



Decision _____

FILED

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

03/27/24

12:26 PM

A2301004

Application of Southern California Gas Company (U904G), to Establish Gas Demand Response Pilot Programs.	Application 23-01-004 (Filed January 6, 2023)
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**INTERVENOR COMPENSATION CLAIM OF SMALL BUSINESS UTILITY
ADVOCATES
AND DECISION ON INTERVENOR COMPENSATION CLAIM OF SMALL
BUSINESS UTILITY ADVOCATES**

NOTE: 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

Intervenor: Small Business Utility Advocates (SBUA)	For contribution to Decision (D.) 24-01-036
Claimed: \$9,198.00	Awarded: \$
Assigned Commissioner: Karen Douglas	Assigned ALJ: Jason 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/ Jennifer Weberski
Date: March 27, 2024	Printed Name: Jennifer Weberski

PART I: PROCEDURAL ISSUES
(to be completed by Intervenor except where indicated)

A. Brief description of Decision:	D.24-01-036 denied Southern California Gas Company's application seeking approval of the proposed gas demand response pilot programs and recovery of the costs associated with their proposed implementation for the years 2023-2025.
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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 claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	March 20, 2023	
2. Other specified date for NOI:		
3. Date NOI filed:	April 7, 2023	
4. Was the NOI timely filed?		
Showing of eligible customer status (§ 1802(b) or eligible local government entity status (§§ 1802(d), 1802.4)):		
5. Based on ALJ ruling issued in proceeding number:	R.22-02-005, et. al.	
6. Date of ALJ ruling:	August 2, 2022	
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		
Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	R.22-02-005, et. al.	
10. Date of ALJ ruling:	August 2, 2022	
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.24-01-036	
14. Date of issuance of Final Order or Decision:	January 30, 2024	
15. File date of compensation request:	March 27, 2024	
16. Was the request for compensation timely?		

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

#	Intervenor’s Comment(s)	CPUC Discussion
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¹ All statutory references are to California Public Utilities Code unless indicated otherwise.

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

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

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>1. Initial Advocacy for Small Commercial Customers</p> <p>SBUA engaged in this proceeding as part of a larger campaign to advocate for the interests of small commercial customers with respect to demand response pilots. SBUA was a party to Southern California Gas Company's (SoCalGas) previous Application regarding demand response pilots (A.18-11-005). Pursuant to Decision (D.) 20-02-043, which denied the previous Application without prejudice, SoCalGas filed the current Application, which was the subject of D.24-01-036.</p> <p>SBUA filed a Response to the Application, highlighting the importance of considering small business interests in this proceeding. As indicated in this Response, SBUA's planned participation included filing briefs and testimony, participating in workshops (if held) and hearings (if held), and providing comments on</p>	<p>"On January 6, 2023, SoCalGas filed the instant application (Application) for authorization of gas DR pilot programs with a total cost of \$15 million and seeking \$12.5 million in ratepayer matching funds. ... It also drew responses from Small Business Utility Advocates,..." Decision, p. 3.</p> <p>"A prehearing conference (PHC) was held on March 20, 2023." Decision, 3.</p> <p>Reporter's Transcript, Mar. 20, 2023, Vol. 1, p. 20, ln. 5-16.</p> <p>Response of Small Business Utility Advocates to Southern California Gas Company's Application Regarding Gas Demand Response Pilots, Feb. 6, 2020, pp. 2-3.</p>	

<p>any Proposed Decision. SBUA also participated in the Pre-hearing Conference, where it expressed general support for the Application and the pursuit of funding from the Department of Energy (DOE) for the proposed demand response pilots.</p>		
<p>2. Settlement and Meet and Confer Efforts</p> <p>Following the direction of Administrative Law Judge (ALJ) Karl Bemederfer during the March 20, 2023 Pre-hearing Conference, the parties, including SBUA, participated in a meet & confer on March 28, 2023. The meet & confer allowed the parties the opportunity to discuss the following issues as directed by the ALJ: (1) proposed scope, including those agreed to by the parties and those not agreed to by the parties; (2) issues requiring evidentiary hearings; and (3) proposed schedule.</p> <p>Pursuant to ALJ Bemederfer's direction at the Prehearing Conference, SoCalGas filed the Joint Post Prehearing Conference on April 10, 2023 on behalf of the parties, including SBUA.</p> <p>After the meet and confer, SoCalGas reached out to SBUA to engage in discussions on potential settlement. SBUA engaged in settlement discussions with SoCalGas in April 2023.</p>	<p>“On April 10, 2023, Council, the Public Advocates Office of the Commission (Cal Advocates), Center for Accessible Technology, Small Business Utility Advocates, Southern California Gas Company, Google LLC, EDF, and Alliance for Retail Energy Markets filed a joint post-PHC statement.” Decision, pp. 3-4.</p> <p>“On June 20, 2023, the Administrative Law Judge (ALJ) issued a ruling seeking additional information to which SoCalGas responded on July 5, 2023. On September 12, 2023, the ALJ issued a second ruling seeking further information, to which SoCalGas responded on September 27, 2023.” Decision, p. 4.</p> <p>Joint Post Prehearing Conference Statement Regarding Southern California Gas Company's (U 904 G) Application to Establish Gas Demand Response Pilot Programs, Apr. 10, 2023.</p>	

