

Decision 09-11-031 November 20, 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)

And Related Matters.

Investigation 08-01-026  
(Filed January 31, 2008)

**DECISION GRANTING INTERVENOR COMPENSATION  
TO GREENLINING INSTITUTE FOR SUBSTANTIAL  
CONTRIBUTIONS TO DECISION 09-03-025**

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**DECISION GRANTING INTERVENOR COMPENSATION  
TO GREENLINING INSTITUTE FOR SUBSTANTIAL  
CONTRIBUTIONS TO DECISION 09-03-025**

This decision awards Greenlining Institute (Greenlining) \$141,771.75 for its substantial contributions to Decision (D.) 09-03-025. This represents a decrease of \$155,032.62, or 52% from the amount requested due to lack of substantial contribution, in certain areas, by Greenlining in D.09-03-025 and adjustments of hourly rates. Today's award will be paid by Southern California Edison Company.

**1. Background**

On November 19, 2007, Southern California Edison Company (SCE) filed its test year (TY) 2009 general rate case (GRC) application. In support of its application, SCE provided over 8,500 pages of testimony and sponsored testimony by more than 100 witnesses. In addition to the applicant and the Division of Ratepayer Advocates (DRA), 20 other parties participated in this case. The prehearing conference (PHC) was held on January 15, 2008. The presiding officer was Administrative Law Judge (ALJ) Regina M. DeAngelis and the assigned Commissioner was President Michael R. Peevey. The Scoping Memo was issued on February 7, 2008. The scoping memo stated that the purpose of this proceeding was to determine:

- (a) The just and reasonable test year revenue requirement for 2009 inclusive of all operating expenses and capital costs. This includes the costs of all operating or customer-related programs necessary to provide safe and reliable utility service in the test year.
- (b) A just and reasonable post-test year ratemaking mechanism to adjust annual revenue requirements in subsequent years until the Commission adopts a test year revenue requirement in a subsequent proceeding.

On March 26, 2008, an Assigned Commissioner's Ruling was issued, permitting parties to address the issues of corporate philanthropy and corporate social responsibility as well.

On March 17, 2009, the Commission issued Decision (D.) 09-03-025, authorizing a \$4.829 billion base revenue requirement for test year 2009 for SCE. The Commission found that the authorized revenue requirement provided SCE with sufficient funding to provide safe and reliable service at just and reasonable rates.

Greenlining Intitute's (Greenlining) participation focused on the issues of executive compensation, philanthropy and corporate giving, supplier diversity, workforce diversity, and the overall rate increase. The Commission adjusted SCE's requested level of executive compensation, based on testimony submitted by Greenlining, as well as the Division of Ratepayer Advocates (DRA) and The Utility Reform Network (TURN).<sup>1</sup> With regards to philanthropy and corporate giving, the Commission recognized Greenlining's participation, but concluded that there was no issue. With regards to supplier diversity, the Commission also recognized Greenlining's participation, but concluded that there were no issues. The Commission made no mention of Greenlining's contribution in any adjustment to the overall rate request.

## **2. Requirements for Awards of Compensation**

The intervenor compensation program, which is set forth in Pub. Util. Code §§ 1801-1812,<sup>2</sup> requires California-jurisdictional utilities to pay the

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<sup>1</sup> D.09-03-025 at 134.

<sup>2</sup> All subsequent statutory references are to the Public Utilities Code (Pub. Util. Code) unless otherwise indicated.

reasonable costs of an intervenor's participation if that party makes a substantial contribution to the Commission's proceedings. The statute provides that the utility may adjust its rates to collect the amount awarded from its ratepayers.

All of the following procedures and criteria must be satisfied for an intervenor to obtain a compensation award:

1. The intervenor must satisfy certain procedural requirements including the filing of a sufficient notice of intent (NOI) to claim compensation within 30 days of the PHC, pursuant to Rule 17.1 of the Commission's Rules of Practice and Procedure (Rules), or at another appropriate time that we specify. (§ 1804(a).)
2. The intervenor must be a customer or a participant representing consumers, customers, or subscribers of a utility subject to our jurisdiction. (§ 1802(b).)
3. The intervenor must file and serve a request for a compensation award within 60 days of our final order or decision in a hearing or proceeding. (§ 1804(c).)
4. The intervenor must demonstrate "significant financial hardship." (§§ 1802(g) and 1804(b)(1).)
5. The intervenor's presentation must have made a "substantial contribution" to the proceeding, through the adoption, in whole or in part, of the intervenor's contention or recommendations by a Commission order or decision or as otherwise found by the Commission. (§§ 1802(i) and 1803(a).)
6. The claimed fees and costs must be reasonable (§ 1801), necessary for and related to the substantial contribution (D.98-04-059), comparable to the market rates paid to others with comparable training and experience (§ 1806), and productive (D.98-04-059).

