

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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Order Instituting Rulemaking to Establish
Policies, Processes, and Rules to Ensure Safe
and Reliable Gas Systems in California and
Perform Long-Term Gas System Planning.

Rulemaking 20-01-007
(Filed January 16, 2020)

**CALIFORNIA ENVIRONMENTAL JUSTICE ALLIANCE SUPPLEMENT TO ITS
NOVEMBER 4, 2024 INTERVENOR COMPENSATION CLAIM**

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On Behalf of California Environmental Justice Alliance

Dated: December 5, 2024

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OF THE STATE OF CALIFORNIA**

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I. INTRODUCTION

On November 4, 2024, the California Environmental Justice Alliance (“CEJA”) submitted the Intervenor Compensation Claim of the California Environmental Justice Alliance, seeking compensation for its substantial contribution to Decisions (D.) 23-12-003, D.24-09-034, D.24-10-029. On December 2, 2024, the intervenor compensation office of California Public Utilities Commission (“Commission”) emailed CEJA’s representatives requesting: “the invoice(s), bill and/or contract(s) for Deborah Behles and Shana Lazerow that verify the rates charged by these consultants to CEJA from 2022 to 2024 in this proceeding, R.20-01-007.”

CEJA was instructed to file the information “no later than 30 days from the date of this email.” CEJA therefore timely files this response today, December 5, 2024.

II. EXPLANATION OF CEJA RELATIONSHIPS WITH ITS ATTORNEYS AND EXPERTS

CEJA is able to appear at the Commission because attorneys and experts represent it on a contingency basis, reimbursed only when determined to have made a substantial contribution, sometimes years after the fact through intervenor compensation awards. CEJA explained this relationship in a May 10, 2024 filing in the RA proceeding (R.23-10-011), in which CEJA and all CEJA member organizations described their funding from donors and other sources they received to participate before the Commission.¹

CEJA external contractor in the above-captioned proceeding Deborah Behles (“Behles”) is paid to represent CEJA in this proceeding exclusively through intervenor compensation, if it is

¹ California Environmental Justice Alliance’s Response to the Administrative Law Judge’s Ruling on the Notice of Intent to Claim Intervenor Compensation, (Public Version, Attachment A filed under seal), May 10, 2024. (“RA Icomp Response”), available at: <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M531/K704/531704342.PDF>.

awarded. CEJA's contract Behles do not specify any hourly rates, and instead, the contract provides that the only compensation CEJA offers is what the Commission awards through intervenor compensation.²

Similarly, other than moneys recovered through intervenor compensation awards, CEJA does not pay CEJA member organizations for the time spent by attorneys and experts who are employed by member organizations. Shana Lazerow ("Lazerow") is a staff member at Communities for a Better Environment ("CBE"). There are no agreements between CBE and CEJA that would respond to this request. As explained in CEJA's May 10, 2024 filing, CBE receives intervenor compensation for time spent representing CEJA.³

As further explained in CEJA's May 10, 2024 filing, the donations and other funding CEJA and its member organizations receive to participate before the Commission are truly *de minimus*. CEJA relies on high-caliber attorney support from contractors like Deborah Behles who are able to represent it entirely on contingency. Without this type of arrangement, CEJA would not have been able to bring the voice of California's environmental justice communities to the many proceedings that have benefited from its contributions. Any reduction of hourly rates or payments to CEJA's representatives would severely limit CEJA's ability to advocate for California's environmental justice communities.

A review of CEJA's records shows that the Commission has awarded the following hourly rates for Lazerow and Behles for 2022, 2023 and 2024:

Lazerow:

D. 24-05-022 (R. 20-01-007 Gas System): \$670 for 2022

D.23-10-022 (R.21-10-002 RA): \$700 for 2023

D.24-01-055 (A.22-02-007 Angeles Link): \$700 for 2023

D.24-03-022 (R.22-07-005 IGFC): \$700 for 2023

D.24-11-021 (R.22-07-005 IGFC): \$730 for 2024

Behles:

D. 24-05-022 (R. 20-01-007 Gas System): \$620 for 2022

D.23-10-022 (R.21-10-002 RA): \$645 for 2023

² CEJA's most recent contract with Behles is available in the docket for proceeding R.22-07-005 <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M539/K999/539999236.PDF>.

³ RA Icomp Response, p. 9.

D.24-03-022 (R.22-07-005 IGFC): \$645 for 2023

(as of December 4, 2024, no award of a 2024 rate has yet been issued for Deborah Behles.)

Behles' and Lazerow's hourly rates have historically been based on the Commission's assessment of market rates given the contingency nature of CEJA's agreements. As specified in Decision ("D.") 24-10-029, the Commission "does not discourage" the practice of contingency agreements and "will apply the Market Rate Study per Resolution ALJ-393 to set forth rates for consultants on a contingency basis, if intervenors provide supplements and/or agreements to substantiate the rates."⁴ In addition to the response provided here, CEJA also referred to the filing of CEJA's agreements with Behles and Lazerow in R.22-07-005 in its November 4, 2024 Request for Compensation filed in this proceeding.

III. CONCLUSION

CEJA believes this submission fully responds to the Commission's questions. CEJA will submit additional information if the Commission has further questions or requests.

Dated: December 5, 2024

Respectfully submitted,

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*On Behalf of California Environmental
Justice Alliance*

⁴ D.24-10-029, Decision Reopening Proceedings, Vacating Decision (D.) 24-09-046, Granting Compensation to Env't Def. Fund for Substantial Contribution to D.22-07-002 and D.22-04-042, and Closing Proceeding at 24 (Oct. 17, 2024).