

Decision 12-01-031 January 12, 2012

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 GRANTING INTERVENOR COMPENSATION TO THE CALIFORNIA HISPANIC CHAMBER OF COMMERCE FOR SUBSTANTIAL CONTRIBUTION TO DECISION 11-05-019

This decision awards The California Hispanic Chambers of Commerce \$133,904.17 for its substantial contributions to Decision (D.) 11-05-019. This represents a decrease of \$24,685.99 or 16% from the amount requested due to adjusted hourly rates, duplication of effort, excessive hours, lack of substantial contribution, disallowance of clerical work and the disallowance of non-compensable travel and related costs. Today's award will be paid from the intervenor compensation fund, pursuant to D.00-01-020.

1. Background

General Order (GO) 156 was adopted by the California Public Utilities Commission (Commission or CPUC) in 1986 to promote greater competition among utility suppliers by expanding the available supplier base and to encourage greater economic opportunity for women, minority, and disabled veteran owned businesses historically left out of utility procurement.

The six largest reporting companies covered by GO 156 have vibrant outreach programs to increase participation by small and diverse businesses, and have exceeded GO 156's initial target goals. Other companies have had much less success.

The Order Instituting Rulemaking (R.) 09-07-027 (OIR) issued on July 30, 2009, sought to review the impact of GO 156 and its success in encouraging Commission regulated utilities to seek the full and fair participation of women, minority, and disabled-veteran-owned business enterprises (WMDVBEs) in their private procurement programs. The rulemaking undertook an assessment of current utility supplier diversity programs, including community-based views of their successes and failures, with the goal of recommending actions by the parties and amendments to GO 156 that would improve results.

Decision (D.) 11-05-019 (Decision) made several amendments to GO 156, some as a result of the proceeding and some to implement Assembly Bill (AB) 2758. The decision sets forth findings, recommendations, and best practices regarding utility supplier diversity programs, the role of community based organizations (CBOs), and the Supplier Clearing House.

2. Requirements for Awards of Compensation

The intervenor compensation program, set forth in Pub. Util. Code §§ 1801-1812,¹ requires California jurisdictional utilities to pay the reasonable costs of an intervenor's participation if that party makes a substantial

¹ All subsequent statutory references are to the Public Utilities Code unless otherwise indicated.

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 prehearing conference (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 dates the proceeding was initiated until 30 days after the PHC was held. (Rule 17.1(a)(1).) The PHC in this matter was held on February 29, 2010. The California Hispanic Chambers of Commerce (CHCC) timely filed its NOI on April 30, 2010.

In its NOI, CHCC asserted financial hardship. On April 30, 2010, ALJ Darling ruled that CHCC met the financial hardship condition pursuant to § 1802(g). 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).) The April 30, 2010 ruling, determined that CHCC was a category 3 customer, pursuant to (§ 1802(b)(1)(C).)

Regarding the timeliness of the request for compensation, CHCC filed its request for compensation, pursuant to § 1804 (c) on July 5, 2011, within 60 days of the issuance of D.11.05-019.² No party opposed the request. CHCC has met all of the procedural requirements necessary to make its request for compensation in this proceeding.

² D.11-05-019 was issued on May 6, 2011.

2.2. Financial Hardship

An intervenor seeking compensation must show that, without undue hardship, it cannot pay the reasonable costs of effective participation in the proceeding. A participant representing consumers (Paragraph A, above) or a representative authorized by a customer (Paragraph B, above) must disclose its finances to the Commission to make this showing. These showings may be made under an appropriate protective order. In the case of groups or organizations (Paragraph C, above), significant financial hardship is demonstrated by showing that the economic interest of individual members is small compared to the overall costs of effective participation. (§ 1802(g).) Such a finding is normally made in the ALJ's preliminary ruling as to whether the customer will be eligible for compensation. (§ 1804(b).)

To qualify for a finding of significant financial hardship as a group or organization, as described in Paragraph C, above, the customer must demonstrate that effective participation in this proceeding cost well in excess of typical bills for its individual members. In order to make that finding, we need to know the cost of participation and the average bills of the members of the organization they are appearing for, as well as the financial situation of the organization.

CHCC is a nonprofit chamber of commerce that represents over 720,000 Hispanic businesses in the State of California, including a large number of Hispanic woman-owned and disabled veterans' businesses which are affected by GO 156. CHCC states that it has been a long-time advocate for the development and support of Hispanic-owned businesses. In addition, through its individual business members, CHCC represents millions of Hispanic ratepayers.

CHCC provided a copy of its bylaws. Section 4, subdivision 4.1 of CHCC's bylaws provides that the goals and purposes of the CHCC are to "promote, support and encourage the advancement and development of Hispanic and minority owned businesses," and "to represent small, Hispanic and minority-owned business customers, including electric customers, in proceedings before the Commission and other state and local agencies."

Based on the foregoing, CHCC meets the definition of "customer" as defined in § 1802(b)(1)(C).

The comparison test for significant financial hardship, in which the cost of participation is compared to the economic interest of the individual members of the organization, applies to CHCC. The organization has established that it meets the comparison test through its estimated costs of \$106,000, for its participation when contrasted with the small economic interest of individual members. CHCC has established that participation without the opportunity to receive compensation would pose a "significant financial hardship".

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.³

With this guidance in mind, we turn to the claimed contributions CHCC made to the proceeding.

Outlined below are numerous contributions to D.11-05-019 claimed by CHCC. In addition, CHCC has attached Exhibit B to its claim for compensation which further delineates its assistance in developing the record, and informing the record:

Technical Assistance: In collaboration with the CAPCC, the CHCC brought to the forefront of this rulemaking, the need to provide WMDVBEs with technical assistance. CHCC states that its advocacy efforts for technical assistance (TA) culminated at the October 12, 2010, En Banc Hearing on Diversity, where the CAPCC and the CHCC introduced a joint plan to adopt a centralized, academy-based technical assistance program to be administered by the utilities in collaboration with the Commission. CHCC proffers that this proposal was significant and led directly to the introduction of a very similar academy-based technical assistance plan by the Joint Utilities.^{4 5 6} According to CHCC, along with the efforts of CAPCC,

³ D.98-04-059, 79 CPUC2d 628 at 653.

⁴ The Joint Utilities referenced here are Southern California Edison Company, Pacific Gas and Electric Company, Sempra Energy Utilities, AT&T, Verizon and California Water Association.

⁵ CHCC expended large amounts of time working with the Utilities to synthesize the joint technical assistance proposals following the En Banc Hearing.

its efforts were the direct catalyst for the Joint Utilities' academy-based technical assistance plan, and under the meaning of §1802.5, their efforts "materially complemented or supplemented" that plan. We agree that CHCC's efforts in this area, although the plan was not adopted by the Commission, 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.

Reporting Requirements: CHCC states that it was solely responsible for the new requirement that annual reports be electronically filed and posted on the Commission's website.^{7 8} CHCC made a substantial contribution on this issue.

