CPUC</b>
1. In this General Rate Case, Disability Rights Advocates (DisabRA) raised three key issues concerning utility customers with disabilities: (1) accessibility of in-person payment locations, (2) accessibility of SCE’s website, and (3) accessibility of pedestrian rights-of-way affected by utility construction and property. As described in further detail below, SCE agreed to address all disability-related	Decision at pp. 325, 366 (¶ 350), 392 (¶¶ 230-232), 396 (¶ 26); Settlement Agreement (attached hereto as Attachment 2 [also in Record as Attachment A to Joint Motion for Approval of Settlement filed May 23, 2008]).	<b>Yes</b>

<p>issues raised by DisabRA and entered into a settlement, subsequently approved by the Commission, setting forth specific obligations in each of these areas. In addition, SCE agreed to provide new accessible methods of emergency communications with certain disabled customers, and to provide its utility bills in enlarged formats upon request.</p>		
<p>2. SCE will review service centers and all third-party payment locations where customers pay bills to address the adequacy of these locations' physical accessibility and conduct remediation as needed to ensure accessibility in accordance with applicable law.</p>	<p>Decision at pp. 325, 366 (¶ 350), 392 (¶¶ 230-232), 396 (¶ 26); Settlement Agreement, §§ 3-4.</p>	<p><b>Yes</b></p>
<p>3. SCE will make its website accessible and compliant with Web Content Accessibility Guidelines.</p>	<p>Decision at pp. 325, 366 (¶ 350), 392 (¶¶ 230-232), 396 (¶ 26); Settlement Agreement, § 5.</p>	<p><b>Yes</b></p>
<p>4. SCE will add new TTY and other non-traditional platforms for emergency communications with medical baseline/life support customers, and conduct related outreach.</p>	<p>Decision at pp. 325, 366 (¶ 350), 392 (¶¶ 230-232), 396 (¶ 26); Settlement Agreement, § 6.</p>	<p><b>Yes</b></p>
<p>5. SCE will ensure accessibility of pedestrian rights-of-way when utility construction and property affects pedestrian access to sidewalks and streets. This obligation includes ensuring availability of accessible temporary pathways during construction and verifying that no barriers remain in place after construction.</p>	<p>Decision at pp. 325, 366 (¶ 350), 392 (¶¶ 230-232), 396 (¶ 26); Settlement Agreement, § 7.</p>	<p><b>Yes</b></p>
<p>6. SCE will obtain a statistically significant sample of utility poles in pedestrian rights-of-way to determine the extent to which they pose barriers to disabled persons. SCE will report this</p>	<p>Decision at pp. 325, 366 (¶ 350), 392 (¶¶ 230-232), 396 (¶ 26); Settlement Agreement, § 8.</p>	<p><b>Yes</b></p>

<p>information to allow the parties to develop strategies for addressing such barriers. The results of this work will be presented as joint testimony in the next General Rate Case.</p>		
<p>7. SCE will provide enlarged billing materials as needed to ensure accessibility consistent with current standards.</p>	<p>Decision at pp. 325, 366 (¶ 350), 392 (¶¶ 230-232), 396 (¶ 26); Settlement Agreement, §9.</p>	<p><b>Yes</b></p>

**B. Duplication of Effort (§§ 1801.3(f) & 1802.5):**

	<b>Claimant</b>	<b>CPUC Verified</b>
<p><b>a. Was DRA a party to the proceeding? (Y/N)</b></p>	<p><b>Y</b></p>	<p><b>Yes</b></p>
<p><b>b. Were there other parties to the proceeding? (Y/N)</b></p>	<p><b>Y</b></p>	<p><b>Yes</b></p>
<p><b>c. If so, provide name of other parties:</b> Greenlining Institute, The Utility Reform Network (TURN), Inland Aquaculture Group LLC, Alliance for Retail Energy Markets, Southern California Edison Company, San Diego Gas &amp; Electric Company, Pacific Gas and Electric Company, Alliance for Nuclear Responsibility, Ice Energy, Inc., Western Power Trading Company, Direct Energy Services LLC, Coalition of California Utility Employees, Western Manufactured Housing Communities Association, Independent Energy Producers Association, California Retailer's Association, California Manufacturers &amp; Technology Association, Wild Goods Storage, County of Los Angeles, Los Angeles Unified School District, California Large Energy Consumers Association, California City-County Street Light Association, California Farm Bureau Federation</p>		<p><b>Yes</b></p>
<p><b>d. Describe how you coordinated with DRA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:</b> DisabRA was the only party in this proceeding that represented the unique interests of persons with disabilities. TURN and DisabRA advocated for ratepayers generally, and Greenlining Institute represented a cross-section of under-served communities. While people with disabilities share some overlapping concerns with these represented communities, DisabRA advocated specifically on behalf of California's six million citizens with disabilities (nearly 20 percent of California's population) and brought the unique issues and concerns of this community to the attention of the Commission. Only DisabRA raised issues concerning the accessibility of service centers and other payment locations for people with disabilities, as well as accessibility of rights-of-way for disabled pedestrians, accessibility of the utility website, emergency communications, utility poles that may impede access, and accessible bill formats. Because of the unique issues raised by DisabRA, there was little overlap with issues raised by parties. When such overlap occurred, most notably with regard to payment locations, DisabRA coordinated efforts with other parties to avoid duplication of efforts. For example, while TURN and other consumer groups were concerned about SCE's contracts with payday lenders to provide authorized</p>		

