

Decision 16-05-051 May 26, 2016

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

Application of Southern California Edison Company (U338E) for Authority to, among other things, Increase its Authorized Revenues for Electric Service in 2015, and to reflect that increase in Rates.	Application 13-11-003 (Filed November 12, 2013)
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**DECISION GRANTING COMPENSATION TO SMALL BUSINESS UTILITY ADVOCATES FOR SUBSTANTIAL CONTRIBUTION TO DECISION 15-11-021**

<b>Intervenor: Small Business Utility Advocates (SBUA)</b>	<b>For contribution to Decision (D.) 15-11-021</b>
<b>Claimed: \$36,005.60</b>	<b>Awarded: \$34,182.75 (reduced 5%)</b>
<b>Assigned Commissioner:</b> Carla J. Peterman	<b>Assigned ALJ:</b> Kevin Dudney

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	Decision (D.) 15-11-021 authorizes Southern California Edison Company’s (SCE) General Rate Case revenue requirement for 2015-2017. This decision approves a test year revenue requirement of \$5,182 million and also authorizes attrition rate adjustments of \$209 million (4.04%) for 2016 and an additional \$272 million (5.04%) for 2017.
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:**

	<b>Intervenor</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference (PHC):	February 11, 2014	Verified.
2. Other specified date for NOI:		
3. Date NOI filed:	March 12, 2014	Verified.
4. Was the NOI timely filed?	Yes, Small Business Utility Advocates (SBUA) timely filed the Notice of Intent to claim intervenor compensation.	

<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	A.14-11-001	Verified, although the correct proceeding number is R.14-11-001.
6. Date of ALJ ruling:	August 24, 2015	Verified.
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		Yes, SBUA demonstrated appropriate status in the proceeding.
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	A.14-11-001	Verified, although the correct proceeding number is R.14-11-001.
10. Date of ALJ ruling:	August 24, 2015	Verified.
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		<p>The Commission allows intervenors to present a rebuttable presumption of significant financial hardship. For this presumption to apply, the date of the finding of the financial hardship must be within one year of filing date of the proceeding in which the intervenor seeks compensation. The Commission’s Ruling in R.14-11-001 does not meet this requirement. <i>See</i> Pub. Util. Code § 1804(b)(1).</p> <p>The Commission additionally found SBUA demonstrated significant financial</p>

		<p>hardship in a Ruling filed on July 25, 2013 in A.13-04-012. This Ruling issued within one year of November 12, 2013.</p> <p>Therefore, SBUA demonstrated significant financial hardship in the current proceeding.</p>
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.15-11-021	Verified.
14. Date of issuance of Final Order or Decision:	November 12, 2015	Verified.
15. File date of compensation request:	January 11, 2015	January 12, 2016.
16. Was the request for compensation timely?	<p>Pursuant to Pub. Util. Code § 1804(c), intervenors must file and serve requests for compensation within 60 days after the issuance of a final decision. The 60<sup>th</sup> day following the issuance of D.15-11-021 was January 11, 2016, a Monday. However, Rule 1.15 of the Commission’s Rules of Practice and Procedure (Rules) provides:</p> <p>“When a statute or Commission decision, rule, order or ruling sets a time limit for performance of an act, the time is computed by excluding the first day (i.e., the day of the act or event from which the designated time begins to run) and including the last day. If the last day falls on a Saturday, Sunday, holiday or other day when the Commission offices are closed, the time limit is extended to include the first day thereafter. If an act occurs after 5:00 p.m., it is deemed as having been performed on the next day”</p> <p>Therefore, pursuant to Rule 1.15, the deadline for filing and serving requests for compensation was Monday, January 11, 2016.</p> <p>According to the Commission’s records, SBUA filed the request for compensation at 5:33 p.m. on January 11, 2016. Therefore, pursuant to Rule 1.15, the filing would be deemed as having been filed on the next day and, therefore, after the. statutory deadline.</p> <p>We previously addressed a somewhat similar situation in</p>	