Auditing and Accountability: CHCC's states that its advocacy efforts in the area of supplier diversity program auditing and increased accountability were a "centerpiece" for its participation in this rulemaking. According to CHCC, its efforts on these issues led to the Commission's adoption of a new auditing procedure for utility supplier diversity programs, which the Decision exclusively contributes to CHCC's advocacy efforts.⁹ We agree that CHCC

⁶ See Decision, Finding of Fact 1-2 at 69.

⁷ See CHCC's May 5, 2010, Workshop on Underutilized Areas (Testimony of Julian Canete); June 7, 2010, Workshop on Barriers to Entry (testimony of Julian Canete).

⁸ See D.11-05-019, Finding of Fact 7, Conclusion of Law #1 at 70 and 74.

⁹ See Notice of Intent to Claim Compensation dated April 30, 2010 at 7 (describing the goal of improving accountability and auditing measures in GO 156); Comments on the Utilities' Aspirational Step Plans, June 9, 2010 at 3-4 (recommending supplier diversity program auditing; June 23, 2010, Oral Argument (Transcript at 81:20-83:20 (explaining the need for auditing measures); July 13, 2010, Comments on CPUC Barrier to Entry Workshop Staff Report at 4 (arguing for improved auditing measures); July 28, 2010, Reply Comments to Utility Rebuttal Remarks at 5-6; August 6, 2010, Reply Comments to CPUC Barriers to Competition Staff Report at 7-10; April 25, 2011, Comments on Proposed Decision at 4-6; and May 2, 2011, Reply Comments on Proposed Decision at 2-3.

made a substantial contribution to the Decision as it has outlines here.¹⁰

Codification of En Banc Hearing: CHCC argues that it is directly responsible for the new requirement set forth in the Decision¹¹, for a new requirement that an annual en banc hearing on diversity be convened to discuss the GO 156 program.¹² We agree with CHCC's claim of substantial contribution as it has outlined here. The establishment of the en banc hearing as a permanent fixture of the GO 156 regulatory framework is significant, as it will increase the overall transparency of the program.

Bid Feedback: According to CHCC, it "fervently" advocated for the creation of a framework whereby WMDVBEs are provided notice of their rights to obtain feedback from the utilities regarding unsuccessful bids.¹³ The Decision acknowledged the importance of this issue in Finding of Fact 23 at 54-55 and 72. We agree that CHCC's efforts on this area made a substantial contribution to the Decision.

Bid Distribution: Voicing concerns from its Hispanic business members, the CHCC advocated for the utilities to make information regarding contracting opportunities more widely available, both through advertising, through the utilities own websites, and

¹⁰ See D.11-05-019, Finding of Fact 10, Conclusion of Law 6 at 70 and 74-75.

¹¹ August 6, 2010, Reply Comments to CPUC Barriers to Competition Staff Report at 10; October 12, 2010, En Banc Hearing on Diversity (transcript at 245:9 - 245:14) [addressing need to codify en banc hearing]; April 25, 2011, Joint Comments on Proposed Decision at 5-6 (arguing to make an en banc hearing mandatory).

¹² See D.11-05-019, Finding of Fact 35, Conclusion of Law 7 at 74 and 75.

¹³ See June 7, 2010 Workshop on Barrier to Entry, Testimony of Julian Canete; CPUC Staff Report, Workshop on Barriers to Entry, June 28, 2010 at 14 (acknowledging CHCC's concern regarding feedback rights); July 13, 2010 Comments on CPUC Barriers to Entry Workshop Report at 3-4 (arguing Utilities must provide notice to RFP participants of feedback rights).

through the Supplier Clearinghouse.¹⁴ We agree with CHCC's contribution as outlined here.

Collaboration with CBOs: CHCC argued on behalf of the Hispanic community both in comments and testimony for increased, structured collaboration between the utilities and the community based organizations as means for achieving the General Order 156 procurement goals.¹⁵ As advocated by CHCC, collaboration with CBOs would increase the Utilities' ability to penetrate into the Hispanic community, whose businesses, according to CHCC, rely heavily on CBOs for business opportunities. CHCC made a contribution to this issue as acknowledged and supported by Finding of Fact 3 in the Decision at 27-30 and 69.

¹⁴ See e.g., Opening Comments to May 5, 2010, Workshop on Underutilized Areas, April 28, 2010 at 3 (comments on incentivizing certification by notifying businesses of bid opportunities); June 7, 2010, Workshop on Barriers to Entry, Testimony of Julian Canete (explaining ease by which procurement opportunities can be electrically published); Comments on the Utilities' Aspirational Step Plans, June 9, 2010 at 1-2 (explaining need to advertise bid opportunities); July 28, 2010, Reply Comments to Utility Rebuttal Remarks at 4 (arguing for bid opportunities to be posted on Clearinghouse website); August 6, 2010, Reply Comments to CPUC Barriers to Competition Staff Report at 6 (explaining need to publicize bid information).

¹⁵ See e.g., Opening Comments on Scope of OIR, September 30, 2009 at 6-7 (addressing need for Utilities to use local community based organizations for outreach and to increase diversity); Opening Comments to May 5, 2010, Workshop on Underutilized Areas, April 28, 2010 at 3 (arguing for need for Utilities to increase networking with CBOs); June 7, 2010, Workshop on Barriers to Entry, Testimony of Julian Canete (Closing Remarks); Comments on the Utilities' Aspirational Step Plans, June 9, 2010 at 2-3 (arguing plans were deficient because they did not include any measures to collaborate with CBOs); June 23, 2010, Oral Argument (Transcript at 63:17-64:17); Comments on Staff Report to May 5, 2010, Workshop on Underutilized Areas, June 10, 2010 at 3 (arguing for need for Utilities to collaborate CBOs); July 13, 2010, Comments on CPUC Barriers to Entry Workshop Staff Report at 4 (arguing for collaborative best practices workshops); August 6, 2010, Reply Comments to CPUC Barriers to Competition Staff Report at 1-2 (arguing for Utilities to abandon their "go it alone" approach).

Capacity Building: The CHCC introduced and argued for an assortment of measures to build capacity amongst WMDVBEs which were ultimately adopted as Findings of Fact with the Decision, i.e., unbundling¹⁶ (adopted as Finding of Fact 17), mentorship programs (adopted as Finding of Fact 19), and the establishment of best practices workshops to identify successful supplier diversity (e.g., capacity-building) techniques,¹⁷ which were adopted within the Decision as Finding of Fact 13. We agree that CHCC made a substantial contribution to the Decision as outlined here.

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

¹⁶ Opening Comments to May 5, 2010, Workshop on Underutilized Areas, April 28, 2010 at 2 and 3-4 (explaining need to unbundle contracts), Exhibit 2 (testimony of John Casas explaining the value of unbundling), Exhibit 4 at 2 (testimony of Ken Macias explaining the necessity for contract unbundling); October 12, 2010, En Banc Hearing on Diversity (Transcript at 243:23-244:16-testimony of Ken Macias addressing the need for contract unbundling).