In the discussion below, the procedural issues in Items 1-4 above are combined and a separate discussion of Items 5-6 follows.

## **2.1. Preliminary Procedural Issues**

Under § 1804(a)(1) and Rule 17.1(a)(1), a customer who intends to seek an award of intervenor compensation must file an NOI before certain dates.

In a proceeding in which a PHC is held, the intervenor must file and serve its NOI between the date the proceeding was initiated until 30 days after the PHC is held. (Rule 17.1(a)(1).) The PHC in this matter was held on January 15, 2008. Greenlining timely filed its NOI on January 23, 2008.

In its NOI, Greenlining asserted financial hardship. On March 17, 2008, the ALJ ruled that Greenlining meets the financial hardship condition pursuant to Pub. Util. Code § 1804(b)(2), but noted that this finding in no way ensures compensation.

Section 1802(b)(1) defines a “customer” as: (A) a participant representing consumers, customers or subscribers of a utility; (B) a representative who has been authorized by a customer; or (C) a representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential or small business customers. (§ 1802(b)(1)(A) through (C).) On March 17, 2008, the ALJ issued a ruling that found Greenlining a customer pursuant to § 1802(b)(1)(C).

Regarding the timeliness of the request for compensation, Greenlining submitted its request for compensation on May 11, 2009, within 60 days of D.09-03-025 being issued.

In view of the above, we find that Greenlining has satisfied all the procedural requirements necessary to make its request for compensation in this proceeding.

SCE responded to Greenlining’s request for Intervenor Compensation on June 10, 2009. Greenlining replied on June 23, 2009. We address the merits of the

responses in Sections 3 and 5 of this decision, but briefly summarize the contents here. SCE contends that Greenlining's request: 1) should be adjusted for the number of hours claimed, in particular with regards to inclusion of travel time; 2) overstates the time it spent in attendance at a settlement conference with SCE; 3) should be reduced for time devoted to community meetings; 4) should be reduced for excessive time spent in internal meetings; 5) should be reduced for time spent in ex parte communications with Commissioners Chong, Simon, and Grueneich; 6) should be reduced for time spent on its Motion to Compel testimony of John Bryson; and 7) should be reduced due to use of excessive hourly rates.

Greenlining replied that: 1) the time it spent on outreach and Public Participation Hearings should be compensated; 2) the Commission could adjust the time spent on Greenlining's Motion to Compel testimony of John Bryson, instead of disallowing all of the time; and 3) some of the hourly rates requested by Greenlining have been approved in prior Commission decisions, and that compensation for its Legal Fellow, Stephanie Chen, is appropriate.

### **3. Substantial Contribution**

In evaluating whether a customer made a substantial contribution to a proceeding, we look at several things. First, we look at whether the Commission adopted one or more of the factual or legal contentions, or specific policy or procedural recommendations put forward by the customer. (§ 1802(i).) Second, if the customer's contentions or recommendations paralleled those of another party, we look at whether the customer's participation unnecessarily duplicated or materially supplemented, complemented, or contributed to the presentation of the other party. (§§ 1801.3(f) and 1802.5.)

As described in § 1802(i), the assessment of whether the customer made a substantial contribution requires the exercise of judgment.

In assessing whether the customer meets this standard, the Commission typically reviews the record, composed in part of pleadings of the customer and, in litigated matters, the hearing transcripts, and compares it to the findings, conclusions, and orders in the decision to which the customer asserts it contributed. It is then a matter of judgment as to whether the customer's presentation substantially assisted the Commission.<sup>3</sup>

With this guidance in mind, we turn to the claimed contributions Greenlining made to the proceeding. Greenlining claims that it participated in every phase of this proceeding, representing the majority of California ratepayers, in particular minority and low-income ratepayers. Specifically, Greenlining claims it made substantial contributions as follows:

- a. Opposed SCE's proposed Executive Compensation packages;
- b. Addressed the issues of philanthropy and corporate giving, supplier diversity, and workforce diversity<sup>4</sup> stating that all were relevant issues in this proceeding; and
- c. With regards to SCE's rate increase, Greenlining was the sole representative of low-income ratepayers in this proceeding.

