ALJ/JHE/mef **PROPOSED DECISION** **Agenda ID #19129**

Decision \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

|  |  |
| --- | --- |
| Order Instituting Rulemaking to Evaluate the Mobilehome Park Pilot Program and to Adopt Programmatic Modifications | Rulemaking 18-04-018 |

**DECISION GRANTING COMPENSATION TO GOLDEN STATE MANUFACTURED – HOME OWNERS LEAGUE, INC.**

**FOR SUBSTANTIAL CONTRIBUTION TO DECISION 20-04-004**

|  |  |
| --- | --- |
| **Intervenor: Golden State Manufactured –**  **Home Owners League, Inc. (GSMOL)** | **For contribution to Decision (D.) 20-04-004** |
| **Claimed:** $4,860.00 | **Awarded:** $4,564.00 |
| **Assigned Commissioner:** Clifford Rechtschaffen | **Assigned ALJ:** Jessica Hecht |

**PART I: PROCEDURAL ISSUES**

|  |  |
| --- | --- |
| **A. Brief description of Decision:** | Decision 20-04-004, issued April 24, 2020, evaluates the Mobilehome Park Pilot Program adopted in Decision 14-03-021 and establishes a ten-year Mobilehome Park Utility Conversion Program beginning January 1, 2021 which is based upon the existing pilot program, with some adjustments re: expanded eligibility and to establish annual target conversion rates and cost targets. The Decision establishes a 4-year application cycle starting in 2021, with a transition year in 2020 to reconcile existing and new mobilehome park application prioritization lists, and requires evaluation of the Program in 2025 to determine whether to continue or modify the Program, followed by another potential Order Instituting Rulemaking. |

1. **Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812[[1]](#footnote-1):**

|  |  |  |
| --- | --- | --- |
|  | **Intervenor** | **CPUC Verification** |
| **Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):** | | |
| 1. Date of Prehearing Conference: | July 30, 2018 | Verified |
| 2. Other specified date for NOI: |  |  |
| 3. Date NOI filed: | August 28, 2018  Amended and Filed May 14, 2019 | Verified |
| 4. Was the NOI timely filed? | | Yes |
| **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: | Rulemaking 18-04-018 | Verified |
| 6. Date of ALJ ruling: | May 22, 2019 | Verified |
| 7. Based on another CPUC determination (specify): |  |  |
| 8. Has the Intervenor demonstrated customer status or eligible government entity status? | | Yes |
| **Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):** | | |
| 9. Based on ALJ ruling issued in proceeding number: | m Rulemaking 18-04-018 | Verified |
| 10. Date of ALJ ruling: | m May 22, 2019 | Verified |
| 11. Based on another CPUC determination (specify): |  |  |
| 12 12. Has the Intervenor demonstrated significant financial hardship? | | Yes |
| **Timely request for compensation (§ 1804(c)):** | | |
| 13. Identify Final Decision: | D 20-04-004 | Verified |
| 14. Date of issuance of Final Order or Decision: | April 24, 2020 | Verified |
| 15. File date of compensation request: | June 23, 2020 | Verified |
| 16. Was the request for compensation timely? | | Yes |

**PART II: SUBSTANTIAL CONTRIBUTION**

1. **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. **Making the Pilot Program Permanent**  GSMOL advocated on behalf of its thousands of homeowner/resident members state-wide, that the substantial progress shown by the pilot program be made permanent, and coordinated and was prepared to offer resident testimony regarding the success of the pilot, and the need to continue utility system conversion in mobilehome parks. | GSMOL Opening Comments on “Order Instituting Rulemaking”, filed May 20, 2018 at page 2.  Oral comments during attended workshops, hearings and technical working group phone conferences. | Verified. Although GSMOL substantially contributed to  D.20-04-004, the Commission requires specificity and citations to claimed contributions. GSMOL was previously warned for lack of specificity and citations in claimed contributions. *See*  D.14-10-018. |
| 2. **The Proposed Full “Electrification” Requirement**  GSMOL successfully joined with the Western Manufactured Housing Communities Association (WMA) to advocate against the Commissioner’s proposal to include conversion of mobilehome parks to “electric-only” service as a part of the Program. GSMOL presented argument re: the excessive cost of such conversion to residents and the impossibility of achieving such full “electrification”, including the imposition of significant new permitting and inspection responsibilities upon the Dept. of Housing and Community Development (HCD). | GSMOL Comments to “ALJ Ruling dated April 2, 2019 Entering Workshop Materials into Record and Seeking Comments on Outstanding Scoping Memo Questions”, filed May 6, 2019, and referencing GSMOL comments in Comments of the Western Manufactured Housing Communities Association, filed May 6, 2019.  Joint Letter of GSMOL and WMA to Commissioner Rechtschaffen dated August 16, 2018.  Oral discussion and comments during attended workshops, hearings and technical working group phone conferences, including August 8, 2018 conference call with various utilities. | Verified. Although GSMOL substantially contributed to  D.20-04-004, the Commission requires specificity and citations to claimed contributions. GSMOL was previously warned for lack of specificity and citations in claimed contributions. *See* D.14-10-018. |