¹⁷ Notice of Intent, April 30, 2010 at 6 (explaining the goal of creating a best practices symposium with the Utilities' Aspirational Step Plans, June 9, 2010 at 4 (recommending the creation of a best practices workshops), June 23, 2010, Oral Argument, Transcript at 81:20-83:20 (explaining needs for best practices workshops); July 13, 2010, Comments on CPUC Barriers to Entry Workshop Staff Report at 4 (explaining need to identify best practices of successful supplier diversity programs); July 28, 2010, Reply Comments to Utility Rebuttal Remarks at 6 (explaining need to identify best practices); August 6, 2010, Joint Reply Comments on CPUC Staff Report on Barriers to Competition Workshop at 9-10, explaining need to identify best practices).

the presentation of another party if that participation makes a substantial contribution to the Commission order.

Regarding contributions by other parties, we agree with CHCC that in a proceeding involving multiple participants, it is virtually impossible to completely avoid some duplication of the work of other parties. This was a wide-ranging rulemaking to review many aspects of GO 156 and the utility supplier diversity programs. The Commission reached out to many community organizations and asked for their input and assistance. CHCC submits that throughout the rulemaking, it coordinated its efforts with other parties to avoid duplication of effort and ensure efficiency. CHCC states in its July 5, 2011 request for an award of compensation that it worked diligently with other CBO's for a presentation at the June 23, 2010, Oral Argument which enabled each of the CBO's to present and "give their own voice to distinctive advocacy issues." In addition, CHCC states that it coordinated its efforts closely with the California Asian Pacific Chamber of Commerce to jointly file comments on the CPUC Staff Report on the June 7, 2011, workshop to Barriers to Entry, the En Banc Hearing on Diversity and its comments of the proposed decision. According to CHCC, this collaboration marks the first time in a Commission proceeding where the CHCC and The California Asian Pacific Chamber of Commerce (CAPCC) interests were unified.

It is inescapable that other intervenors may well have made substantial contributions in the same subject areas, but CHCC states that it took all reasonable steps to keep duplication to a minimum and to ensure that its work served to supplement, complement, or contribute to the showing of another active party in the proceeding, CHCC jointly filed comments on the CPUC Staff Report on June 7, 2011, workshop on Barriers to Entry, the En Banc Hearing on

Diversity and the Proposed Decision with CAPCC. At the request of the ALJ, legal counsel for CHCC and CAPCC also undertook coordination with other parties to improve presentation of views at the oral argument and to jump-start a consensus on technical assistance concepts.

CHCC states that while the issues addressed by CHCC and CAPCC were somewhat similar (e.g., increases/improvements to outreach and capacity building), the actual mechanisms themselves offered by the CHCC and CAPCC to accomplish their respective goals were clearly distinct and separate. CHCC states that the exception to this was the Chamber's joint technical assistance plan.

We agree based on a review of CHCC's timesheets and the fact that it filed joint comments on several occasions, that CHCC worked with other parties to avoid unnecessary duplication of effort. We make no reductions to CHCC's claim in this area of our review.

After we have determined the scope of a customer's substantial contribution, we then look at whether the amount of the compensation request is reasonable.

5. CHCC's Requested Compensation and Reasonableness of Hours

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 making a substantial contribution. The issues we consider to determine the reasonableness of CHCC's request listed below are discussed as follows:

We first assess whether the hours claimed for the customer's efforts that resulted in substantial contributions to Commission decisions are reasonable by

determining to what degree the hours and costs are related to the work performed and necessary for the substantial contribution.

CHCC'S Requested Award						
Name of Attorney/Advocate	2009 Hours	2010 Hours	2011 Hours	Total Hours	Average \$ Rate/hr	\$ Totals
Larry Garcia	36.8	72.4	0.8	110.0	385.07	42,358.00
- requested rates	\$385.00	\$385.00	\$395.00			
Dan Silverboard	117.1	248.1	58.8	424.0	272.08	115,362.50
- requested rates	\$270.00	\$270.00	\$270/\$295			
David Temblador	0.0	0.5	3.5	4.0	342.50	1,370.00
- requested rates	\$310.00	\$325.00	\$345.00			
Joel Ayala	31.5	0.0	0.0	31.5	65.00	2,044.25
- requested rates	\$ 65.00	\$ 65.00	\$ 65.00			
Julian Canete	44.0	91.1	5.0	140.1	61.86	8,666.50
- requested rates	\$ 65.00	\$ 65.00	\$ 65.00			
Totals	229.4	412.1	68.1	709.6	239.31	169,801.25
50% Travel credit				-46.0	112.20	5,161.25
50% COMP credit				-31.5	287.11	9,044
Adjusted totals				632.1	246.18	155,596.00
Costs						2,994.16
Total Claim						\$158,590.16¹⁸

¹⁸ We note that CHCC's requested claim contains several miscalculations. First, the total for Silverboard's hours is actually \$115,361.92, and the total for Ayala's hours is actually \$2,047.50. These amounts corrected would bring the costs of CHCC's professional totals to \$169,803.92 hours before adjustments and expenses. In addition, we note that the average rate per hours for all CHCC participants should have been listed as \$225.30, not \$239.31 as CHCC lists above. We correct these errors in the award section of this claim, where we use the actual hourly rates adopted per year, rather than the hourly averages that CHCC calculates here. Secondly, CHCC totals all participant hours, establishes an "average" hourly rate for all four participants, then it multiplies this "group hourly rate" by its total hours. Lastly, we note that instead of placing the hours that CHCC spent on travel and compensation matters in a separate area in its

Footnote continued on next page

CHCC has documented its claimed hours by presenting a daily breakdown of the percentage of its collective participants time spent on each issue. The following table outlines CHCC's allocation of time by issue:

Allocation of Time by Issue	% Total Time
Auditing & Reporting Requirements	8.9%
Capacity Building and Contracting Mechanisms	5.5%
Compensation	8.9%
Coordination with Other Parties	0.9%
General Participation	33.5%
Outreach	7.4%
Proposed Decision	3.9%
Strategic Planning	16.6%
Technical Assistance	14.4%
Total	100.0%

table for tasks which are compensated at ½ hourly rate, CHCC elects instead to bill these hours at full hourly rate and then reduce by 50% these hours to arrive at its claim. Although the method is contrary to our practice, the resultant figures using this method, are the same. We note that none of the other methods that CHCC uses are in keeping with our standard practices. We do not elect to spend the time parsing out CACPCC's claim or redoing its table. We consider the actual amount CHCC has requested. Most importantly, CHCC's total hours for each participant, matches its timesheets. In the award section of this claim, we use the hourly rates we adopt here and make our reductions to the hours CHCC lists here. We discourage this practice in any future claims CHCC may file, and highly recommend the use the standardized forms for NOI and claim preparation available to intervenors at: <http://www.cpuc.ca.gov/PUC/IntervenorCompGuide/standardized.htm>. The use of the standardized forms provide the most efficient and reasonable methods to complete these tasks.

