Decision _____



FILED

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Gas Company (U 904 G), to Establish Gas Demand Response Pilot Programs 02:40 PM Application 23010004 (Filed January 6, 2023

INTERVENOR COMPENSATION CLAIM OF CENTER FOR ACCESSIBLE TECHNOLOGY AND DECISION ON INTERVENOR COMPENSATION CLAIM OF CENTER FOR ACCESSIBLE TECHNOLOGY

<u>NOTE</u>: After electronically filing a PDF copy of this Intervenor Compensation Claim (Request), please email the document in an MS WORD and supporting EXCEL spreadsheet to the Intervenor Compensation Program Coordinator at <u>Icompcoordinator@cpuc.ca.gov</u>.

Intervenor: Cent Technology (Cfo		For contribution to Decision (D.) D.24-01-036
Claimed: \$ 14,737.00		Awarded: \$
Assigned Commissioner: Douglas		Assigned ALJ: Jungreis
I hereby certify that the information I have set forth in Parts I, II, and III of this Claim is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this Claim has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).		
	Signature:	/S/ Melissa W. Kasnitz
\mathbf{D} ()(1.07		

	Signature:	/S/ Melissa W. Kasnitz
Date: March 27,	Printed Name:	Melissa W. Kasnitz
2024		

PART I: PROCEDURAL ISSUES

(to be completed by Intervenor except where indicated)

A. Brief description of Decision:	Decision 24-01-036 (the Final Decision) denies Southern
	California Gas Company's application seeking approval of
	proposed gas demand response pilot programs and recovery
	of the costs associated with their proposed implementation.

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812¹:

	Intervenor	CPUC Verification
Timely filing of notice of intent to clai	m compensation (NOI) (§ 1804(a)):
1. Date of Prehearing Conference:	3/20/2023	
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	4/19/2023	
4. Was the NOI timely filed?		
Showing of eligible custo or eligible local government ent		
5. Based on ALJ ruling issued in proceeding number:	CforAT's most recent finding of eligible customer status was issued on June 14, 2023 in R.22-11-013.	
6. Date of ALJ ruling:	June 14, 2023	
7. Based on another CPUC determination (specify):	N/A	
8. Has the Intervenor demonstrated customer sta government entity status?	atus or eligible	
Showing of "significant financial ha	rdship" (§1802(h) or §	1803.1(b)):
9. Based on ALJ ruling issued in proceeding number:	CforAT's most recent finding of eligible customer status was issued on June 14, 2023 in R.22-11-013.	
10. Date of ALJ ruling:	June 14, 2023	
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant f	financial hardship?	

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

	Intervenor	CPUC Verification
Timely request for com	pensation (§ 1804©):	
13. Identify Final Decision:	D.24-01-036	
14. Date of issuance of Final Order or Decision:	1/30/2024	
15. File date of compensation request:	March 27, 2024	
16. Was the request for compensation timely?		

C. Additional Comments on Part I: <u>(use line reference # as appropriate)</u>

#	Intervenor's Comment(s)	CPUC Discussion

PART II: SUBSTANTIAL CONTRIBUTION (to be completed by Intervenor except where indicated)

Revised March 2023

A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059): <u>(For each contribution, support with specific</u> <u>reference to the record.)</u>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
 CforAT opposed the Application based on concerns about cost effectiveness. In particular, CforAT noted that the proposed Residential Smart Control (RSC) pilot program would consume approximately 33% of the proposed total budget in the Application (which proposed four pilots plus a research initiative), while yielding only 1.5% of the overall reduction in gas use. CforAT Protest to Application, filed on February 6, 2023, at pp. 2- 3. PHC Transcript, filed on May, 17, 2023, at p. 23:14- 20. 	The Final Decision noted CforAT's concerns (along with similar concerns from TURN) that "the proposed allocation of costs and benefits in the Application [were] too one-sided, providing most of the benefits to C&I customers while imposing most of the costs on residential customers." Final Decision at p. 5.	
 2. CforAT specifically opposed adoption of the RSC pilot program proposed in the Application due to concerns that it would cause vulnerable customers to accept unreasonable risks to their health and safety in exchange for relatively small amounts of money. CforAT further expressed concern that such risk would be taken in the context of minimal reductions in gas consumption. CforAT Protest at pp. 1-2. PHC Transcript at p. 23:14-20. 	The Final Decision noted CforAT's concerns regarding the focus on low- income and vulnerable customers. "CforAT protested the exclusive focus of the proposed residential pilot programs on low-income customers." Final Decision at p. 5.	