	<p>Application 10-07-009, when San Diego Gas &amp; Electric Company (SDG&amp;E) submitted for filing an application for rehearing shortly after 5:00 p.m. on the last day set in statute for such filings. SDG&amp;E subsequently filed a motion requesting that the Commission accept the application for rehearing as timely filed. D.14-12-034 denied SDG&amp;E’s motion, and in doing so states (at 6):</p> <p>“The purpose of Rule 1.15 was to establish a defined cut-off time because we determined that it is important to establish a common understanding of the deadline by which an act must be performed... Without strict compliance we would be in the position of having to consider how late or what reasons amount to good cause, something that could lead to claims of unfair treatment or bias.”</p> <p>Although Rule 1.2 permits the Commission to deviate from Rules within the extent permitted by statute in special cases and for good cause show, as explained in D.14-12-034, we do not lightly consider deviations from Rule 1.15.<sup>1</sup> However, there are important differences between the present situation and that addressed by D.14-12-034.</p> <p>First, D.14-12-034 addressed the filing of an application for rehearing, which implicates a party’s right to appeal, while SBUA’s compensation request does not. Perhaps more importantly, the Legislature intended that the Intervenor Compensation Program “be administered in a manner that encourages the effective and efficient participation of all groups that have a stake in the public utility regulation process.” (§ 1801.3(f)). This statutory directive distinguishes intervenor compensation-related matters from other matters which we might not be as inclined to liberally construe the Rules. Therefore, we find that this is a special case that justifies deviating from our Rules.</p> <p>There is good cause to waive the portion of Rule 1.15 that would deem SBUA’s filing as having been filed on the next day and after the statutory deadline because SBUA made a good faith effort to timely submit its request, and all parties and the Assigned Administrative Law Judge were timely served. Thus no party was harmed by the tardiness of the filing. SBUA submitted its request on the</p>
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<sup>1</sup> In addition, since the State Auditor’s audit of the Intervenor Compensation Program (Audit 2012-118) , the Commission has sought to comply with and enforce all statutory requirements of the program, including filing deadlines.

	<p>60<sup>th</sup> day following the issuance of D.15-11-021 and, but for the 5:00 p.m. deadline set in Rule 1.15, SBUA’s request would be timely.</p> <p>Deviating from the portion of Rule 1.15 that would deem SBUA’s filing as having been filed on the next day will secure a just result in this case. Therefore, pursuant to Rule 1.2, we waive the portion of Rule 1.15 that would deem SBUA’s filing as having been filed on the following day, and find that SBUA timely filed its request by the statutory deadline.</p> <p>However, to be clear, our deviation from Rule 1.15 is “within the extent permitted by statute” because SBUA submitted its request on the 60<sup>th</sup> day following the issuance of D.15-11-021, consistent with § 1804(c). We do not have discretion to waive or extend the 60-day statutory filing deadline in cases where an intervenor submits a request more than 60 days after the issuance of a final decision.</p> <p>As noted above, we do not lightly consider deviations from Rule 1.15. Intervenors are not required to wait until the statutory deadline to file requests, and we encourage SBUA to file and serve its request <u>before</u> the statutory deadline in order to avoid similar situations in the future. In light of the knowledge that SBUA has gained from this experience, SBUA will be hard pressed to demonstrate good cause for deviating from our Rules for any future untimely requests.</p>
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**C. Additional Comments on Part I):**

#	Intervenor’s Comment(s)	CPUC Discussion
9-10	<p>SBUA is a California nonprofit organization and the economic interests of its members are small relative to the costs of participating in a general rate case. <i>See</i> PUC § 1802(g). SBUA is the only party in this proceeding that focused <i>exclusively</i> on the small commercial customer class as a whole, whose interests diverge from residential ratepayers and mid- to large-sized businesses on the issue of revenue allocation, rate design, and on other energy matters.</p> <p>Because small commercial customers usually cannot afford their own representation, there is a danger that the interests of this group of customers is overlooked or marginalized. The Commission has recognized that adequate representation requires not only the broad efforts</p>	Verified.

	of the Office of Ratepayers Advocates (ORA) but also the participation of parties with special interests.	
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**PART II: SUBSTANTIAL CONTRIBUTION**