<p>payment locations, DisabRA focused on ensuring accessibility of all payment locations SCE utilized — whether they were service centers or payment locations of any kind.</p>	
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**C. Additional Comments on Part II (use line reference # or letter as appropriate):**

#	Claimant	CPUC	Comment
A.	DisabRA		The final decision orders that the Settlement between DisabRA and SCE be adopted without modification (p. 396, ¶ 26). In addition, the decision finds that the Settlement “provides reasonable and useful improvements to SCE’s facilities, web sites and customer practices” (p. 366, ¶ 350). The decision orders SCE to perform the studies as identified in the settlement and include information on this study in testimony and work papers in the next General Rate Case (p. 397, ¶ 27).

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

(Completed by Claimant except where indicated)

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

Concise explanation as to how the cost of claimant’s participation bears a reasonable relationship with benefits realized through participation (include references to record, where appropriate)	CPUC Verified
<p>The participation of DisabRA resulted in the Commission’s adoption of the Settlement, which requires SCE to take specified actions to ensure disabled persons can access service centers and authorized payment locations, public sidewalks, websites, emergency communications, and bills. In addition, the Commission has required SCE to present information from access studies and utility pole surveys required by the Settlement in the next general rate case. Although it is not possible to quantify the benefits to the significant number of disabled persons who have occasion to interact with SCE, it is clear that the participation of DisabRA resulted in substantial benefits to disabled persons. SCE has expressly agreed that DisabRA made a substantial contribution to this proceeding. Settlement Agreement, § 11. See also Attachment 3, which includes a general discussion of the reasonableness of staffing and number of hours.</p>	<p><b>After the disallowances we make to this claim, the remainders of DisabRA’s hours are reasonable.</b></p>

**B. Specific Claim:**

CLAIMED						CPUC AWARD			
ATTORNEY AND ADVOCATE FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
M. Kasnitz	2007	3.5	390	D.09-03-018	1,365.00	2007	3.5	390	1,365.00
M. Kasnitz	2008	33.5	420	D.09-03-018	14,070.00	2008	33.5	420	14,070.00
M. Kasnitz	2009	2.9	420	Equal to 2008 rate	1,218.00	2009	2.9	420	1,218.00
R. Heller	2007	13.3	280	D.09-03-018	3,724.00	2007	13.3	280	3,724.00
R. Heller	2008	33.1	300	D.09-03-018	9,930.00	2008	33.1	300	9,930.00
R. Elsberry	2008	37.4	400	D.09-03-018	14,960.00	2008	37.4	400	14,960.00
R. Elsberry	2009	4.1	420	2008 rate plus 5% step increase	1,722.00	2009	4.1	420	1,722.00
<b>Subtotal: \$46,989.00</b>						<b>Subtotal: \$46,989.00</b>			
EXPERT FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Dmitri Belser	2008	5.0	125	Equal to 2007 rate in D.09-03-018	625.00	2008	5.0	125	625.00
Neal Casper	2008	43.0	200	Equal to 2007 rate	8,600.00	2008	43.0	200	8,600.00
<b>Subtotal: \$9,225.00</b>						<b>Subtotal: \$9,225.00</b>			
OTHER FEES (Paralegals)									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Paralegal	2007	1.1	100	D.09-03-018	110.00	2007	1.0	100	100.00
Paralegal	2008	12.3	110	D.09-03-018	1,353.00	2008	10.3	110	1,133.00
Paralegal	2009	0.9	120	Attachment 4	108.00	2009	0.3	110	33.00
<b>Subtotal: \$1,571.00</b>						<b>Subtotal: \$1,266.00</b>			
INTERVENOR COMPENSATION CLAIM PREPARATION									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
M. Kasnitz	2008	0.9	210	D.09-03-018	189.00	2008	0.9	210	189.00
M. Kasnitz	2009	0.6	210	Equal to 2008 rate	126.00	2009	0.6	210	126.00
R. Heller	2008	1.9	150	D.09-03-018	285.00	2008	1.9	150	285.00
R. Elsberry	2008	0.6	200	D.09-03-018	120.00	2008	0.6	200	120.00
R. Elsberry	2009	12.9	210	2008 rate plus 5% step increase	2,709.00	2009	12.9	210	2,709.00
Paralegal	2008	1.3	55	D.09-03-018	71.50	2008	1.3	55	71.50
Paralegal	2009	4.9	60	Attachment 4	294.00	2009	4.5	55	247.50
<b>Subtotal: \$3,794.50</b>						<b>Subtotal: \$3,748.00</b>			