 3. CforAT's concerns were serious and substantive but were not addressed by SoCalGas. CforAT Comments on PD, filed January 10, 2024, at p. 2. 	"Though both TURN and CforAT made serious, substantive objections to the proposed DR pilot proposals, SoCalGas's response to them consist of little more than a repetition of its original request." Final Decision at p. 11.	
4. CforAT supported the findings of the Proposed Decision to reject the application and agreed with the analysis that the Application "is not in the interest of ratepayers and otherwise does not meet various requirements" established in a prior decision. CforAT Comments on PD at pp. 1-3.	Final Decision at p. 12 (noting CforAT's support for the PD); <i>id.</i> at p. 13 (declining to make substantive modifications of the PD rejecting the Application).	

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

		Intervenor's Assertion	CPUC Discussion
a.	Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding? ²	Yes	
b.	Were there other parties to the proceeding with positions similar to yours?	Yes	
c.	 If so, provide name of other parties: Cal Advocates The Utility Reform Network (TURN) 		
d. Intervenor's claim of non-duplication:			
CforAT's focus on issues with SoCalGas's proposed RSC pilot program and its potential impacts on vulnerable customers distinguished its participation from other parties with whom it shared more general positions about the Application, such as concerns with cost-effectiveness, program design, and use of ratepayer funds. CforAT specifically expressed concerns about the			

² The Office of Ratepayer Advocates was renamed the Public Advocate's Office of the Public Utilities Commission pursuant to Senate Bill No. 854, which the Governor approved on June 27, 2018.

	Intervenor's Assertion	CPUC Discussion
a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding? ²	Yes	
RSC pilot's targeting of low-income residential customers, is members of CforAT's constituency who are disproportionat and depend on reliable and affordable natural gas service for safety. Among these concerns, CforAT raised the issue of th potentially grave health and safety impacts on low-income a customers in exchange for small amounts of money and eme primary party objecting to the pilot on this basis. When app CforAT also coordinated with other parties in this proceeding	ely low-income r their health and he RSC pilot's and vulnerable erged as the propriate,	

C. Additional Comments on Part II: *(use line reference # or letter as appropriate)*

#	Intervenor's Comment	CPUC Discussion
1	Issue Not Specifically Addressed in Final Decision	
	CforAT's protest in this proceeding focused on concerns regarding the proposed RSC pilot, including concerns about its overall cost-effectiveness as well as the potential health and safety risks to low-income and vulnerable customers in exchange for small amounts of money. CforAT attorneys Melissa W. Kasnitz and Alexandra Green researched and reviewed this issue. This issue is highly relevant to CforAT's constituency and implicates health and safety as well as financial concerns. Given the importance of this issue, it was reasonable for CforAT to devote time to this issue to ensure it was appropriately addressed in the proceeding.	

Since the Commission dismissed the application, the issue of the appropriateness of the RSC pilot became moot. The Commission has consistently compensated intervenor work for situations such as this, when issues worked on by intervenors are not addressed in a final decision due to intervening events beyond the control of the intervenor. (See, for example, D.02-03-034, D.02- 03-035, D.02-08-061, D.03-05-	
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for example, D.02-03-034, D.02- 03-035, D.02-08-061, D.03-05-	
03-035, D.02-08-061, D.03-05-	
029, D.03-06-065, D.04-03-031,	
D.05-12-038, D.06-06-008, D.06-	
10-007, and D.13-02-032).	
Moreover, the Commission noted	
in the Final Decision that both	
CforAT and TURN made	
"serious, substantive objections to	
the proposed DR pilot proposals."	
D.24-01-036 at p. 11. Therefore,	
CforAT's protest contributed to	
the Commission's decision-	
making process, even if CforAT's	
specific recommendations	
regarding the RSC pilot became	
moot with the dismissal of the	
application. The Commission has	
recognized that an intervenor may	
make a substantial contribution	
by improving the Commission's	
decision-making process, even	
where the adopted outcome does	
not adopt the intervenor's	
recommendations. (For	
example, D.21-06-021 at 2-3;	
D.19-10-019 at 5-6; D.09-04-027	
at 4).	
Therefore, CforAT believes it is	
reasonable for the Commission to	
compensate CforAT for the	
mosdest amount of work that was	