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

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>This GRC proceeding covered an array of issues associated with SCE’s revenue requirements for electric service and electric generation utility functions.</p> <p>SBUA was an active participant in this proceeding. SBUA’s expert submitted testimony on a variety of issues impacting small businesses, and SBUA addressed additional issues throughout the proceeding, including in attempts to reach a settlement with SCE. The Commission should find that SBUA’s efforts, on behalf of the small commercial customer class, are beneficial for the public interest and reflect a substantial contribution to this proceeding.</p> <p>SBUA describes its role in further detail below and submits this is a reasonable approach to demonstrate its contribution in this proceeding. SBUA also engaged in significant settlement efforts, which, although confidential, are reflected in SBUA’s hourly time sheets. Although settlement negotiations were not successful, the failure to reach settlement is always a risk, especially give the complex nature of GRC proceedings. Nonetheless, settlement efforts are valuable and good faith efforts to reach settlement should be considered reflective of parties’ substantial contributions. The Commission should encourage intervenors’ to attempt to reach</p>	<p><u>References to Final Decision:</u></p> <p>D.15-08-005 (Final Decision), pp. 5-7 (reference to SBUA testimony and opening brief, respectively). <i>See also</i> Final Decision, pp. 27-28, 195, 226, and 317, as further discussed below.</p> <p><u>References to Claimant’s Presentations:</u></p> <p>SBUA Direct Testimony, served on June 10, 2014.</p> <p>SBUA Rebuttal Testimony, served on September 15, 2014.</p> <p>SBUA Opening Brief (December 1, 2014).</p> <p><i>See also</i> SBUA Motion for Party Status (February 5, 2014).</p>	<p>Accepted. (The correct Final Decision is D.15-11-021)</p>

<p>settlement agreements to avoid protracted and time-intensive litigation.</p> <p>Should the Commission wish to see some other analysis of SBUA’s substantial contribution or additional details, SBUA requests that it be so informed and provided an opportunity to supplement this intervenor compensation claim.</p>		
<p><b>A. Tracking Spend on Small Businesses and Increasing Contracting Opportunities for Small Commercial Customers</b></p> <p>SBUA advocated that SCE should track and publish information regarding its spending on small businesses and, related thereto, to increase contracting opportunities for small commercial customers. SBUA’s expert opined that SCE should track the percentage of spend it does directly with small businesses and publish that information to the public. SBUA Direct Testimony, pp. 7-8. SBUA further argued that, as a policy matter, SCE should pay special attention to the small businesses in SCE’s territory and explore ways to assist this customer class. <i>Id.</i>, pp. 3-4.</p>	<p>Final Decision, p. 317 (Commission discussion of SBUA’s proposal to track spending on small businesses).</p> <p>SBUA Opening Brief, pp. 4-8 (policy reasons for assisting small commercial customers), pp. 8-10 (SBUA’s proposal to track spend on small businesses).</p> <p>SBUA Direct Testimony, pp. 4, 7, and 8 (discussion of SBUA’s proposals for tracking spend on small businesses).</p> <p>SBUA Rebuttal Testimony, p. 3 (discussion of need to track spend on small businesses).</p>	<p>Verified; however, D.15-11-021 notes that if SBUA choose to pursue its proposal for SCE to track and publish information on its spending with small businesses, SBUA should do so in a generic rulemaking, such as R.14-10-009, so that all relevant stakeholders may participate.<sup>2</sup></p>

<sup>2</sup> Decision (D.) 15-11-021 at 317.

<p>The Commission determined that any tracking of spend on small businesses “should be done on a statewide basis” and if SBUA chooses to pursue this further, it may engage “in a generic rulemaking such as R.14-10-009 so that all relevant stakeholders may participate.” Final Decision, p. 317. The Commission’s consideration and discussion of this issue is valuable to ratepayers and especially to small commercial customers.</p>		
<p><b>B. Customer Service and Outreach for Small Commercial Customers</b></p> <p>SBUA argued to condition any approved SCE customer service expenditures on the requirement that SCE designate certain Customer Service Representatives to assist small commercial customers. SBUA Opening Brief, pp. 10-11. SBUA further argued, for example, that SCE was moving to quickly with respect to Customer Service software projects. SBUA Direct Testimony, p. 6.</p> <p>The Commission did not specifically address many SBUA’s arguments related to customer services for small commercial customers and explicitly rejected SBUA’s requests related to Customer Service software projects. SBUA believes this is valuable information to discuss and consider in general rate cases; however, because the Commission did not discuss or did not agree with SBUA on these matters, SBUA is discounting the hours it is requesting compensation</p>	<p>Final Decision, p. 195 (discussing SBUA’s arguments related to Customer Services software projects).</p> <p>SBUA Opening Brief, pp. 10-11 (SBUA’s proposals related to Customer Service Representative).</p> <p>SBUA Direct Testimony, pp. 6, 8-11 (recommendations related to customer service and outreach).</p> <p>SBUA Rebuttal Testimony, pp. 3-7 (recommendations related to customer service for small commercial customers).</p>	<p>Verified.</p>