In this proceeding, Greenlining submitted a PHC statement, filed motions regarding the scope of the proceeding and to compel a witness to appear, sponsored expert witnesses, cross-examined witnesses, served testimony, filed briefs, submitted opening and reply comments on the proposed and alternate decisions, and, on an ex parte basis, communicated on numerous occasions with

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<sup>3</sup> D.98-04-059, 79 CPUC2d 628 at 653.

<sup>4</sup> The term Workforce Diversity includes Management Diversity.

Commissioners. While not all of Greenlining's positions were adopted by D.09-03-025, we find that Greenlining made a substantial contribution in four areas – Executive Compensation, Philanthropy, Supplier Diversity, and Workforce Diversity. It is also important to note that, in authorizing intervenor compensation for Greenlining, among others, in SCE's last GRC, the Commission stated "All four of the issues addressed by Greenlining have policy implications that we feel should be addressed on a periodic basis."<sup>5</sup>

First, Greenlining's contribution to the Commission's consideration of SCE's executive compensation was significant. The Commission stated that "Greenlining, TURN, and DRA recommend adjustments to SCE's requests." We have reviewed Greenlining's testimony and that of other parties, and find that the adjustments adopted by the Commission reflect that the record was developed by Greenlining and others. In particular, Greenlining submitted exhibits illustrating the "inflated compensation"<sup>6</sup> received by SCE executives as well as extensive data on SCE employees earning \$1 million or more.<sup>7</sup>

Second, Greenlining was an active proponent in addressing the issue of philanthropy and corporate giving. Even though the Commission concluded that there was no issue to decide with regard to this item,<sup>8</sup> the Commission did

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<sup>5</sup> D.06-10-018 at 37. The Commission went on to find that with regards to these four issues, including: Supplier Diversity, Workforce Diversity, Philanthropy, and Executive Compensation, Greenlining had made a substantial contribution and was productive.

<sup>6</sup> Exhibit GLI-02 at 39.

<sup>7</sup> Exhibits GLI-18 and GLI-19.

<sup>8</sup> D.09-03-025 at 390, Conclusion of Law (COL) 215.

encourage SCE to establish philanthropy goals and share funds with “underserved communities.”<sup>9</sup>

Greenlining was also an active proponent of supplier diversity in this proceeding. Even though the Commission concluded that there was no issue to decide with regards to this item,<sup>10</sup> and that SCE has “demonstrated a firm commitment to its supplier diversity program,”<sup>11</sup> the Commission did encourage SCE to continue to meet its goals in this area.<sup>12</sup>

Greenlining was also an active proponent of workforce diversity in this proceeding. The Commission concluded that there was no issue to decide with regards to this item,<sup>13</sup> and stated “We commend SCE for its achievements.”<sup>14</sup> Even so, the Commission went on to encourage SCE to “build upon its success with African Americans in upper management with similar successes for other diverse groups in a manner consistent with sound leadership development and equal opportunity principles.”<sup>15</sup>

Greenlining stated that it represents the interests, in part, of underserved communities, minority ratepayers, and low-income ratepayers.<sup>16</sup> With regards to

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<sup>9</sup> D.09-03-025 at 309.

<sup>10</sup> D.09-03-025 at 390.

<sup>11</sup> D.09-03-025 at 312.

<sup>12</sup> D.09-03-025 at 312.

<sup>13</sup> D.09-03-025 at 390.

<sup>14</sup> D.09-03-025 at 313.

<sup>15</sup> D.09-03-025 at 313.

<sup>16</sup> Request of the Greenlining Institute for An Award of Compensation for Substantial Contribution to Decision 09-03-025 at 1-2.

the rate increase, Greenlining recommended that “the Commission require Southern California Edison to withdraw the current application for a rate increase, in its entirety, and reapply for a much more modest increase which has the least possible impact on ratepayers.”<sup>17</sup> Greenlining also recommended that SCE improve its California Alternatives Rates for Energy and Low-Income Energy Efficiency programs and state specific enrollment goals for programs.<sup>18</sup> In its intervenor compensation request, Greenlining references Commissioner Grueneich’s dissent, which discusses low-income customer issues in some detail. Commissioner Grueneich’s dissent makes no mention of Greenlining influencing her position. As a result, no recognition exists in D.09-03-025 of any contribution by Greenlining in this area. Although Greenlining claims to have made a contribution in this area, it did not submit testimony or briefs that addressed the appropriate level of revenue requirement with any specificity.