Following the issuance of two rulings by the ALJ, SBUA strategically limited its work on the proceeding to reduce expended hours, considering the ALJ's hesitancy regarding any approval of the SoCalGas Application as presented.		
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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: While parties, such as The Utility Reform Network (TURN), Environmental Defense Fund (EDF), Center for Accessible Technology (CforAT), Google LLC, and Alliance for Retail Energy Markets were engaged in the proceeding, SBUA was the only participant exclusively on behalf of small business customers.		
d. Intervenor's claim of non-duplication: SBUA participated on behalf of small business ratepayers. No other parties were representing exclusively the interests of small business customers as a class, and SBUA's interests were distinct from residential ratepayers and environmental groups. SBUA initially expressed general support for the Application, a stance not shared by residential ratepayer advocates such as TURN and CforAT.		

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

#	Intervenor's Comment	CPUC Discussion

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.

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

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

	CPUC Discussion
<p>a. Intervenor’s claim of cost reasonableness:</p> <p>SBUA initially actively participated in the proceeding by evaluating the application, reaching out to potential experts, and determining the importance of representing small business interests. After the issuance of the ALJ rulings in June and September 2023, wherein the ALJ expressed strong reservations about approving the Application, SBUA strategically limited its advocacy.</p> <p>For instance, SBUA determined that it was not prudent to file comments on the Proposed Decision. While such comments might have bolstered SBUA’s record of participation, they were otherwise avoidable and would have increased SBUA’s expenses. <i>See, e.g.</i>, D.98-05-013 at 10 (commending intervenors that focused their efforts to reduce costs of participation and, consequently, awarding compensation for indirect participation).</p> <p>In addition, SBUA engaged in one limited settlement discussion with SoCalGas to determine if the interests of small commercial customers might be resolved through stipulation or settlement rather than ongoing litigation. Although these discussions did not lead to a settlement, SBUA submits that spending limited hours exploring settlement options was reasonable.</p>	
<p>b. Reasonableness of hours claimed: SBUA seeks recovery for 10.6 hours of attorney time, excluding hours associated with the compensation billing hours.</p> <p>SBUA Litigation Supervisor, Jennifer Weberski, coordinated SBUA’s engagement during the proceeding. Ms. Weberski has 24 years of utility regulatory experience. Based on SBUA’s participation in related rate proceedings and decades of pertinent legal experience, Ms. Weberski efficiently participated in this docket and spent a reasonable amount of time on the Application. SBUA seeks compensation for 8.6 hours of her work here.</p> <p>In addition, SBUA’s President and General Counsel, James Birkelund, participated in this proceeding analyzing the application and parties’ protests and responses, providing strategic direction and managing work efforts. SBUA seeks compensation for 2 hours of his work here.</p>	

SBUA submits that all of the hours claimed are reasonable and appropriate in the context of this proceeding.	
c. Allocation of hours by issue: <ol style="list-style-type: none"> 1. Small business Costs and Benefits – 5.45 hours or 51% 2. Potential Settlement and Meet & Confer Activities– 2.7 hours or 25% 3. General Participation, including attendance at PHC – 2.45 hours or 23% 	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Jennifer Weberski	2023	8.6	\$705	D.24-02-031	\$6,063.00			
James Birkelund	2023	2.0	\$770	D.23-02-016 setting 2022 rate at \$705, escalated by a 4.46% for 2023 plus a 5% step increase per Res. ALJ-393; <i>see</i> comment 1 below.	\$1,540.00			
Subtotal: \$7,603.00						Subtotal: \$		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Subtotal: \$ 0						Subtotal: \$		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$

Jennifer Weberski	2023	1	\$355	50% of 2023 Rate	\$352.50			
Jennifer Weberski	2024	3.5	\$355	50% of 2023 Rate	\$1,242.50			
Subtotal: \$1,5						Subtotal: \$		
COSTS								
#	Item	Detail			Amount	Amount		
1.								
2.								
Subtotal: \$ 0						Subtotal: \$		
TOTAL REQUEST: \$9,198.00						TOTAL AWARD: \$		
<p>*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.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer’s normal hourly rate</p>								
ATTORNEY INFORMATION								
Attorney		Date Admitted to CA BAR ³		Member Number		Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation		
James M. Birkelund		March 2000		206328		No		
Jennifer L. Weberski		Admitted (Conneticut, 1997; Washington D.C., 2003)		Conn. Bar No. 414546; D.C. Bar No. 481853. See Resolution ALJ-393, p. 6 (attorneys eligible for compensation can be licensed in any jurisdiction within the United States).		No		

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

³ This information may be obtained through the State Bar of California's website.