<p>for accordingly (see below).</p>		
<p><b>C. Other Small Commercial Customer Issues</b></p> <p>SBUA was an active participant in advocating for a variety of other small business interests in this rate proceeding.</p> <p>For incentive compensation, SBUA opposed rate recovery of Long Term Incentives (LTI) on the grounds that SCE had not clearly shown benefits to ratepayers. SBUA Opening Brief, p. 12; SBUA Direct Testimony, pp. 22-23; SBUA Rebuttal Testimony, pp. 12-13. For economic development spending, SBUA argued that 30% of this funding be used to support the retention of small businesses. SBUA Direct Testimony, p. 6. For expenditures on peakers and spare transformers, SBUA argued that SCE be required to pool shared transformers with other utilities.</p> <p>The Commission agreed with SBUA that LTI was not justified and disagreed with SBUA regarding economic development spending and shared transformers. Because the Commission considered but only partially agreed with SBUA’s recommendations in these areas, SBUA is discounting the hours it is requesting compensation for accordingly (see below).</p>	<p>Final Decision, p. 226 (agreeing with SBUA and directly quoting SBUA’s position that LTI “do not have a direct relationship to utility services”).</p> <p>SBUA Opening Brief, pp. 12-13 (SBUA’s opposition to LTI).</p> <p>SBUA Direct Testimony, pp. 6, 17 (recommendations regarding spare transformers), p. 18 (recommendations related to economic development services funding), pp. 22-23 (opposition to incentive compensation).</p> <p>SBUA Rebuttal Testimony, pp. 12-13 (opposition to incentive compensation).</p> <p><i>See also</i> Final Decision, pp. 27-28 (discussing SBUA’s positions on peakers), pp. 202-203 (discussing SBUA’s positions on economic development spending).</p>	<p>Verified (D.15-11-021 at 266).</p>

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

	<b>Intervenor’s Assertion</b>	<b>CPUC Discussion</b>
<b>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?</b>	Yes	Yes.
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes	Yes.
<p><b>c. If so, provide name of other parties:</b></p> <p>The following parties submitted testimony or filed comments or briefs resolved by D.15-08-005:</p> <p>SCE, ORA, The Utility Reform Network (TURN); California City-County Street Light Association (CAL-SLA); California Coalition of Utility Employees (CUE), San Diego Gas &amp; Electric Company (SDG&amp;E), and the Joint Minority Parties, a group consisting of National Asian American Coalition, Ecumenical Center for Black Church Studies, Jesse Miranda Center for Hispanic Leadership, Los Angeles Latino Chamber of Commerce, National Hispanic Christian Leadership Conference, and Christ Our Redeemer AME Church (collectively, JMP).</p>		<p>Verified.</p> <p>The correct Final Decision is D.15-11-021.</p>
<p><b>d. Intervenor’s claim of non-duplication:</b></p> <p>SBUA’s advocacy differed from that of other ratepayer advocates in that SBUA is unique with a focus <i>exclusively</i> on the interests of small business community. SBUA sought to reduce overlap of efforts by presenting unique perspectives on the concerns of small commercial customers as a group as opposed to other customer classes.</p> <p>Early in the proceeding, for example on March 12 and 17, 2014, SBUA reached out to ORA and TURN to ensure any necessary coordination of efforts related to small businesses and to ensure that the parties were aware of each other’s positions. Resources were maximized and SBUA’s efforts were supportive rather than duplicative. In a proceeding involving multiple participants, the Commission has recognized is virtually impossible for any party to completely avoid some duplication of the work of other parties. In this case, SBUA took all reasonable steps to keep such duplication to a minimum.</p>		<p>Verified.</p>

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

<b>a. Intervenor’s claim of cost reasonableness: Dollar per result.</b>	<b>CPUC Discussion</b>
SBUA’s main objective for the proceeding was to protect and advance the	Verified