#	Intervenor's Comment	CPUC Discussion
	necessary to address the proposed RSC pilot issue in this proceeding.	

PART III: REASONABLENESS OF REQUESTED COMPENSATION (to be completed by Intervenor except where indicated)

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

	CPUC Discussion
a. Intervenor's claim of cost reasonableness:	
This proceeding concerns SoCalGas' Application to establish demand response pilot programs and to recover the costs of these programs in rates. CforAT focused on concerns with aspects of the proposed RSC pilot, which would target low-income residential customers in disadvantaged communities.	
CforAT's participation in this proceeding focused on ensuring that low- income and vulnerable customers targeted in the proposed RSC pilot do not face health and safety risks raised by the utility's control of their thermostats, especially when the program aimed at low-income customers provides them with relatively small amounts of money and is unlikely to lead to a substantial reduction in gas consumption. CforAT also raised serious concerns about the cost-effectiveness of the proposed RSC program and the use of ratepayer funding for a small forecasted reduction in gas consumption.	
It is difficult to quantify the impacts of these efforts on any individual customer. However, CforAT's overall efforts to ensure close scrutiny of the proposed program for thermostat control aimed at low-income residential customers reduce the risk that vulnerable customers will experience harmful health and safety impacts from forced temperature adjustments. Recognizing and preventing the potential health and safety risks posed by a utility's pilot program is of tremendous value to all customers, particularly to the most vulnerable customers who would likely be targeted by such a pilot. Additionally, CforAT's efforts to assess and scrutinize the cost-effectiveness of the proposed RSC pilot support careful consideration of such programs before ratepayer funding is devoted to covering the associated costs. This careful consideration of program design and cost-effectiveness is valuable to all ratepayers.	

	CPUC Discussion
Given the importance of these benefits, and the fact that the Final Decision noted that the concerns raised by CforAT were serious and substantive prior to dismissing the entire application, CforAT's request for intervenor compensation is reasonable.	
b. Reasonableness of hours claimed:	
CforAT worked efficiently and reasonably in all efforts expended in this proceeding. Melissa W. Kasnitz, CforAT's Legal Director, conducted and supervised work completed for this proceeding. Ms. Kasnitz has substantial experience addressing energy utilities' issues and programs as they impact CforAT's constituency of residential utility customers with disabilities and medical needs. CforAT appropriately delegated some tasks to a junior attorney with lower billing rates, including researching prior pilot applications and drafting a protest to the application. The junior attorney in early 2023 was Alexandra Green, then CforAT's Legal Fellow (following the conclusion of her legal fellowship at CforAT, Ms. Green is now a Staff Attorney at TURN). Subsequently, CforAT's current Legal Fellow, Rachel Sweetnam, participated in the preparation of this request for compensation. While a junior attorney is generally less efficient in performing various tasks than a more experienced attorney, this form of delegation with appropriate supervision achieves reasonable overall efficiency and cost. Time spent delegating and overseeing work is efficient and necessary and still results in lower overall cost than would be the case without such delegation of responsibility.	
c. Allocation of hours by issue:	
2024 Time – Kasnitz (0.8 total hours)	
PD: 0.8 hours (100%) The issue area "PD" includes all time reviewing the Proposed Decision (PD) and subsequent revisions, drafting comments on the PD, and reviewing party comments on the PD.	
2023 Time – Kasnitz (12.0 hours total)	
Coordination: 2.6 hours (21.7%) The issue area "Coordination" includes all time spent in accordance with instructions from the ALJ coordinating with other parties to prepare a joint PHC statement and attending a meet and confer, as well as other time spent	