The Commission has ruled on multiple occasions¹⁹ that when an intervenor uses multiple participants to perform the same tasks or attends the same meetings and/or workshops that the intervenor must provide the Commission with sufficient information to ensure that this work is not duplicative of each others efforts and was essential for the intervenors showing. Without this explanation, we find these efforts to be internally duplicative and inefficient. We list below reductions we make to CHCC’s claim for duplication of effort, excessive hours, lack of substantial contribution, disallowance of clerical work and the disallowance of non-compensable travel and related costs.

Item	Disallowances ^{20 21}
2010-Garcia hours	On 5/14/10, 5/19/10, 6/7/10, 6/23/10, and 10/12/10, Garcia attended two workshops, a prehearing conference, oral argument and an En Banc Hearing in which CHCC’s attorney Silverboard and its expert Canete were also in attendance. We disallow 26.2 hours of Garcia’s 2010 hours for these events as being duplicative of the compensated efforts of Silverboard and Canete.

¹⁹ See for example D.09-08-021 and D.09-09-023.

²⁰ Where CHCC has combined work on several tasks into one timesheet entry and we have disallowed time related to some of these efforts, we elect to approximate the amount of time spent on each individual task by dividing the total time by the number of issues listed. In addition, this practice violates the provisions of Rule 17.4 as wells as the Commission’s decisions setting guidelines for intervenor compensation matters (see, for example, D.98-04-059, at 51). CHCC should discontinue this practice in any future claims for compensation in any claims it may file.

²¹ We forgo our normal practice of reducing CHCC’s claim for time spent on “General” matters to be equally proportionate to the amount of hours we have disallowed since CHCC is new to Commission proceedings, but caution CHCC that future claims may include such reductions.

<p>2010-Silverboard travel hours</p>	<p>We disallow 2.0 hrs of Silverboard’s 2009 professional hours²² and 9.75 hrs of Silverboard’s 2010 professional hours²³ for travel to and from Sacramento to San Francisco to attend various meetings and workshops, and travel to a CUDC meeting²⁴ as being non-compensable “routine travel” as defined in D.10-11-032. The Commission awards fees and expenses for reasonable travel time but disallows compensation for time and expenses incurred during “routine travel.” In D.10-11-032, the Commission further defined “routine travel” as travel that occurs with a one-way travel distance of 120 miles or less for attorneys, consultants and other experts participating in Commission matters. Travel time and expenses occurring within this parameter are considered to be “routine” in nature and non-compensable.</p>
<p>Canete’s travel hours</p>	<p>We disallow of 4.0 hrs of Canete 2009 professional hours²⁵ for travel to and from Sacramento to Oakland to attend a California University Diversity Council (CUDC) meeting in Oakland, CA, and 12.0 hrs of 2010 travel to and from Sacramento to San</p>

²² CAPCC has failed to allocate its travel hours and hours for time spent on compensation matters in a separate area in its claim for hours which are billed at one-half professional rate. This is the proper way to compute the claim. Instead, CAPCC bills all of the hours for these tasks at full professional rate, then reduced these hours by 50%. To simplify the calculation of this award, we list here only ½ of the actual hours disallowed for these tasks. By using this method we achieve the same numerical totals requested by CAPCC.

²³ On 6/11/10, Silverboard attended a CUDC meeting, presumably in San Francisco. Unlike his other allocations for travel time, Silverboard records all of the meeting activities on this date under his professional total. In keeping with the past travel timesheet entries to/from San Francisco for Silverboard, we parse out 2 hrs from the total on this date and determine that they were travel related and non-compensable under Decision 10-11-032.

²⁴ Based on email information provided by CHCC’s attorney Dan Silverboard, this meeting was held at Comcast’s Oakland Office, which is located at 8470 Pardee Drive, Oakland, Ca 94621. The one-way travel distance is to here is less than 120 miles from CHCC’s office in Sacramento. See D.10-11-032.

²⁵ See footnote 22.

	Francisco for various workshops, meetings and an En Banc meeting at the Commission as non-compensable “routine travel” as defined in D.10-11-032.
Our reasonableness assessment of CHCC’s work focuses on three aspects: First, did CHCC advocate for any issues which were outside of the scope of the proceeding, or which failed to make a substantial contribution to the final decision as required by statute ²⁶ . Secondly, given the scope of the work and the documents that CHCC filed, should the claimed hours be compensated as requested, and lastly, for the documents which were jointly filed by CHCC and CAPCC, and for which CAPCC has already been reasonably compensated, is the approval of additional hours warranted here. ²⁷	
2010-Silverboard hours	On July 13, 2010, CHCC filed its Opening Comments on the June 7, 2010, “Barriers to Competition Workshop Staff Report.” We find CHCC’s request of 8.9 hours for Silverboard’s 2010 work on this document to be excessive given the scope of the work. We reduce this time by 4.9 hours to more closely reflect our standards on reasonableness of hours.
Hours spent of CHCC’s Reply	CHCC requests a total of 21.7 hrs for this 4 page document (5.4 hrs-2009 Garcia; 13.33 hrs-2009 Silverboard; and 3.0 hrs-2009

²⁶ §1802(i) defines substantial contribution as the customer’s presentation that substantially assisted the Commission in the making of its decision because it has adopted factual and legal contentions, or policy recommendations presented by the intervenor. Section 1802.5 allows compensation for an intervenor’s participation which materially supplements, complements, or contributes to the presentation of another party, provided that the intervenor’s own participation makes a substantial contribution to a commission order or decision. Merely assisting another party to participate effectively does not constitute a substantial contribution by the intervenor, nor does such help seem reasonably necessary to the intervenor’s own substantial contribution.

²⁷ The same attorneys from the same law firm were utilized to represent both CHCC and CAPCC. We assume that CHCC and CAPCC filed jointly when its advocacy became similar and that it was done to efficiently avoid duplication of effort. Both of these intervenors, however, used different experts and we have compensated these experts with minimal reductions. The intervenor compensation request filed by CAPCC has been completed prior to our examination of CHCC’s claim here, and an appropriate recommendation for number of hours for that work has been approved for an award.