Accordingly, we find that Greenlining made substantial contributions regarding executive compensation, but contributions in this area were also made by DRA and TURN. We also find that Greenlining made contributions regarding philanthropy, supplier diversity, and workforce diversity, but that Greenlining did not make substantial contribution with respect to the overall rate increase and its effect on low-income customers. The amount awarded to Greenlining will be adjusted accordingly.

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<sup>17</sup> Exhibit GLI-04 at 11.

<sup>18</sup> Exhibit GLI-02 at 24.

#### **4. Contributions of Other Parties**

Section 1801.3(f) requires an intervenor to avoid participation that duplicates that of similar interests otherwise adequately represented by another party, or participation unnecessary for a fair determination of the proceeding. Section 1802.5, however, allows an intervenor to be eligible for full compensation where its participation materially supplements, complements, or contributes to the presentation of another party if that participation makes a substantial contribution to the Commission order.

As discussed in Section 3, Greenlining was one of three parties that addressed adjustment of SCE's executive compensation proposal. Although the adopted decision did not specifically identify which of or to what extent Greenlining's recommendations were key to the outcome adopted, for purposes of evaluating Greenlining's request, we conclude that its participation was in addition to but not duplicative of the presentations of other parties.

## 5. Reasonableness of Requested Compensation

Greenlining requests a total of \$296,085.75 for its participation in this proceeding, as follows:

### Requested Hours and Rates

<b>Attorney &amp; Advocate</b>	<b>Total Hours</b>	<b>Hourly Rates</b>	<b>Total</b>
<b>Robert Gnaizda</b>			
2007	.5	\$520	\$260.00
2008	91.5	\$535	\$48,952.50
Total	92.00		\$49,212.50
<b>Thalia Gonzalez</b>			
2007	13.5	\$230	\$3,105.00
2008	496.25	\$300	\$148,875.00
Total	509.75		\$151,980.00
<b>Samuel Kang</b>			
2008	30.3	\$235	\$7,120.50
2009	13.8	\$235	\$3,243.00
Total	44.10		\$10,363.50
<b>Jesse Raskin</b>			
2008	381.25	\$205	\$78,156.25
Total	381.25		\$78,156.25
<b>Stephanie Chen</b>			
2008	24.3	\$205	\$4,981.50
2009 (1/2 time for IComp Request)	12.5	\$102.50	\$1,281.25
Total	36.80		\$6,262.75
<b>SUBTOTAL</b>			<b>\$295,975.00</b>
Direct Expenses			
Postal Costs			\$110.75
<b>TOTAL</b>			<b>\$296,085.75</b>

Greenlining also provided a percentage breakdown of each person's work by issue, as detailed below.

**Total Hours Requested by Person and Issue<sup>19</sup>**

Description	Total Hours Claimed	Executive Compensation	Philanthropy	Supplier Diversity	Workforce Diversity	Rate Increase <sup>20</sup>
<b>Robert Gnaizda</b>						
2007	0.5	0.1	0.1	0.1	0.1	0.1
2008	91.5	18.3	13.7	13.7	9.2	36.6
Subtotal	92.0	18.4	13.8	13.8	9.3	36.7
<b>Thalia Gonzalez</b>						
2007	13.5	2.7	2.7	2.7	2.7	2.7
2008	496.3	99.3	74.4	74.4	49.6	198.5
Subtotal	509.7	102.0	77.1	77.1	52.3	201.2
<b>Samuel Kang</b>						
2008	30.3	7.6	3.0	3.0	1.5	15.2
2009	13.9	3.5	0	0	0	10.4
Subtotal	44.2	11.0	3.0	3.0	1.5	25.5
<b>Jesse Raskin</b>						
2008	381.3	76.3	57.2	57.2	38.1	152.5
<b>Stephanie Chen</b>						
2008	24.3	6.1	0	0	0	18.2
<i>Subtotal Before Intervenor Compensation Preparation</i>	<b>1,051.5</b>	<b>213.9</b>	<b>151.1</b>	<b>151.2</b>	<b>101.2</b>	<b>434.2</b>
<b>Stephanie Chen 2009 - ½</b> Time for Intervenor Compensation Preparation	12.5					
<b>TOTAL HOURS FOR ALL WORK CLAIMED</b>	<b>1,064</b>					

<sup>19</sup> See Appendix B for percentage breakdown by person and issue, in July 5, 2009 response to request from ALJ.

