STATE OF CALIFORNIA
EDMUND G. BROWN JR., *Governor*

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

FILED
09/04/18
01:25 PM

September 4, 2018 Agenda ID #16810
Ratesetting

TO PARTIES OF RECORD IN APPLICATION 15-04-012:

This is the proposed decision of Administrative Law Judge Michelle Cooke. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's October 11, 2018 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties to the proceeding may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

Comments must be filed, pursuant to Rule 1.13, either electronically or in hard copy. Comments should be served on parties to this proceeding in accordance with Rules 1.9 and 1.10. Electronic and hard copies of comments should be sent to ALJ Cooke at mlc@cpuc.ca.gov and to the Intervenor Compensation Program at **[Icompcoordinator@cpuc.ca.gov]** The current service list for this proceeding is available on the Commission's website at www.cpuc.ca.gov.

/s/ ANNE E. SIMON
Anne E. Simon
Chief Administrative Law Judge

AES: avs
Attachment

Decision **PROPOSED DECISION OF ALJ COOKE (Mailed 9/4/2018)**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SAN DIEGO GAS & ELECTRIC COMPANY (U 902 E) For Authority to Update Marginal Costs, Cost Allocation, and Electric Rate Design.	Application 15-04-012

DECISION ON INTERVENOR COMPENSATION CLAIM OF CENTER FOR ACCESSIBLE TECHNOLOGY

Intervenor: Center for Accessible Technology (CforAT)	For contribution to Decision (D.) D. 17-08-030
Claimed: $16,571.50	Awarded: $0
Assigned Commissioner: Michael Picker	Assigned ALJ: Michelle Cooke

PART I: PROCEDURAL ISSUES:

A. Brief description of Decision:	This decision addresses the application of San Diego Gas & Electric Company (SDG&E) to establish marginal costs, allocate revenues, and design rates for service provided to its customers. The decision approves an uncontested Revenue Allocation Settlement Agreement; it does not approve a contested Schools Settlement Agreement.

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:[1]

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	3/21/16 (2nd PHC)	Verified
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	4/20/16	CforAT did not file an NOI in this proceeding.
4. Was the NOI timely filed?		CforAT did not file an NOI in this proceeding.
Showing of eligible customer status (§ 1802(b):		
5. Based on ALJ ruling issued in proceeding number:	No ruling was issued in this proceeding on CforAT's status. CforAT has routinely been found to have eligible customer status, most recently in D.17-05-009, issued on 5/12/17 in A.14-11-007.	The applicable finding regarding CforAT's customer status and significant financial hardship was made in the Ruling of August 26, 2014 in A.14-04-013. However, since CforAT did not file an NOI in this proceeding, CforAT is not eligible for intervenor compensation. See CPUC Discussion in Part I(C).
6. Date of ALJ ruling:	See above.	See above.
7. Based on another CPUC determination (specify):	See above.	n/a
8. Has the Intervenor demonstrated customer status?		Since CforAT did not file an NOI, CforAT is not eligible for compensation in this proceeding. See CPUC Discussion in Part I(C).
Showing of "significant financial hardship" (§1802(h) or §1803.1(b))		

[1] All statutory references are to California Public Utilities Code unless indicated otherwise.

9. Based on ALJ ruling issued in proceeding number:	No ruling was issued on CforAT's showing of significant financial hardship in this proceeding. CforAT has routinely been found to demonstrate significant financial hardship, most recently in D.17-05-009, issued on 5/12/17 in A.14-11-007.	The applicable finding regarding CforAT's customer status and significant financial hardship was made in the Ruling of August 26, 2014 in A.14-04-013. However, since CforAT did not file an NOI in this proceeding, CforAT is not eligible for intervenor compensation. See CPUC Discussion in Part I(C).
10. Date of ALJ ruling:	See above.	See above.
11. Based on another CPUC determination (specify):	See above.	n/a
12. Has the Intervenor demonstrated significant financial hardship?		Since CforAT did not file an NOI, CforAT is not eligible to claim intervenor compensation in this proceeding. See CPUC Discussion in Part I(C).
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D. 17-08-030	Verified
14. Date of issuance of Final Order or Decision:	8/25/17	Verified
15. File date of compensation request:	10/24/17	Verified
16. Was the request for compensation timely?		Yes. However, since CforAT did not file an NOI, CforAT is not eligible to claim intervenor compensation in this proceeding. See CPUC Discussion in Part I(C).