<p>Comments on the Scope of the Order Instituting Rulemaking and Request for formal hearings</p>	<p>Canete). This document was not jointly filed. We find the total number of hours to be excessive given the scope of the work, the relative novelty of the document and the fact that it little research). We approve a more reasonable amount of 8 hrs for this document. To achieve this allowance we disallow 2.9 hrs of Garcia’s 2009 hrs and 10.83 of Silverboard’s 2009 hrs.</p>
<p>Hours spent of CHCC’s Comments on Utilities’ Interim Aspirational Step Plans</p>	<p>CHCC requests a total of 10.2 hrs (1.0 hr-Garcia 2010; 7.1 hrs-Silverboard 2010 and 2.1 hrs-Canete 2010). This document was not jointly filed and totals 4.5 pages of relatively simple, non-complex responses to the Utilities’ Aspirational Step Plans. Again, we find the total number of hours that CHCC spent on this document to be excessive, even when we factor in CHCC’s newness to Commission proceedings. We approve 8 hrs for completion of this document and reduce Silverboard’s 2010 hrs by 2.2 to achieve this allowance.</p>
<p>CHCC’s hours spent of its jointly filed Reply Comments to the June 24, 2010, rebuttal remarks filed by AT&T California, PG&E Company, SDG&E Company, SoCalGas Company and Verizon California Inc.</p>	<p>CHCC requests a total of 8.1 hrs (.9 hrs-Garcia 2010 and 7.2 hrs-Silverboard 2010) to prepare this document. We have previously approved the reasonable amount of 5.8 hrs for CAPCC to prepare this document. While we could disallow all of CHCC’s requested hours as being previously compensated in the award to CAPCC, we recognize the Commission’s encouragement of parties with similar interests to bind together to produce jointly filed documents and to avoid duplicating the efforts of others. We are guided however, by the need to weigh-in on the extent to which ratepayers should be expected to pay doubly for joint efforts. We conclude that they should not. Instead, we adjust CHCC’s hours to reflect a 10% (.8 hrs) approval for its work on this document. We divide the allowance equally between Garcia and Silverboard. Disallowances: .5 hrs-Garcia 2010 and 6.8-Silverboard 2010</p>
<p>Hours spent on the joint filing of CHCC and CAPCC’s Motion of Reconsideration of ALJ’s Ruling Revising Ruling on July 6, 2010</p>	<p>We disallow 75% of the time that CHCC and CAPCC (California Asian Pacific Chamber of Commerce spent preparing its jointly filed motion for Reconsideration of Administrative Law Judge’s (ALJ) Ruling Revising Ruling issued on July 6, 2010. On July 22, 2010, ALJ Darling issued a ruling denying this motion, except for CHCC and CHCC request that if the motion was denied, that in the alternative, they requested that the ALJ extend the deadline for filing Reply Comments on the Barriers to Competition</p>

	<p>Workshop Staff Report. The July 22, 2010 ruling by the ALJ did approve this request. CHCC and CHCC's efforts in this regard consisted of the last 5 sentences of this 3 page document.</p> <p>Disallowances: .90 hrs of Garcia's 2010 time and 4.13 hrs of Silverboard's 2010 time</p>
<p>Hours related to efforts on preparing for En Banc meeting</p>	<p>We allow compensation for Silverboard (attorney) and Canete (expert) to attend the En Banc meeting on 10/12/10. We do not however, allow compensation for preparation for the en banc, or making presentations at the en banc as it was not proceeding specific and would have gone forward regardless of R.09-07-027.²⁸ Parties were allowed to file final comments, and we compensate reasonable hours for these efforts, provided they were "limited in content to matters raised at the en banc hearing."²⁹ CHCC's participation in this area 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, as such, we compensate this time.</p> <p>Disallowances of 2010 hrs Preparing for En Banc Hearing: 1.6 hrs Garcia, 9.8 hrs Silverboard, and 3.0 hrs Canete.</p>
<p>Disallowance of time spent on CHCC's and CAPCC's Joint Comments on the October 12, 2010,</p>	<p>We disallow 1.8 hrs of Silverboard's 2010 hours spent on this document regarding the "Projected Cost and Funding of Technical Assistance Plans." We estimate the time spent on this issue to be 23% (1 of 8 pages) of CHCC's total time spent on this document. D.11-05-019 at 22 states: "[w]e acknowledge broad</p>

²⁸ Section 11 of GO 156 states that the Commission shall provide an annual report to the Legislature beginning in January, 1989, on the progress of activities under-taken by each utility to implement Pub. Util. Code §§ 8281 through 8286 and GO 156, as required by § 8283 (e). Section 11.3 of GO 156 states that the Commission shall hold an annual en banc hearing or other proceeding in order to provide Utilities and members of the public, including community-based organizations, the opportunity to share ideas and make recommendations for effectively implementing legislative policy and this general order.

²⁹ See Amendment to Scoping Memo by Assigned Commissioner and Administrative Law Judge Modifying Scheduled, issued on August 26, 2010.

<p>En Banc Hearing on GO 156, "Challenging the Paradigm of Diverse Procurement"</p>	<p>agreement among parties as to the necessity of expanding technical assistance (TA), but no record was developed to support that any particular amount of utility funding for TA is sufficient, or appropriate for all utilities." ...[t]herefore, we decline to order a specific amount, or percentage, of procurement spent to be directed towards an element of a utility's supplier diversity program."</p>
<p>Disallowance of time spent on clerical matters</p>	<p>Filing is a non-compensable clerical task which is subsumed in the fees paid to attorneys. We disallow .9 hrs of Garcia time on 5/21/10 "attending to scheduling details" and 1.2 hrs of Temblador's time on 5/2/11 "filing" of CHCC's draft reply comments.³⁰ In addition we note several entries in Silverboard's timesheets for clerical tasks i.e., "filing documents with PUC Suppler Diversity Staff, organizing and filing documents with the PUC, filing of reply comments, transmitting of documents for comment." We disallow 1.75 hrs of Silverboard's 2009 time for these tasks and approximately 3.6 hrs of Silverboard's 2010 time spent on non-compensable clerical tasks.</p>
<p>Disallowance of time for which no description of work was provided</p>	<p>We disallow 3.1 hrs of Silverboard's 2011 time on 4/7/11 as CHCC has failed to provide a description of the work performed. We disallow 1.0 hr of Canete's 2009 time on 11/18/09 as CHCC has failed to provide a description of the work performed.</p>
<p>Disallowances for meals, mileage, and costs related to "routine commuting"</p>	<p>We disallow \$123.50 of CHCC's requested compensation for meals. The Commission does not compensate this expense.³¹ We disallow \$945.67 of CHCC's requested compensation for mileage, parking fees, toll fees and BART fees incurred during "routine travel."³² For the same reason, we disallow \$96.57 of CHCC's requested reimbursement for lodging and taxicab expenses to attend the En Banc Hearing.</p>

³⁰ Where CHCC has combined work on several issues on its timesheet, we have elected to approximate the amount of time spent on each individual issue by dividing the total time by the number of issues listed.

³¹ See D.10-03-020, D.09-10-055, and D.07-12-040.

³² See D.10-11-023.