<b>COSTS</b>				
<b>#</b>	<b>Item</b>	<b>Detail</b>	<b>Amount \$</b>	<b>Amount \$</b>
1	Photocopying and Printing	See Attachment 6	300.00	300.00
2	Postage and Delivery	See Attachment 6	8.95	8.95
3	Telephone and Fax	See Attachment 6	10.43	10.43
<b>Subtotal:</b>			<b>\$319.38</b>	<b>Subtotal: \$319.38</b>
<b>TOTAL REQUEST \$:</b>			<b>\$61,898.88</b>	<b>TOTAL AWARD \$: \$61,547.38</b>

**C. Attachments or Comments Documenting Specific Claim (not attached to final Decision):**

<b>Attachment or Comment #</b>	<b>Description/Comment</b>
1	<b>Certificate of Service</b>
2	<b>Settlement Agreement between DisabRA and SCE</b>
3	<b>Reasonableness of Staffing and Number of Hours</b>
4	<b>Justification of 2009 Rates for Attorneys and Paralegals</b>
5*	<b>Justification of 2008 Rates for Experts: * Estimated Hourly Rate Shown in Attachment</b>
6	<b>Reasonableness of Costs Including Printing</b>
7	<b>Detailed Records for Work on the Merits in 2007</b>
8	<b>Detailed Records for Work on the Merits in 2008</b>
9	<b>Detailed Records for Work on the Merits in 2009</b>
10	<b>Detailed Records for Work on Fees in 2008</b>
11	<b>Detailed Records for Work on Fees in 2009</b>

**D. CPUC Disallowances:**

<b>Item</b>	<b>Reason</b>
2009 hourly rate for Paralegals.	Resolution ALJ 235 disallows COLA raises for intervenor participants for 2009 work. As such, we deny DisabRA's increase in hourly rates for its paralegals, and apply the previously adopted 2008 rate of \$110.
2007-Paralegals	Disallow clerical task; calendaring dates (reduced .10 hrs).
2008-Paralegals	Disallow clerical tasks; calendar dates from scoping memo, review schedule, calendar new schedule, update and index physical files, prepare signature pages for M. Kasnitz and forward to opposing counsel, route emails to appropriate files, update and index correspondence, calendar reply comments on proposed decision (reduced 2.0 hrs).

2009-Paralegals	Disallow clerical tasks; calendar response to motion and routing documents to physical files (reduced .60 hrs).
2009-IComp preparation for Paralegals	Disallow clerical task- locate decision on PUC site and calendar request for compensation (reduced .40 hrs).

**PART IV: OPPOSITIONS AND COMMENTS**

**A. Opposition: Did any party oppose the claim (Y/N)?** No

**B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6)) (Y/N)?** Yes

**FINDINGS OF FACT**

1. Claimant has made a substantial contribution to Decision (D.) 09-03-025.
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 \$61,547.38.

**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 \$61,547.38.
2. Within 30 days of the effective date of this decision, Southern California Edison Company 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 August 1, 2009, the 75th 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 proceeding remains open to address other related matters.
5. This decision is effective today.

Dated October 15, 2009, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
DIAN M. GRUENEICH  
JOHN A. BOHN  
RACHELLE B. CHONG  
TIMOTHY ALAN SIMON

Commissioners

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

<b>Compensation Decision:</b>	<b>D0910025</b>	<b>Modifies Decision?</b> No
<b>Contribution Decision(s):</b>	D0903025	
<b>Proceeding(s):</b>	A0711011 and I0801026	
<b>Author:</b>	ALJ Regina DeAngelis	
<b>Payer(s):</b>	Southern California Edison Company	

**Intervenor Information**

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Disability Rights Advocates	05-18-09	\$61,898.88	\$61,547.38	No	unapproved hourly rates for paralegals and the disallowance of clerical work

**Advocate Information**

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Melissa	Kasnitz	Attorney	Disability Rights Advocates	\$390	2007	\$390
Melissa	Kasnitz	Attorney	Disability Rights Advocates	\$420	2008	\$420
Melissa	Kasnitz	Attorney	Disability Rights Advocates	\$420	2009	\$420
Roger	Heller	Attorney	Disability Rights Advocates	\$280	2007	\$280
Roger	Heller	Attorney	Disability Rights Advocates	\$300	2008	\$300
Ronald	Elsberry	Attorney	Disability Rights Advocates	\$400	2008	\$400
Ronald	Elsberry	Attorney	Disability Rights Advocates	\$420	2009	\$420
Dmitri	Belser	Expert	Disability Rights Advocates	\$125	2008	\$125
Neal	Casper	Expert	Disability Rights Advocates	\$200	2008	\$200
Paralegals			Disability Rights Advocates	\$100	2007	\$100
Paralegals			Disability Rights Advocates	\$110	2008	\$110
Paralegals			Disability Rights Advocates	\$120	2009	\$110

**(END OF APPENDIX)**