<sup>20</sup> Greenlining allocates the remainder of its time to "Rate Increase." Given that Greenlining did not identify specific hours with regards to the effect of the rate increase on low-income customers, we conclude that this component represents both the issues of the proposed rate increase and the effect of this proposed rate increase on low-income customers.

In general, the components of this request must constitute reasonable fees and costs of the customer's preparation for and participation in a proceeding that resulted in a substantial contribution. The issues we consider to determine reasonableness are discussed below.

### **5.1. Hours and Costs Related to and Necessary for Substantial Contribution**

We first assess whether the hours claimed for the customer's efforts that resulted in substantial contributions to a Commission decision are reasonable by determining to what degree the hours and costs are related to the work performed and necessary for the substantial contribution. Given the Commission's determination in D.06-10-018 regarding the periodic review of referenced issues,<sup>21</sup> it was appropriate for Greenlining to address these issues in the current proceeding. Although the Commission concluded that there was no issue with regards to Philanthropy, Supplier Diversity, and Workforce Diversity, the Commission did agree with some of Greenlining recommendations regarding these issues.<sup>22</sup> Greenlining's participation also brought these issues to light and provided informative data regarding these issues for consideration by the Commission.

#### **5.1.1. Executive Compensation**

As discussed in Sections 3 and 4 above, Greenlining's contribution to the Commission's adjustment of SCE's executive compensation package was substantial in nature. In addition to Greenlining, two other parties (DRA and TURN) also contributed to the Commission's decision regarding executive

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<sup>21</sup> Supplier Diversity, Workforce Diversity, Philanthropy, and Executive Compensation.

<sup>22</sup> D.09-03-025 at 390, 310, 313, and 314.

compensation. No specific adjustments offered by Greenlining were referenced in D.09-03-025, as they were for DRA and TURN, but the Commission found their contribution useful enough to the process to highlight their involvement regarding the issue of executive compensation. In testimony submitted during this case, for example, Greenlining compared SCE executive compensation with the compensation received by the Governor and Commissioners,<sup>23</sup> illustrating the “inflated compensation”<sup>24</sup> received by SCE executives. Greenlining also submitted numerous exhibits in support of its concerns regarding SCE’s level of executive compensation, including extensive data on those SCE employees earning \$1 million or more,<sup>25</sup> the salaries of SCE’s chief executive officer and chairman of the board,<sup>26</sup> and a list of the top ten highest paid employees at SCE for the years 2006 and 2007.<sup>27</sup>

Greenlining also demonstrated that its concerns regarding executive compensation are shared by many others by submitting a report issued by the United States House of Representatives, *Executive Pay: Conflicts of Interest Among Compensation Consultants*,<sup>28</sup> which discusses the financial conflict of interest by corporate consultants that provide executive compensation advice as well as other services to the corporations. In particular, the report discusses the concern

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<sup>23</sup> Exhibit GLI-02 at 39.

<sup>24</sup> Exhibit GLI-02 at 39.

<sup>25</sup> Exhibits GLI-18 and GLI-19.

<sup>26</sup> Exhibits GLI-21 and GLI-31.

<sup>27</sup> Exhibit GLI-42.

<sup>28</sup> Exhibit GLI-22.

that consultants are paid millions of dollars by the same executives whose pay scales they are supposed to objectively evaluate.

Given the extent of its involvement in the case as described above, all time allocated by Greenlining to executive compensation is approved.

### **5.1.2. Philanthropy**

In his ruling of March 26, 2008, President Peevey authorized the inclusion of the issue of Philanthropy and Corporate Giving in the scope of this proceeding, even though the Commission does not have jurisdiction over this issue.<sup>29</sup> President Peevey stated, in part, "I will permit the parties to this proceeding to address the issues of corporate philanthropy and corporate social responsibility."<sup>30</sup> Subsequent to this, Greenlining recommended that the Commission not order SCE to make a commitment to philanthropic efforts, but instead, that this commitment by SCE be voluntary.<sup>31</sup> The Commission agreed with this recommendation, stating that "We strongly encourage Edison to establish meaningful goals for the amount of pre-tax earnings it dedicates to corporate philanthropy as well as goals for the share of these monies that are committed to underserved communities."<sup>32</sup> Greenlining also submitted numerous exhibits, providing comparative data on the current philanthropic

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<sup>29</sup> Assigned Commissioner's Ruling Clarifying Scope, March 26, 2008 at 1.

<sup>30</sup> Assigned Commissioner's Ruling Clarifying Scope, March 26, 2008 at 1-2.