	Total disallowance for direct expenses= \$1,165.74
Time spent on compensation matters	<p>CHCC requests a total of 31.5 hours (.85-Garcia/30.65-Silverboard) for time spent on its NOI and compensation claim. In contrast, Greenlining requested 8.4 hours for these same tasks. While we acknowledge that Greenlining has many years of experience in Commission matters, and in this case did not participate as fully as CHCC, the disparity in hours between these intervenors calls for a significant reduction. We approve a total of 25 hrs for this task, in this instance, given CHCC's newness to Commission proceedings and the fact that it fully participated in the proceeding. The adjusted allowance more closely reflects our standards on reasonableness of hours in addition to minimizing the cost that ratepayers should bear for to educate a new intervenor. To achieve this allotment, we reduce CHCC's hours by the following:</p> <p>Disallowances: 6.5 hrs of Silverboard's 2011 time.</p>

5.1. 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.

Larry Garcia's hourly rates: CHCC seeks an hourly rate of \$385 for Larry Garcia's 2009 and 2010 work and an hourly rate of \$395 for his 2011 work in this proceeding as CHCC's General Counsel. Garcia has no previously established rates before the Commission.

Garcia was admitted into the California Bar Association in December 1975, and has practiced law for over 35 years. Garcia's resume indicates that he is currently a partner at Gordon and Rees LLP in Sacramento, CA where his responsibilities are to counsel and represent clients in regulated business environments with a concentration in serving healthcare providers, senior living providers, and small businesses. Garcia's practice has includes mergers,

acquisitions, financings, commercial transactions, business structuring, healthcare law, as well as the representation of clients before regulators.

According to CHCC, from 200-2010, Garcia served as a shareholder in the firm of Diepenbrock Harrison, where his practice was focused in the area of hospital and healthcare law, residential care facilities for the elderly, medical group practice representation, business and corporate law and commercial transactions. CHCC states that Garcia's experience includes representation of clients before several regulatory agencies such as the California Department of Health Services, the California Medical Board, Medicare Provider Reimbursement Board, the Joint Commission on the Accreditation of Healthcare Organizations, the Office of Inspector General for the Department of Health and Human Services, the Federal Trade Commission, the Internal Revenue Service, the FDA, the Cal Mortgage Program, the California Office of Administrative Law, the EEOC, the California Fair Housing and Employment Commission, and the California Department of Corporations. Mr. Garcia also served on the Adjunct Faculty of Drexel University, USC, the UC Davis Graduate School of Management, and the USF College of Professional Studies.

CHCC requests an hourly rate of \$385 for Garcia's 2009-2010 work and an hourly rate increase of approximately 3% (assumingly for a cost-of living (COLA) increase since CHCC provides no justification for a step increase) to equal \$395 for Garcia's 2011 work. Resolution ALJ-267 adopts a rate range of \$300-\$535 for attorney with 13 + years of experience. We find CHCC's request of \$385 for Garcia's work reasonable for years 2009-2010, and apply this same rate to Garcia's 2011 work as Resolution ALJ-267 disallows COLA increases for 2011 intervenor work.

Dan Silverboard's hourly rates: CHCC requests an hourly rate of \$270 for Dan Silverboard's 2009-2010 work in this proceeding and a rate ranging from (\$270-\$295) for Silverboard's 2011 work.³³ Silverboard has no previously established rate before the Commission.

Silverboard was admitted into the California Bar Association in December 2001. Silverboard's resume indicates that from 2002-2004 he worked as an attorney for the Department of Justice (DOJ) in Washington, D.C. During this time, his duties included legal research and writing for the Environmental and Natural Resources Division with a focus on issues relating to Native American tribal trust litigation and assisting DOJ attorneys in discovery. From 2004-2011, Silverboard was an attorney at Diepenbrock Harrison in Sacramento, CA. During his approximate 7 years there, Silverboard's practice included representation of private sector clients in health care regulatory matters related to Medicare and Medicaid compliance, including practitioner and facility licensing and certification, reimbursement, Health Insurance Portability and Accountability Act (HIPAA), and fraud and abuse. Clients included hospitals, residential care facilities for the elderly, federally qualified health centers, and medical groups. In addition, Silverboard's practice focused on issues related to property development, including counseling clients on the acquisition of city and county land use entitlements, general planning and zoning amendments, and applicable state and federal environmental approvals. Since 2011, Silverboard has worked as an attorney for Gordon & Rees LLP in Sacramento, CA where his

³³ To identify Silverboard's actual billing rate for this period, we use the dollar figures provided by CHCC on page 9 of its compensation request and calculate the

Footnote continued on next page

practice has included complex health care regulatory matters relating to Medicare and MediCal compliance, including practitioner and facility licensing and certification, reimbursement, HIPAA, Stark laws, and fraud and abuse. Clients include hospitals, federally qualified health and medical groups. Silverboard's practice at Gordon & Rees LLP includes advising clients on issues relating to land use planning and development, including facility expansion.

Silverboard's work in this proceeding spanned the period of time from 10/28/09 through 7/5/2011. At the start of the proceeding, Silverboard's had slightly less than 8 years of experience as an attorney. Considering Silverboard's training and experience, we find CHCC's requested hourly rate of \$270 for Silverboard's 2009-2010 work and its hourly rate request of \$285 for Silverboard's 2011 work to be reasonable and consistent with rates approved by the Commission for attorneys at both the 5-7 year and 8-12 year levels established in Resolution ALJ-267.³⁴ We adopt these rates as requested.

David Temblador's hourly rates: Temblador has no previous rate set before the Commission. Temblador was admitted into the California Bar

actual rate billed. That rate is \$286. We use this hourly rate and round it to the nearest \$5.00 increment for consideration of our award.

³⁴ We remind CHCC because it is new to Commission proceedings that D.08-04-010 at 12-13 directs intervenors that "any request for a step increase be clearly and separately explained in the compensation request, and include a statement on whether the requested step increase is the first of second such increase for that individual within a given level of experience." CHCC has not complied with this requirement here, but because CHCC seeks rates for Silverboard which are reasonable and consistent with Resolution ALJ-267, we elect to apply a first 5% step-increase to Silverboard's 2011 work here. We caution CHCC however, that it must provide this information in any future claims for compensation where a rate increase is requested. In accordance with D.08-04-010, we round Silverboard's 2011 rate to the nearest \$5 increment.

Association in December 2000. Temblador was employed with the Law Offices of Gregory Thatch, in Sacramento, CA from 2001-2008. Temblador's resume indicates that he was involved in real estate development from project acquisition through entitlement approval, and when necessary, development of litigation strategies. In Temblador's role, his practice focused on complex and controversial land use entitlements throughout northern California with responsibilities that included pre-acquisition due diligence, negotiation and drafting of purchase and sale agreements, research and development of entitlement strategies, entitlement processing, California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) compliance, preparation of development agreements, project litigation strategies, consultant management, community outreach efforts, media relations, project advocacy and project hearing presentations. From June 2008-2011, Temblador has worked for two years as an associate and for one year as a shareholder at the law offices of Diepenbrock Harrison in Sacramento, CA. In this role, Temblador focuses on aspects of real estate development and entitlement with emphasis on the processing of complex and/or controversial land use matters, negotiation and drafting of purchase and sale agreements, research and development and entitlement strategies, entitlement processing, CEQA and NEPA compliance, project litigation strategies, consultant management, community outreach efforts, media relations, project advocacy and project hearing presentations.