<p>interests of small commercial customers. The Commission discussed SBUA’s positions, made recommendations regarding tracking spend on small businesses, and adopted SBUA’s position on incentive compensation. SBUA’s participation was beneficial for small commercial customers. Moreover, SBUA has discounted its overall request for intervenor compensation by 35% because the Commission did not adopt all of SBUA’s recommendations. In total, SBUA seeks an award of approximately \$36,000, including expenses and all other fees and costs, which is reasonable in light of SBUA’s participation in the proceeding. Although not all of these benefits are quantifiable, the participation of SBUA helps to protect and advance the interests of an important customer class and is in the public interest.</p> <p>In assessing SBUA’s substantial contribution, the Commission also should factor its desire to encourage participation of a broad range of customer interests and policies encouraging settlement. In this proceeding, SBUA actively negotiated and attempted to reach settlement with SCE on a number of issues of importance to small commercial customers. Although no settlement was reached, the attempts to settle are beneficial because they offer the prospect of reaching compromises that reduce the burden of full litigation on the parties and the Commission. Along with this the Commission should weigh the consequence of placing customers at risk for participating in settlement efforts (but not reaching a settlement) and consequential incentive to litigate in order to show substantial contribution.</p> <p>In sum, the Commission should conclude that SBUA’s overall request is reasonable and SBUA’s participation was productive and provided worthwhile input for the Commission.</p>	<p>.</p>
<p><b>b. Reasonableness of hours claimed:</b></p> <p>In its NOI, SBUA estimated that it would expend 150 hours of time by counsel and 100 hours of time by experts. SBUA’s attorney James Birkelund devoted approximately 84.6 hours to this proceeding, or a total of slightly over 2 weeks’ worth of time. SBUA’s expert Michael Brown devoted approximately 63.3 hours to this proceeding, or a total of a little over 1.5 weeks of time. These amounts of time spent are reasonable for a complex rate case involving numerous parties, settlement negotiations, and a revenue award of approximately \$5,182 million in the test year alone.</p> <p>Furthermore, SBUA is <i>discounting the hours it is requesting compensation for by 35%</i> to increase the reasonableness of its request and reflect the fact that the Commission disagreed with several of SBUA’s positions. SBUA further attempted to limit its hours in the proceeding based on an analysis of SCE’s positions in response to SBUA’s expert testimony while at the same time maintaining key points of advocacy on behalf of SBUA’s members.</p> <p>SBUA’s attorney James Birkelund served as the lead attorney for SBUA in this proceeding. He played a wide-ranging role advocating in this proceeding as well as researching, analyzing, and drafting various SBUA positions and issues for SBUA’s expert testimony. Mr. Birkelund also took the lead for SBUA in attempted settlement discussions with SCE. SBUA seeks compensation for 55 hours of his work, which is a 35% discount on his actual hours and well below his</p>	<p>Verified.</p>

<p>total hours estimated in SBUA’s NOI. This is a reasonable request given the high demand on legal services to participate in a complex GRC, as here.</p> <p>Michael Brown served as SBUA’s expert witness and played a lead role in developing testimony. Mr. Brown submitted direct testimony and rebuttal testimony. He analyzed other parties’ proposals and had an instrumental role in identifying and promoting small commercial customer interests in this proceeding. SBUA seeks compensation for approximately 38.5 hours of his work, which is a 35% discount on his actual hours and well below his hours estimated in SBUA’s NOI. This amount is a reasonable request given the high demand on experts to participate in a complex GRC, as here, and the detailed nature of analyzing and promoting positions on behalf an entire customer class (i.e., small commercial customers).</p>	
<p><b>c. Allocation of hours by issue:</b></p> <p>SBUA has assigned the following issue codes:</p> <ul style="list-style-type: none"> <li>A. Tracking Spend on Small Commercial Customers and Contracting Opportunities for Small Businesses – 15.8 hours or 16%</li> <li>B. Customer Service and Outreach to Small Commercial Customers – 16.8 hours or 18%</li> <li>C. Other Issues (incentive plans, economic development, expenditures on peakers, etc.) – 35.4 hours or 37%</li> <li>E. General (coordination, procedural issues) – 15.4 hours or 16%</li> <li>F. Settlement Efforts – 12.7 hours or 13%</li> </ul> <p>SBUA asserts that the categories above are well defined to allow SBUA to accurately assign hours to various tasks in its time entries. Should the Commission wish to see different information on this point or some other breakdown of SBUA’s hourly work, SBUA requests that we be so informed and provided an opportunity supplement this request accordingly.</p> <p>SBUA submits that all of the hours claimed were reasonably and efficiently expended and should be fully compensated. SBUA also is submitting 15.7 hours for preparing this compensation request and the NOI.</p>	<p>Verified.</p>