C. Additional Comments on Part I:

#	CPUC Discussion
3-12	Section 1804(a)(1) states that a customer who intends to seek an intervenor compensation award "shall, within 30 days after the prehearing conference is held, file and serve on all parties to the proceeding a notice of intent to claim compensation." Filing of the notice of intent is mandatory and cannot be waived. CforAT failed to file an NOI and therefore did not follow the process of requesting intervenor compensation set in the statute. Absent an NOI, this claim cannot be granted. Shortly after CforAT filed this claim on October 24, 2017, CforAT was contacted by the Intervenor Compensation Program coordinator to inquire about a filing of the NOI. In its response of October 26, 2017, CforAT acknowledged that it had no records of filing an NOI in this proceeding.[2] Since the fact of CforAT's failure to file an NOI precludes the Commission from granting this intervenor compensation claim, this decision does not assess a validity of CforAT's statements of substantial contribution to the final decision (Part II) and reasonableness of the claim (Part III).

PART II: SUBSTANTIAL CONTRIBUTION:

A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059).

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
1. CforAT participated on issues of rate design, including TOU modeling, and in settlement discussions that resulted in the allocation settlement, which was adopted in the final decision. *See* CforAT Time Records.	While CforAT's participation on these issues is not directly referenced in the Final Decision, it benefits the public interest to have representation for vulnerable customers as part of the process in the rate design process to ensure that these customers are not disadvantaged by policies adopted by the Commission.	Not evaluated since CforAT did not file an NOI, CforAT is not eligible to claim intervenor compensation in this proceeding. See CPUC Discussion in Part I(C).
2. CforAT opposed adoption of the school settlement, which was	The Final Decision declines to adopt the school settlement which contained a disputed discount to	Not evaluated since CforAT did not file an NOI, CforAT is

[2] Copies of the correspondence can be found in the "Correspondence" file for this proceeding.

rejected. *See* CforAT Reply Brief, filed on 2/17/17.	electricity bills. The revenue shortfall that would have resulted from the proposed settlement would have been collected from all customer classes. The settlement and arguments are discussed in the Final Decision at pp. 54-60. While CforAT's contribution is not directly discussed, CforAT was one of multiple parties arguing against adoption of the settlement.	not eligible to claim intervenor compensation in this proceeding. See CPUC Discussion in Part I(C).

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

	Intervenor's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?	Yes	
b. Were there other parties to the proceeding with positions similar to yours?	Yes	
c. If so, provide name of other parties: ORA, UCAN. TURN was nominally a party, but did not actively participate.		
d. Intervenor's claim of non-duplication: CforAT engaged in limited participation in this proceeding to ensure that issues of rate design expressly give consideration to the interests of vulnerable customers. CforAT's limited work complemented or supplemented the broad interests of other consumer representatives who represent the interests of all residential customers.		Not evaluated.

PART III: REASONABLENESS OF REQUESTED COMPENSATION:

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

a. Intervenor's claim of cost reasonableness:	CPUC Discussion
In our limited participation in this proceeding, CforAT sought to ensure that vulnerable residential customers would not be disadvantaged through the rate design adopted for SDG&E. For example, CforAT opposed the school settlement because the proposed subsidy for schools was not supported and would have been paid through higher rates for other customers, including vulnerable residential customers. While the savings obtained for these customers through CforAT's participation cannot be directly calculated, CforAT's expenses are modest and reasonable.	Not evaluated.