Temblador's work here involved minor hours in 2010 (.8) reviewing and revising CHCC's brief, and a brief conference with Dan Silverboard and 1.75 hrs in 2011 drafting reply comments to the GO 156 Preliminary Ruling.

CHCC requests an hourly rate of \$325 for Temblador's 2010 work and an increase of approximately 6% equal to \$345 for Temblador's 2011 work. In 2010, Temblador had been licensed as an attorney for 10 years. CHCC's hourly rate request for Temblador is mid-range for attorneys with 8-12 years of experience as approved in Resolution ALJ-267. We adopt a rate of \$325 for Temblador's 2010 work here. We apply this same rate to Temblador's 2011 as Resolution ALJ-267 disallows COLA increases for 2011 intervenor work.

Joel Ayala's hourly rate: Joel Ayala has no previously established rate before the Commission. CHCC requests an hourly rate of \$65.00 for Ayala's 2009 work here as an advocate. Ayala graduated from the University of California-Irvine in 1989 with a Bachelor of Arts degree in Political Science. CHCC submits the following in support of its requested hourly rate for Ayala: Joel A. Ayala was recently appointed by Governor Arnold Schwarzenegger as Director of the Governor's Office of Economic Development (GoED) to make it easier to start, expand, or keep a business in California. Ayala will work to facilitate and stimulate economic growth through the development and implementation of strategic policies and partnerships with the private sector, community, local, and national organizations that enhance human and capital infrastructure development as well as increase California's competitive advantage in the global marketplace.

Prior to joining the state, he served as the President and Chief Executive Officer (CEO) of the California Hispanic Chambers of Commerce where Ayala represented the interests of over 720,000 Hispanic-owned businesses in California. In 2001, Ayala became President and CEO of the Orange County Hispanic Chamber of Commerce where he served as the primary contact for federal, state and local legislators concerning the interests of the Hispanic

business community in Orange County, CA. Through local Empowerment Zones, Workforce Investment Boards, and Enterprise Zones, Ayala worked to improve Workforce and Economic Development for small to midsize companies in Orange and Los Angeles counties.

Ayala brings over 20 years of experience in the areas of personal development and leadership and has served as a board member to the Orange County Presidents Council, the Santa Ana Empowerment Zone, the Workforce Investment Boards of Santa Ana and Anaheim, the Small Business Development Center, and the Business Community Advisory Boards for Rancho Santiago and North Orange County Community College Districts. Ayala has served on the California Task force for Small Business spearheaded by the Department of General Services, and was selected to join the Lieutenant Governor's Economic Development Committee.

Ayala has been awarded the CHCC "Executive of the Year" award, Citi Bank Executive of the Year, as well as the Small Business Administration's award for "Minority Small Business Champion."

We adopt CHCC's requested hourly rate of \$65 per hour for Ayala's 2009 work here as reasonable and consistent with the rates approved in ALJ-267.

Julian Canete's hourly rates: Julian Canete has no previously established rate before the Commission. Julian Canete is president and chief executive officer of the CHCC. He took over this position in May of 2010. As President and Chief Executive Officer, Canete oversees the day to day operations and management of the CHCC, including its legislative advocacy program. Enhancing the economic growth of California's Hispanic and emerging business community has been the primary goal of Canete's activities. He has headed the CHCC's legislative, procurement and business development initiatives and

programs. Before joining the chamber, Canete served as an associate at the Amicus Group, a communication and public relations firm based in Stockton, California.

Canete serves or has served on numerous committees and councils that address business issues, including Department of General Service Small Business Council, California Hispanic Association for Corporate Responsibility, Governor's Small Business Advocate's Advisory Committee. Canete was a founding member of the California Utilities Diversity Council and served as chairperson of the San Joaquin County Private Industry Council from 1992 to 1996. Canete received his Bachelor of Arts degree in Public Administration in 1986 from California State University Fullerton, and attended the University of Chicago Booth's School of Business Executive Education Program in 2009.

CHCC's requested hourly rates of \$65.00 for Canete's 2009-2011 work here as an advocate, are reasonable and consistent with the rates approved in Resolution ALJ-267, and adopted here.

5.2. Direct Expenses

CHCC's itemized direct expenses include the following:

Direct Expenses	Total \$
Express Mail/Postage	43.12
Photocopy	22.90

Conference Call Services	732.29 ³⁵
Computer Research (Lexis/Nexis)	282.26
Mileage Reimbursement	531.65
Travel Expenses (Air Fare to Workshops in LA, Parking and Tolls to attend CPUC meetings, Lodging)	724.05
Facsimile Charges	32
Hearing Transcripts	174.46
Copy Charges - Outside Service	132.93
Total Requested Direct Expenses	2,994.16
Disallowances for meals and routine travel costs	-\$1,165.74³⁶
Adjusted Compensation for Direct Expenses	\$1,828.42³⁷

After the disallowances of meals³⁸ and costs related to routine commuting,³⁹ the remaining the miscellaneous expenses are reasonable and commensurate with the work performed.

³⁵ While we make no reductions to this expense because CHCC is new to Commission proceedings, CHCC's request for "conference call services" is strikingly high when compared to other compensation requests filed in this proceeding. In addition, CHCC has provided no cost analysis for the Commission to access whether these services were the most efficient method available to contact/work with other parties, or whether these expenses should be considered a normal business expense, borne by the intervenor. Ratepayers should only pay the cost for "reasonable expenses" incurred in making a substantial contribution to a Commission decision. We typically compensate telephone expenses (long-distance phone calls) incurred as a result of an intervenor's participation. In any future compensation claims that CHCC may file, it must provide cost analysis for this expense if it requests compensation.

³⁶ See disallowances listed on at 17-18.

³⁷ Rounded to nearest dollar amount.

³⁸ See D.10-03-020, D.09-10-055, and D.07-08-021.

6. Productivity

D.98-04-059 directed customers to demonstrate productivity by assigning a reasonable dollar value to the benefits of their participation to ratepayers. (D.98-04-059, at 34-35.) 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.