	CPUC Discussion
scheduling and meeting with other parties to discuss topics for coordination.	
General Participation: 2.1 hours (17.5%) The issue area "General Participation" includes time spent on procedural matters, including limited time spent reviewing filings and activity as well as other matters that do not fall under any other category.	
PD: 1.9 hours (15.8%)	
Residential: 3.6 hours (30%) The issue area "Residential" includes time that CforAT could identify as spent addressing our primary issue of the proposed RSC pilot, which would target low-income residential customers including customers with medical needs who depend on reliable and affordable natural gas service for health and safety. This includes time spent reviewing the Application, researching prior residential pilot applications, and drafting CforAT's protest to the Application.	
Settlement: 1.8 hours (15%) The issue area "Settlement" includes all time that CforAT spent appropriate preparing for and attending a settlement meeting with SoCalGas regarding the proposed RSC pilot, as well as other appropriate tasks related to these settlement talks.	
2023 Time – Green (13.5 hours total)	
Coordination: 1.6 hours (11.9%)	
General Participation: 2.6 hours (19.2%)	
Residential: 7.4 hours (54.8%)	
Settlement: 1.9 hours (14.1%)	

B. Specific Claim:*

CLAIMED						CPUC A	WARD	
ATTORNEY, EXPERT, AND ADVOCA						TE FEES		
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Melissa W. Kasnitz	2024	0.8	\$750	2024 COLA (4.1%) applied	\$ 588			

	CLAIMED					CPUC A	WARD	
				to previously adopted rate for 2023. Res. ALJ-393 with escalation formula.				
Melissa W. Kasnitz	2023	12.0	\$720	D.24-03-064	\$8,640			
Alexandra Green	2023	13.5	\$245	See comment below	\$3,307.50			
				Subtotal: \$	5 12,535.50			Subtotal: \$
				OTHER F				
	1	1		OURLY FEES yo	· · · · · · · · · · · · · · · · · · ·		-	
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
[Person 1]								
[Person 2]								
	S		Subtotal: \$			Subtotal: \$		
		INTERV	ENOR CO	DMPENSATION	CLAIM PRI	EPARAT	ION **	
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Melissa W. Kasnitz	2023	0.2	\$360	¹ / ₂ standard rate	\$ 72			
Alexandra Green	2023	0.9	\$117.50	¹ / ₂ requested 2023 rate	\$ 105.75			
Melissa W. Kasnitz	2024	3.6	\$375	¹ / ₂ requested 2024 rate	\$ 1,350			
Rachel Sweetnam	2024	5.5	\$122.50	¹ / ₂ requested 2024 rate, see comment below.	\$ 673.75			
				Subtotal:	\$ 2,201.50			Subtotal: \$
				COSTS	8			
		# Item Detail					· · · · · · · · · · · · · · · · · · ·	
# I	tem		Deta	ail	Amount		Amo	int
# I	tem		Deta	ail	Amount		Amo	int

CLAIMED	CPUC AWARD
Subtotal: \$	Subtotal: \$
TOTAL REQUEST: \$ 14,737.00	TOTAL AWARD: \$

*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	1992	162679	No			
Alexandra Green	2022	346771	No			
Rachel Sweetnam	2023	350075	No			

C. Attachments Documenting Specific Claim and Comments on Part III: (Intervenor completes; attachments not attached to final Decision)

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Time Records (Merits work and work on compensation)
	 Alexandra Green – 2023 Rate Justification: CforAT requests that the Commission adopt a 2023 hourly rate of \$245 for Alexandra Green. This represents an adjustment from her pending requested rate of \$225 for 2023, based on the 4.1% escalation rate for an annual COLA, as authorized in Resolution ALJ-393, as well as a step increase within the tier of a Level 1 Attorney. In 2023, Ms. Green was continuing her ongoing work as a Legal Fellow at CforAT (her one-year fellowship began in 2022). Her education and experience prior to joining CforAT are set forth in a pending compensation request filed in A.19-11-003 on July 19, 2023, which requested an hourly rate of \$225 for Ms. Green's work in 2022.