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours [1]	Rate \$	Total \$
James Birkelund	2014	53.0	\$415	D.15-12-042	\$21,995.00	53	\$415	\$21,995.00

James Birkelund	2015	2.0	\$415	As above	\$830.00	2.0	\$415	\$830.00
Michael Brown	2014	38.5	\$200	D.15-12-042	\$ 7,700.00	38.5	\$200	\$7,700.00
Brittney Marra	2014	16.5	\$110	See Comment 6	\$1,815.00	00.00	\$00.00	\$00.00
<b>Subtotal: \$32,340.00</b>						<b>Subtotal: \$30,525.00</b>		
<b>INTERVENOR COMPENSATION CLAIM PREPARATION **</b>								
<b>Item</b>	<b>Year</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Basis for Rate*</b>	<b>Total \$</b>	<b>Hours</b>	<b>Rate</b>	<b>Total \$</b>
James Birkelund	2015	2.8	\$208.00	½ of approved 2015 rate	\$582.40	2.8	\$207.50	\$581.00
James Birkelund	2016	12.9 <sup>3</sup>	\$208.00	½ of approved 2015 rate	\$2,683.20	12.9	207.50	2,676.75
Michael Brown	2015	4	\$100.00	½ of approved 2015 rate	\$400.00	4	\$100	\$400
<b>Subtotal: \$ 3,665.60</b>						<b>Subtotal: \$3,657.75</b>		
<b>COSTS</b>								
<b>#</b>	<b>Item</b>	<b>Detail</b>			<b>Amount</b>	<b>Amount</b>		
1	Costs Incurred by James Birkelund	All costs incurred by SBUA are waived. See Comment 1.			\$0.00	\$00.00		
2	Costs Incurred by Expert M. Brown	All costs incurred by Mr. Brown are waived. See Comment 1			\$0.00	\$00.00		
<b>Subtotal: \$0.00</b>						<b>Subtotal: \$00.00</b>		
<b>TOTAL REQUEST: \$36,005.60</b>						<b>TOTAL AWARD: \$34,182.75</b>		
<p>**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. 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 typically compensated at ½ of preparer’s normal hourly rate</p>								

<sup>3</sup> We ask SBUA in future time records to not combine tasks in the same time reporting line. See SBUA Request at Attachment Page 8.

<b>ATTORNEY INFORMATION</b>			
<b>Attorney</b>	<b>Date Admitted to CA BAR<sup>4</sup></b>	<b>Member Number</b>	<b>Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation</b>
James Birkelund	March 2000	206328	No

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

<b>Comment #</b>	<b>Intervenor's Comment(s)</b>
Comment 1	SBUA is not claiming any office costs in this request or reimbursements for other expenses. SBUA has used electronic mail communication, phone, and conference calls to reduce filing and meeting costs and keep overall costs to a minimum, helping to add to the reasonableness of its claim.
Comment 2 Time Keeping	A daily listing of the specific tasks performed by Mr. Birkelund and Mr. Brown in connection with this proceeding is set forth in Attachments 1 and 2, respectively. SBUA's attorney and expert maintained detailed time records indicating the number of hours devoted to work on this case.  As discussed above, the hours claimed by Mr. Birkelund and Mr. Brown on the proceeding proper are discounted 35% from actual hours billed.
Comment 3	2016 Compensation Time: Because no merits work was done in 2016, SBUA seeks compensation for any time spent in 2016 preparing this request in 2016 at 2015 rates. SBUA reserves the right to seek an increase in 2016 rates in future filings, as may be appropriate.
Comment 6	SBUA seeks a 2013 hourly rate of \$110 for Brittney Marra. She provided services in a advocate capacity for purposes of this proceeding, including meetings with small businesses throughout SCE territory, and her hours should be compensated accordingly. Her claimed hours are also discounted 35% from actual hours worked. Ms. Marra's qualifications and background are included in Attachment 3.