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	Timesheets of SBUA
Comment 1	<p><u>2023 Hourly Rate for General Counsel James M. Birkelund</u></p> <p>SBUA seeks an hourly rate for the work of General Counsel James Birkelund of \$770 for his work in 2023 based on Resolution ALJ-393. SBUA made the same request in its compensation claim filed on September 1, 2023 in A.22-05-002, <i>et al</i> and on October 17, 2023 in R. 20-08-022. Pending decisions on either compensation claim, the same 2023 hourly rate will apply here. SBUA requests that the Commission refer to and rely on the showing in this other docket to support Mr. Birkelund's 2023 rate.</p>

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?	
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If so:

Party	Reason for Opposition	CPUC Discussion

B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?	
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If not:

Party	Comment	CPUC Discussion

(Green items to be completed by Intervenor)

FINDINGS OF FACT

1. **SMALL BUSINESS UTILITY ADVOCATES** [has/has not] made a substantial contribution to D. 24-01-036.
2. The requested hourly rates for **SMALL BUSINESS UTILITY ADVOCATES**' 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.

ORDER

1. **SMALL BUSINESS UTILITY ADVOCATES** shall be awarded \$_____.
2. Within 30 days of the effective date of this decision, _____ shall pay **SMALL BUSINESS UTILITY ADVOCATES** the total award. [for multiple utilities: "Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay **SMALL BUSINESS UTILITY ADVOCATES** 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 is 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 **SMALL BUSINESS UTILITY ADVOCATES'** request, and continuing until full payment is made.

3. The comment period for today's decision [is/is not] waived.
4. 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
SMALL BUSINESS UTILITY ADVOCATES	3/27/24	\$9,198.00		N/A	

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Jennifer	Weberski	Attorney	\$705	2023	
James	Birkelund	Attorney	\$770	2023	

(END OF APPENDIX)

ATTACHMENT 2

Timesheets of Attorneys and Experts
Contributions Related to D.24-01-036

Application 23-01-004
Small Business Utility Advocates Compensation Claim

March 27, 2024

Application No. 23-01-004 - Request for Intervenor Compensation
Attachment 2. Time Records with Hours by Issue

Time Sheet Entries for Jennifer Weberski

Issue Identification

- 1 Small Business Costs and Benefits
- 2 Potential Settlement and Meet and Confer Activities
- 3 General Participation, including PHC matters

<u>Date</u>	<u>Activity</u>	<u>Issue 1</u>	<u>Issue 2</u>	<u>Issue 3</u>
1/10/23	Review Application	1		
1/11/23	Cont' review of Application	0.75		
1/25/23	Discuss expert participation with J. Birkelund	0.25		0.25
1/31/23	Respond to experts on schedule	0.2		
2/6/23	Draft, edit and finalize Response to Application	0.75		0.5
2/8/23	Review CforAT Protest	0.5		
2/9/23	Review TURN Protest	0.5		
2/15/23	Call with SCE to clarify our filed Response			0.1
3/20/23	Attend PHC			1
3/28/23	Attend Meet & Confer		1	
3/29/23	Review meet & confer notes/draft from SoCalGas		0.1	
4/5/23	Edit & approve Joint post-PHC statement			0.25
4/5/23	Review final TURN edit for statement			0.25
4/10/23	Review post-PHC statement as filed			0.1
4/12/23	Email discussion with SCE on scheduling settlement call		0.1	
4/26/23	Participate potential settle. call with SCE		1	
Total:		3.95	2.2	2.45

<u>Intervenor Compensation Time</u>		<u>Hours</u>
4/7/23	Draft NOI.	1
3/6/24	Draft compensation claim.	1.5
3/11/24	Edit compensation claim.	2
3/13/24	Edit compensation claim .(2 hrs; time waived).	0
Total:		4.5

Application No. 23-01-004 - Request for Intervenor Compensation
Attachment 2. Time Records with Hours by Issue

Time Sheet Entries for James M. Birkelund

Issue Identification

- 1 Small Business Costs and Benefits
- 2 Potential Settlement and Meet and Confer
Activities
- 3 General Participation, including PHC matters

<u>Date</u>	<u>Activity</u>	<u>Issue 1</u>	<u>Issue 2</u>	<u>Issue 3</u>
1/23/23	Initial rev of application and identification of small business interests.	1		
1/25/23	Strategy call w J. Weberski re SBUA positions and experts. (0.5 hrs; time waived)	0		
2/6/23	Edits to SBUA Response.	0.25		
2/10/23	Read other parties' responses to OIR.	0.25		
3/15/23	Confer w J. Weberski re possible early stip or stlmt w SoCalGas		0.25	
4/12/23	Confer w J. Weberski re SoCalGas request for mtg w SBUA.		0.25	
Totals:		1.5	0.5	0