CHCC states that it's difficult to assign a dollar value to its participation in this rulemaking which was focused on the benefits achieved through increased diversity. In addition, CHCC submits that its contributions to the D.11-05-019 will increase the success of the GO 156 program and overall procurement from WMDVBE businesses by the utilities. CHCC argues that its contributions to the Decision specifically include measures that will increase transparency in the program, increase education and outreach to WMDVBE's, and increase methods by which to include qualified WMDVBEs through capacity-building mechanisms, CHCC argues that the magnitude of the benefits resulting from the decision to WMDVBE's, including those represented by CHCC, while not quantifiable, will include tangible economic benefits to ratepayers that comes with increasing diversity in procurement. Accordingly, CHCC submits that its

³⁹ The Commission awards fees and expenses for reasonable travel time but disallows compensation for time and expenses incurred during "routine travel." In D.10-11-032, the Commission defined "routine travel" as travel that occurs with a one-way travel distance of 120 miles or less for attorneys, consultants and other experts participating in Commission matters. Travel time and expenses occurring within this parameter are considered to be "routine" in nature and non-compensable. CHCC was represented by attorneys from the law offices of Gordon & Rees LLP and advocates Joel Ayala and Julian Canete, all of whom travelled from Sacramento, CA to the Commission or from Sacramento, CA to Oakland, CA for CDUC meetings. The one-way travel distance for to both of these location, is less than 120 miles.

work in this rulemaking can be expected to save ratepayers many times the cost of its participation and asks that the Commission find that CHCC's participation was productive.

Since diversifying the supply chain results in local and statewide economic stimulus and job creation, particularly with respect to communities of color, the ratepayer savings along with these economic benefits are likely to exceed the cost of CHCC's participation in the proceeding. After the adjustments and disallowances we have made to this claim, we find that CHCC's efforts were productive.

7. Award

As set forth in the table below, we award CHCC \$133,904.17.

Work on Proceeding				
Attorney/Staff	Year	Hours	Hourly Rate \$	Total \$
Larry Garcia	2009	33.1	385	12,743.50
Larry Garcia	2010	42.3	385	16,285.50
Larry Garcia	2011	0.8	385	308.00
Dan Silverboard	2009	102.5	270	27,675.00
Dan Silverboard	2010	205.1	270	55,377.00
Dan Silverboard	2011	18.6	285	5,301.00
David Temblador	2010	0.5	325	162.50
David Temblador	2011	2.3	325	747.50
Joel Ayala	2009	31.5	65	2,047.50
Julian Canete	2009	39.0	65	2,535.00
Julian Canete	2010	76.1	65	4,946.50
Julian Canete	2011	5.0	65	325.00
Work on Proceeding Total:⁴⁰				\$128,454.00

⁴⁰ We have reviewed the hours that CHCC has labeled as "outreach", as we typically disallow these efforts because they occur off the record and do not assist the Commission in making a "substantial contribution" to the decision as required by statute. Here, we find that the hours CHCC has identified as "outreach" were in fact

Footnote continued on next page

Travel and Preparation of NOI and Compensation Request⁴¹				
Attorney/Staff	Year	Hours	Hourly Rate \$	Total \$
Larry Garcia	2009	.9	192.50	173.25
Larry Silverboard	2011	24.2	142.50	3,448.50
NOI and Compensation Request Total:				\$3,621.75
CALCULATION OF FINAL AWARD				
Work on Proceeding				\$128,454.00
NOI and Compensation Request Preparation				\$3,621.75
Expenses				\$1,828.42
TOTAL AWARD				\$133,904.17⁴²

Since this rulemaking proceeding affects a broad array of utilities and others in the telecommunications field, we find it appropriate to authorize payment of today's awards from the Commission's intervenor compensation program fund, as described in D.00-01-020.

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. CHCC'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.

procedurally related and are subject to compensation since they have met our standards of review on reasonableness.

⁴¹ These tasks are compensated at ½ professional rate.

⁴² Rounded to nearest dollar amount.

8. Waiver of Comment Period

This is an intervenor compensation matter. Accordingly, as provided by Rule 14.6(c)(6) of our Rules of Practice and Procedure, we waive the otherwise applicable 30-day comment period for this decision.

9. Assignment of Proceeding

Michael R. Peevey is the assigned Commissioner and Melanie M. Darling is the assigned ALJ in this proceeding.

Findings of Fact

1. CHCC has satisfied all the procedural requirements necessary to claim compensation in this proceeding.
2. CHCC made a substantial contribution to D.11-05-019 as described herein.
3. CHCC requested hourly rates for its representatives that, as adjusted herein, are reasonable when compared to the market rates for persons with similar training and experience.
4. CHCC requested related expenses, as adjusted herein, that are reasonable and commensurate with the work performed.
5. The total of the reasonable compensation is \$133,904.17.
6. This decision's Appendix summarizes today's award.

Conclusions of Law

1. CHCC has fulfilled the requirements of §§ 1801-1812, which govern awards of intervenor compensation, and is entitled to intervenor compensation for its claimed expenses incurred in making substantial contributions to D.11-05-019.

2. CHCC should be awarded \$133,904.17 for its contribution to D.11-05-019.

This order should be effective today so that CHCC may be compensated without further delay.

O R D E R

IT IS ORDERED that:

1. The California Hispanic Chamber of Commerce is awarded \$133,904.17 as compensation for its substantial contributions to Decision 11-05-019.
2. Within 30 days of the effective date of this decision, The California Hispanic Chamber of Commerce's award shall be paid from the intervenor compensation program fund, as described in Decision 00-01-020. 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 5, 2010, the 75th day after the filing date of The California Hispanic Chamber of Commerce's request for compensation and continuing until full payment is made.

This order is effective today.

Dated January 12, 2012, at San Francisco, California.

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

I abstain.

/s/ MICHEL PETER FLORIO
Commissioner

APPENDIX

Compensation Decision Summary Information

Compensation Decision:	D1201031	Modifies Decision? No
Contribution Decision:	D1105019	
Proceeding:	R0907027	
Author:	ALJ Melanie M. Darling	
Payee:	The CPUC's Intervenor Compensation Fund	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The California Hispanic Chamber of Commerce	07-05-11	\$158,590.16	\$133,904.17	No	adjusted hourly rates, miscalculations by CHCC, excessive hours, non-compensable travel hours and expenses, disallowance of clerical tasks, and lack of substantial contribution

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Larry	Garcia	Attorney	The California Hispanic Chamber of Commerce	\$385	2009-2010	\$385
Larry	Garcia	Attorney	The California Hispanic Chamber of Commerce	\$395	2011	\$385
Dan	Silverboard	Attorney	The California Hispanic Chamber of Commerce	\$270	2009-2010	\$270
Dan	Silverboard	Attorney	The California Hispanic Chamber of Commerce	\$286	2011	\$285
David	Temblador	Attorney	The California Hispanic Chamber of Commerce	\$325	2010	\$325
David	Temblador	Attorney	The California Hispanic Chamber of Commerce	\$345	2011	\$325
Joel	Ayala	Advocate	The California Hispanic Chamber of Commerce	\$ 65	2009	\$ 65
Julian	Canete	Advocate	The California Hispanic Chamber of Commerce	\$ 65	2009-2011	\$ 65

(END OF APPENDIX)