<sup>4</sup> 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
[1] Disallowance of Brittney Marra's hours.	<p>SBUA stated above that Marra's advocacy services included meetings within small businesses. This work did not contribute to the proceeding, and is not compensable.</p> <p>Additionally, SBUA submitted a summary of Marra's resume in Attachment 3 of its original filed request. The summary does not include Marra's educational background, and references her as "Ms. Macaux" in parts of the attachment. Moreover, the resume summary only reflects Marra's work experience since 2012. Based on her 3 years of work experience depicted in the resume summary, it is not clear if Marra has any expertise in the field of small business utility advocacy. As such we do not award Marra an hourly rate at this time.</p>

**PART IV: OPPOSITIONS AND COMMENTS**

<b>A. Opposition: Did any party oppose the Claim?</b>	No.
<b>B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?</b>	No.

If not:

Party	Comment	CPUC Discussion
	No comments were filed.	

**FINDINGS OF FACT**

1. Pub. Util. Code § 1804(c) requires intervenors to file requests for awards within 60 days following issuance of a final decision.
2. Although SBUA began e-filing its request before 5:00 p.m. of the statutory deadline, according to Commission records, SBUA did not complete the electronic filing until 5:33 p.m. Pursuant to Rule 1.15, the filing would be deemed as having been filed on the next day and, therefore, after the statutory deadline.
3. Rule 1.2 permits the Commission to deviate from the Rules within the extent permitted by statute in special cases and for good cause shown.
4. There is good cause to waive the portion of Rule 1.15 that would deem SBUA's filing as having been filed on the next day and after the statutory deadline because SBUA made a good faith effort to timely submit its request.
5. Deviating from the portion of Rule 1.15 that would deem SBUA's filing as having been filed on the next day will secure a just result in this case.
6. SBUA has made a substantial contribution to Decision 15-11-021.
7. The requested hourly rates for SBUA's representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.

8. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
9. The total of reasonable compensation is \$34,182.75.

**CONCLUSIONS OF LAW**

1. Pursuant to Rule 1.2, the portion of Rule 1.15 that would deem SBUA's filing as having been filed on the following day should be waived, and SBUA should be found to have timely filed its request by the statutory deadline.
2. The Claim, with the adjustment set forth above, satisfied all the requirements of Pub. Util. Code §§ 1801-1812.

**ORDER**

1. Small Business Utility Advocates shall be awarded \$34,182.75.
2. Within 30 days of the effective date of this decision, Southern California Edison Company shall pay Small Business Utility Advocates the total award. 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 March 27, 2016, the 75<sup>th</sup> day after the filing of Small Business Utility Advocate's request, and continuing until full payment is made.
3. The comment period for today's decision is not waived.
4. This decision is effective today.

Dated May 26, 2016, at San Francisco, California.

MICHAEL PICKER  
President  
MICHEL PETER FLORIO  
CATHERINE J.K. SANDOVAL  
CARLA J. PETERMAN  
LIANE M. RANDOLPH  
Commissioners



**APPENDIX**  
**Compensation Decision Summary Information**

<b>Compensation Decision:</b>	D1605051	<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D1511021		
<b>Proceeding(s):</b>	A1311003		
<b>Author:</b>	ALJ Dudney		
<b>Payer(s):</b>	Southern California Edison Company		

**Intervenor Information**

<b>Intervenor</b>	<b>Claim Date</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
Small Business Utility Advocates (SBUA)	01/11/2016 <sup>5</sup>	\$36,005.60	\$34,182.75	N/A	Disallowance of advocate fees.

**Advocate Information**

<b>First Name</b>	<b>Last Name</b>	<b>Type</b>	<b>Intervenor</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
James	Birkelund	Attorney	SBUA	\$415	2014	\$415
James	Birkelund	Attorney	SBUA	\$415	2015	\$415
James	Birkelund	Attorney	SBUA	\$415	2016	\$415/\$207.50
Michael	Brown	Expert	SBUA	\$200	2014	\$200
Michael	Brown	Expert	SBUA	\$200	2015	\$200
Brittney	Marra	Advocate	SBUA	\$110	2014	Not Set

**(END OF APPENDIX)**

<sup>5</sup> Deviating from the portion of Rule 1.15 that would deem SBUA's filing as having been filed on January 12, 2016, the request is filed as of January 11, 2016.