<sup>31</sup> Exhibit GLI-01 at 8.

<sup>32</sup> D.09-03-025 at 309.

effort of SCE<sup>33</sup> versus other utilities, including Pacific Gas and Electric Company,<sup>34</sup> AT&T,<sup>35</sup> and Edison International.<sup>36</sup>

Given the extent of its involvement in the case as described above, all time allocated by Greenlining to philanthropy is approved.

### **5.1.3. Supplier Diversity**

Greenlining recommended that the Commission not take any specific action regarding supplier diversity, preferring that SCE make a voluntary commitment in regards to its supplier diversity efforts.<sup>37</sup> In accord with this recommendation, the Commission encouraged SCE “to meet and exceed its goals in this important area.”<sup>38</sup> Greenlining also submitted a comparison of SCE’s Minority Women Procurement efforts as a percent of Total SCE Procurement, illustrating SCE’s current efforts in the area of supplier diversity.<sup>39</sup>

Given the extent of its involvement in the case as described above, all time allocated by Greenlining to supplier diversity is approved.

### **5.1.4. Workforce Diversity**

Greenlining recommended that SCE should continue increasing management diversity through the setting of annual goals.<sup>40</sup> The Commission

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<sup>33</sup> Exhibit GLI-13.

<sup>34</sup> Exhibit GLI-27.

<sup>35</sup> Exhibit GLI-28.

<sup>36</sup> Exhibit GLI-32.

<sup>37</sup> Exhibit GLI-01 at 11.

<sup>38</sup> D.09-03-025 at 313.

<sup>39</sup> Exhibit GLI-43.

<sup>40</sup> Exhibit GLI-02 at 15.

agreed with this recommendation, encouraging SCE to build on its successes regarding inclusion of African Americans and other diverse groups in upper management.<sup>41</sup> Greenlining also submitted a letter from SCE, detailing the number of African Americans, Latinos, and Asian Americans that are in the top 100, 500, and 1,000 earners at SCE<sup>42</sup>; illustrating the current level of management diversity at SCE.

Given the extent of its involvement in the case as described above, all time allocated by Greenlining to workforce diversity is approved.

#### **5.1.5. Rate Increase and Low Income Customers**

The Commission did not act on Greenlining's recommendation that SCE's application be withdrawn.<sup>43</sup> Also, the Commission, in D.09-03-025, did not discuss any contribution by Greenlining in regards to the rate increase or the effect of that rate increase on low-income customers.

In its intervenor compensation request, Greenlining states that its contribution was unique, because it "was the only intervenor representing solely the interests of low-income communities."<sup>44</sup> It must be noted that DRA and TURN, also parties in this case, as part of their advocacy for all customers, also advocated for low-income customers. Therefore, even if Greenlining were the

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<sup>41</sup> D.09-03-025 at 314.

<sup>42</sup> Exhibit GLI-34.

<sup>43</sup> Exhibit GLI-4 at 11.

<sup>44</sup> Request for the Greenlining Institute for an Award of Compensation for Substantial Contribution to Decision 09-03-025 at 10, filed May 11, 2009.

only party that solely represented low-income customers, other parties actively advocated for low-income customers as well.

Since Greenlining provided no substantial contribution regarding the rate increase or its effect on low-income customers, we disallow all of the time allocated to this issue.

#### **5.1.6. Preparation of Intervenor Compensation Request**

The amount of time Greenlining has requested for the drafting of its request for intervenor compensation is reasonable.

#### **5.2. Intervenor Hourly Rates**

We next take into consideration whether the claimed fees and costs are comparable to the market rates paid to experts and advocates having comparable training and experience and offering similar services. A comparison of requested and adopted hourly rates is provided in Appendix A to this decision.

Greenlining seeks hourly rates of \$520 and \$535 for work performed by Robert Gnaizda in 2007 and 2008, respectively. We previously approved these rates for Robert Gnaizda in D.09-03-042<sup>45</sup> and D.09-06-016,<sup>46</sup> respectively, and adopt them here.

Greenlining seeks an hourly rate of \$230 for work performed by Thalia Gonzalez in 2007. We previously approved an hourly rate of \$195 for Thalia Gonzalez for 2007 in D.09-03-042,<sup>47</sup> and utilize it here. Greenlining seeks an hourly rate of \$300 for work performed by Thalia Gonzalez in 2008. In this

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<sup>45</sup> D.09-03-042 at 38.

<sup>46</sup> D.09-06-016 at 50.