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

Attachment or Comment #	Description/Comment
	For 2023, in addition to the COLA escalation, CforAT is requesting a 5% step increase in the hourly rate for Ms. Green. Collectively, this results in a requested rate of \$245 per hour, calculated from the hourly rate CforAT requested for Ms. Green in 2022 (\$225), adjusted by both the annual escalation methodology adopted in Resolution (Res.) ALJ-393 and the first 5% step increase for Ms. Green in the Attorney – Level I experience tier. Resolution ALJ-393 permits intervenor representatives to claim up to two 5% annual "step increases" within each labor role experience tier, as long as their final requested rate does not exceed the maximum approved rate for that experience level. (Res. ALJ-393, p. 5).
	The maximum approved rate for an Attorney – Level I is \$299.47 for work conducted in 2021, which escalates to \$323.27 in 2023 by applying the 3.3% 2022 COLA and then the 4.5% 2023 COLA. The requested 2023 rate for Alexandra Green of \$245 is well below the maximum 2023 rate for an Attorney – Level I and is in fact below the median rate of \$251.94 (escalated from the 2021 median rate of \$233.39).
	Since conducting the work for which compensation is sought in this proceeding, Ms. Green concluded her Legal Fellowship with CforAT and is now working as a Staff Attorney for TURN. CforAT understands that the requested hourly rate of \$245 for Ms. Green herein is consistent with the hourly rate requested by TURN for work performed by Ms. Green for that organization in 2024. <i>See</i> TURN Compensation Request filed in R.11-11-007 on February 2, 2024.
	Rachel Sweetnam – 2024 Rate Justification: CforAT Legal Fellow Rachel Sweetnam has not previously had a rate assigned by the Commission. In a compensation request filed on February 20, 2024 in I.19-06-014, CforAT requested an hourly rate of \$235 for work performed by Ms. Sweetnam in 2023. This request remains pending. For 2024, CforAT is requesting that the proposed rate of \$235/hour for 2023 be adjusted with the applicable 4.1% COLA authorized pursuant to Res. ALJ- 393, which would result in an hourly rate of \$245 for 2024.

D. CPUC Comments, Disallowances, and Adjustments (CPUC completes)

Item	Reason

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?	

If so:

Party	Reason for Opposition	CPUC Discussion	

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

If not:

Party	Comment	CPUC Discussion

(Green items to be completed by Intervenor)

FINDINGS OF FACT

- 1. CENTER FOR ACCESSIBLE TECHNOLOGY [has/has not] made a substantial contribution to D.24-01-036.
- 2. The requested hourly rates for CENTER FOR ACCESSIBLE TECHNOLOGY's representatives [, as adjusted herein,] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
- 3. The claimed costs and expenses [, as adjusted herein,] are reasonable and commensurate with the work performed.
- 4. The total of reasonable compensation is \$_____.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, [satisfies/fails to satisfy] all requirements of Pub. Util. Code §§ 1801-1812.

<u>ORDER</u>

1. CENTER FOR ACCESSIBLE TECHNOLOGY is awarded \$_____.

- 2. Within 30 days of the effective date of this decision, ______ shall pay CENTER FOR ACCESSIBLE TECHNOLOGY the total award. [for multiple utilities: "Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay CENTER FOR ACCESSIBLE TECHNOLOGY their respective shares of the award, based on their California-jurisdictional [industry type, for example, electric] revenues for the ^ calendar year, to reflect the year in which the proceeding was primarily litigated. If such data are unavailable, the most recent [industry type, for example, electric] revenue data shall be used."] Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning [date], the 75th day after the filing of CENTER FOR ACCESSIBLE TECHNOLOGY's request, and continuing until full payment is made.
- 3. The comment period for today's decision [is/is not] waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?
Contribution Decision(s):	D.24-01-036	
Proceeding(s):	A.23-01-004	
Author:		
Payer(s):		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
CENTER FOR ACCESSIBLE TECHNOLOGY	March 27, 2024	\$ 14,737.00		N/A	

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Melissa	Kasnitz	Attorney	\$750	2024	
Melissa	Kasnitz	Attorney	\$720	2023	
Alexandra	Green	Attorney	\$245	2023	
Rachel	Sweetnam	Attorney	\$235	2024	

(END OF APPENDIX)