Overall, CforAT provides a benefit to vulnerable customers by serving as their advocate, while requesting a modest amount for work on the merits of this proceeding.	
b. Reasonableness of hours claimed: CforAT's limited participation in this proceeding was well below our estimates submitted with our NOI; in our NOI we estimated that we would expend 150 hours of attorney time, as well as expert time, to protect the interests of customers with disabilities and vulnerable residential customers. In fact, CforAT requests compensation for approximately 33 hours of time, which was appropriately spent to ensure that issues of revenue allocation, rate design, and TOU periods are appropriate for our constituency.	Not evaluated.
c. Allocation of hours by issue: CforAT's time was allocated among the following issues: General Participation: 12.3 hours of 33.2 total (37.0%) The issue area designated "General Participation" includes time spent on procedural matters as well as time that could not easily be allocated to other issues, such as reviews of party submissions, briefs and comments on the PD. While the percentage allocation is large, the overall number of hours reflected in this category is reasonable. Settlement: 9.6 hours of 33.2 total (28.9 %) This issue area includes time spent in discussions and review of the eventual allocation settlement and the schools settlement. Rate Design: 11.3 hours of 33.2 total (34.1%) This issue area includes participation at workshops, efforts to address TOU periods,	Not evaluated.

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate $	Basis for Rate*	Total $	Hours	Rate $	Total $
Melissa W. Kasnitz	2016	27.2	$455	D.16-09-033	$12,376.00	0.00 [A]	$455.00	$0.00
Melissa W. Kasnitz	2017	6.0	$465	Applying Res. ALJ-345 to 2016 rate	$ 2,790.00	0.00 [A]	$465.00	$0.00
				Subtotal:	**$15,136.00**			***Subtotal:*** **$0.00**

INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate $	Basis for Rate*	Total $	Hours	Rate	Total $
Melissa W. Kasnitz	2016	1.0	$227.50	½ standard rate	$227.50	0.00 [A]	$227.50	$0.00
Melissa W. Kasnitz	2017	5.0	$232.50	½ requested rate	$1,162.50	0.00 [A]	$232.50	$0.00
					***Subtotal:* $1,435.50**			***Subtotal: $0.00***
					***TOTAL REQUEST:* $16,571.50**			***TOTAL AWARD: $0.00***

*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate

ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR[3]	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Melissa W. Kasnitz	December, 1992	162679	No, but includes periods of inactive status prior to 1997

C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Time Records (including merits time and time spent on compensation)

[3] This information may be obtained through the State Bar of California's website at http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch .

D. CPUC Disallowances and Adjustments:

Item	Reason
[A]	The intervenor compensation claim is rejected for CfAT's failure to file an NOI.

PART IV: OPPOSITIONS AND COMMENTS:
(Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (*see* § 1804(c)))

A. Opposition: Did any party oppose the Claim?	No

B. Comment Period: Was the 30-day comment period waived (*see* Rule 14.6(c)(6))?		No
Party	Comment	CPUC Discussion

FINDING OF FACT

1. Center for Accessible Technology did not file a notice of intent to claim intervenor compensation in this proceeding.

CONCLUSION OF LAW

1. Center for Accessible Technology fails to satisfy the eligibility requirements of Public Utilities Code Section 1804(a).

ORDER

1. The intervenor compensation claim filed by Center for Accessible Technology is denied for failure to file a Notice of Intent to Claim Compensation.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:	D18-	Modifies Decision?	No
Contribution Decision(s):	D17-08-030		
Proceeding(s):	A15-04-012		
Author:	ALJ Cooke		
Payer(s):	N/A		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Center for Accessible Technology	10/24/17	$16,571.50	$0	N	Claim rejected for the intervenor's failure to file a Notice of Intent to Claim Intervenor Compensation

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Melissa W.	Kasnitz	Attorney	Center for Accessible Technology	$455	2016	$0
Melissa W.	Kasnitz	Attorney	Center for Accessible Technology	$465	2017	$0

(END OF APPENDIX)