<sup>47</sup> D.09-03-042 at 38-39.

proceeding, Gonzales has four years of experience appearing before the Commission. We adopt an hourly rate here of \$215 for work performed by Thalia Gonzalez in 2008.

Greenlining seeks an hourly rate of \$235 for work performed by Samuel Kang in 2008 and 2009. We previously approved an hourly rate of \$180 for work performed by Samuel Kang in 2008 in D.09-06-016, and utilize it here for work performed in 2008.<sup>48</sup> We apply a 5% step-increase to Kang's 2008 rate but disallow a Cost of Living Allowance (COLA) increase for 2009, pursuant to Resolution ALJ-235. We adopt an hourly rate of \$190 for work performed by Samuel Kang in 2009.

Greenlining seeks an hourly rate of \$205 for work performed by Jesse Raskin in 2008. We previously approved a rate of \$100 for work performed by Jesse Raskin in 2007 for work performed prior to his passing the California State Bar exam.<sup>49</sup> Given that Jesse Raskin has passed the Bar and has 0-2 years experience, we adopt an hourly rate of \$180 for work performed by Jesse Raskin in 2008.

Greenlining seeks an hourly rate of \$205 for work performed by Stephanie Chen in 2008 and 2009. We approved an hourly rate of \$100 for Chen's 2007 work in D.08-12-057. Based on the fact that Stephanie Chen is a legal fellow, not an attorney and now has two years experience before the CPUC, we apply a 3% COLA to her previously adopted 2007 rate and adopt an hourly rate of \$115 for work performed by Chen in 2008. Pursuant to Resolution ALJ-235, we apply the

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<sup>48</sup> D.09-06-016 at 50-51.

<sup>49</sup> D.09-03-042 at 39.

same rate to her 2009 work preparing Greenlining's request for intervenor compensation in this proceeding.

### **5.3. Direct Expenses**

Greenlining has requested \$110.75 for postage. We find this expense to be reasonable and commensurate with the work performed.

## **6. Productivity**

D.98-04-059 directed applicants to demonstrate productivity by assigning a reasonable dollar value to the benefits of their participations to ratepayers. The costs of a customer's participation should bear a reasonable relationship to the benefits realized through its participation. This showing assists us in determining the overall reasonableness of the request.

Greenlining states that its contribution regarding executive compensation, along with those of DRA and TURN, resulted in ratepayer savings of \$28.431 million. Greenlining then stated that "it is impossible to assign specific dollar values to the benefits Edison's ratepayers will derive" with regards to its other efforts. The Commission finds that Greenlining's contribution to executive compensation, along with DRA's and TURN's, is reasonable. The Commission finds that it would be impossible to assign a specific dollar amount to recognize the productivity of the efforts Greenlining made with regards to philanthropy, supplier diversity, and workforce diversity.

With the adjustments to the award made today regarding substantial contribution and hourly rates, we find Greenlining's efforts to be productive.

**7. Award**

As set forth in the table below, we award Greenlining \$141,771.75.

**Summary of Award at Authorized Rates  
by Person and Issue  
After Adjustments for Substantial Contribution**

<b>Attorney &amp; Advocate Fees</b>	<b>Hours Approved</b>	<b>Authorized Hourly Rates</b>	<b>Total</b>
<b>Robert Gnaizda</b>			
2007	0.4	\$520	\$ 208.00
2008	54.9	\$535	\$ 29,371.50
Subtotal	55.3		\$ 29,579.50
<b>Thalia Gonzalez</b>			
2007	10.8	\$195	\$ 2,106.00
2008	297.8	\$215	\$ 64,016.25
Subtotal	308.6		\$ 66,122.25
<b>Samuel Kang</b>			
2008	15.1	\$180	\$ 2,718.00
2009	3.4	\$190	\$ 646.00
Subtotal	18.5		\$ 3,364.00
<b>Jesse Raskin</b>			
2008	228.8	\$180	\$ 41,175.00
<b>Stephanie Chen</b>			
2008	6.1	\$115	\$ 701.50
<i>Subtotal Before Intervenor Compensation Preparation</i>	617.2	---	\$140,942.25
<b>Stephanie Chen 2009 Intervenor Compensation Preparation</b>	12.5	\$57.50	\$ 718.75
<b>Direct Expense</b>	---	\$110.75	\$ 110.75
<b>TOTAL REQUEST AT AUTHORIZED RATES</b>	<b>629.7</b>	<b>---</b>	<b>\$141,771.75</b>

Pursuant to § 1807, we order SCE to pay this award. Consistent with previous Commission decisions, we order that interest be paid on the award amount (at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release H.15) commencing on July 25, 2009, the 75<sup>th</sup> day after Greenlining filed its compensation request, and continuing until full payment of the award is made.

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. Greenlining's records should identify specific issues for which it requested 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.

## **8. Comments on Proposed Decision**

The proposed decision of the ALJ in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. No comments were received.

## **9. Assignment of Proceeding**

President Michael Peevey is the assigned Commissioner, and Regina DeAngelis is the assigned ALJ in this proceeding.

### **Findings of Fact**

1. Greenlining has satisfied all the procedural requirements necessary to claim compensation in this proceeding.
2. Greenlining has made a substantial contribution to D.09-03-025 as described herein.
3. Hourly rates for its representatives requested by Greenlining, as adjusted herein, are reasonable when compared to the market rates for persons with similar training and experience.
4. Greenlining requested related postage expenses that are reasonable and commensurate with the work performed.
5. The total of the reasonable compensation is \$141,771.75.
6. Appendix A to this decision summarizes today's award.

### **Conclusions of Law**

1. Greenlining has fulfilled the requirements of §§ 1801-1812, which govern awards of intervenor compensation, and is entitled to intervenor compensation for its claimed expenses, as adjusted herein, incurred in making substantial contributions to D.09-03-025.
2. Greenlining should be awarded \$141,771.75 for its contributions to D.09-03-025.
3. This order should be effective today so that Greenlining may be compensated without further delay.

### **O R D E R**

**IT IS ORDERED** that:

1. Greenlining Institute is awarded \$141,771.75 as compensation for its substantial contributions to Decision 09-03-025.

2. Within 30 days of the effective date of this decision, Southern California Edison Company shall pay \$141,771.75 to Greenlining Institute. 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 July 25, 2009, the 75<sup>th</sup> day after the filing date of Greenlining Institute's request for compensation, and continuing until full payment is made.

This order is effective today.

Dated November 20, 2009, at San Francisco, California.

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

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

<b>Compensation Decision:</b>	D0911031	<b>Modifies Decision?</b> No
<b>Contribution Decision(s):</b>	D0903025	
<b>Proceeding(s):</b>	A0711011, I0801026	
<b>Author:</b>	ALJ DeAngelis	
<b>Payer(s):</b>	Southern California Edison 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>
Greenlining Institute	05/11/2009	\$296,085.75	\$141,771.75	None	Lack of substantial contribution; adjusted hourly rates

**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 for</b>	<b>Hourly Fee Adopted</b>
Robert	Gnaizda	Attorney	Greenlining Institute	\$520	2007	\$520
Robert	Gnaizda	Attorney	Greenlining Institute	\$535	2008	\$535
Thalia	Gonzalez	Attorney	Greenlining Institute	\$230	2007	\$195
Thalia	Gonzalez	Attorney	Greenlining Institute	\$300	2008	\$215
Samuel	Kang	Attorney	Greenlining Institute	\$235	2008	\$180
Samuel	Kang	Attorney	Greenlining Institute	\$235	2009	\$190
Jesse	Raskin	Attorney	Greenlining Institute	\$205	2008	\$180
Stephanie	Chen	Legal Fellow	Greenlining Institute	\$205	2008	\$115
Stephanie	Chen	Legal Fellow	Greenlining Institute	\$205	2009	\$115

**(END OF APPENDIX A)**

**APPENDIX B**  
**Percentage Breakdown of Request by Issue**

<b>Attorney &amp; Advocate Fees</b>	<b>Executive Compensation</b>	<b>Philanthropy</b>	<b>Supplier Diversity</b>	<b>Workforce Diversity</b>	<b>Rate Increase</b>
<b>Robert Gnaizda</b>					
2007	20%	20%	20%	20%	20%
2008	20%	15%	15%	10%	40%
2009					
<b>Thalia Gonzalez</b>					
2007	20%	20%	20%	20%	20%
2008	20%	15%	15%	10%	40%
2009					
<b>Samuel Kang</b>					
2007					
2008	25%	10%	10%	5%	50%
2009	25%				75%
<b>Jesse Raskin</b>					
2007					
2008	20%	15%	15%	10%	40%
2009					
<b>Stephanie Chen</b>					
2007					
2008	25%				75%
2009	Worked on Preparation of Intervener Compensation Request				

**(END OF APPENDIX B)**