1. **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]](#footnote-2)** | YES | Verified |
| **b. Were there other parties to the proceeding with positions similar to yours?** | YES | Verified |
| **c. If so, provide name of other parties:** Western Manufactured Housing Communities Association (WMA) | | Verified |
| **d. Intervenor’s claim of non-duplication:**  GSMOL, as the sole representative of the homeowner/resident “stakeholders” in this proceeding, presented those arguments unique to its members, and took reasonable steps to avoid any duplication. For example, GSMOL worked to author a joint letter to the Commissioner re: the full electrification issue, and when filing its Comments to the ALJ Ruling of April 2, 2019 worked to include its position in WMA’s filed Comments and incorporated those into its own Comments rather than duplicating a complete restatement of same. Cal Advocates took no position on this issue.  The Commission should find that GSMOL’s participation was efficiently coordinated with other parties wherever possible, so as to avoid undue duplication and to ensure that whenever duplication did occur, it served to supplement, compliment or contribute to the arguments or showings of the other parties. Consistent with such a finding, the Commission should determine that all of GSMOL’s work is compensable consistent with the conditions set forth in CPUC Code Section 1802.5. | | Verified. While the Parties coordinated on the Joint Letter, they made efforts to avoid duplication in the comments. |

1. **Additional Comments on Part II:**

|  |  |  |
| --- | --- | --- |
| **#** | **Intervenor’s Comment** | **CPUC Discussion** |
| 1. | Due in part to GSMOL’s contributive efforts, the Pilot Program was made permanent. | Verified. GSMOL substantially contributed to this proceeding, and the Commission encourages their participation in second phase of the proceeding. |
| 2. | Due in part to GSMOL’s contributive efforts, the new permanent Program does not include a full “electrification” requirement, but instead delays that determination until the Program is re-evaluated. | Verified. GSMOL substantially contributed to this proceeding, and the Commission encourages their participation in second phase of the proceeding. |

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

|  |  |
| --- | --- |
|  | **CPUC Discussion** |
| **a. Intervenor’s claim of cost reasonableness:**  GSMOL’s participation in R.18-04-018 contributed substantially to the final Decision. As the sole advocate on behalf of the mobilehome homeowners and residents, GSMOL brought unique perspective to the proceedings, and advocated for a permanent program which would be both effective in terms of overall cost, and performable. The benefits of GSMOL’s participation are difficult to quantify, but the final Decision (1) reflected its arguments that the Program should be made permanent for all mobilehome parks throughout California; and (2) that full electrification, which would have greatly increased the Program cost by a substantial but known amount, and resulted in many issues of ability to perform, should not be required at this time. GSMOL urges the Commission to recognize the importance of these outcomes, and that they likely provided substantial monetary benefits when compared to the costs being claimed herein, although hard to quantify in actual dollars. | Verified. The Commission finds the claim of cost as reasonable. |
| **b. Reasonableness of hours claimed:**  This claim seeks compensation for 32.40 hours of attorney time for GSMOL corporate counsel, Bruce E. Stanton. No costs reimbursement or expert witness time is requested. No work was delegated since GSMOL has no other retained staff who could have assisted. GSMOL submits that this is a reasonable amount of time to attend the various workshops and hearings (16 hours) to review the various submissions and address the issues in the proceeding both at hearings and workshops, in conference calls with utilities and in the drafted comments. | Verified. The Commission finds the hours claimed as reasonable. |
| **c. Allocation of hours by issue:**  **Issue 1. Making the Pilot Permanent – 16.5 hours (64% of total hours)**  Work on this broad issue included reviewing the OIR and scoping memos, conferring with the GSMOL Board of Directors to communicate information and seek guidance re: arguments to advance, reviewing emails and preparation of Comments, and attendance at three hearings/workshops in San Francisco from San Jose, California.  **Issue 2. The proposed Full “Electrification”** **Requirement – 9.2 hours (36% of total hours)**  Work on this issue included review of scoping memo, conferring with utilities and WMA, preparation of joint letter to Commissioner and Comments, and conference calls with utilities. Also a portion of attendance at hearings/workshops in San Francisco.  **COMP – 6.7 hours**  This includes work to prepare GSMOL’s Notice of Intent to Claim Compensation (2.7 hours) and the final Claim for Compensation (4.0 hours). Note that no time is claimed for preparing the amended Notice of Intent to Claim Compensation, so as to avoid duplication. | Verified. The Commission finds the hours claimed as reasonable. |

1. **Specific Claim:\***

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Claimed** | | | | | | | | | **CPUC Award** | | |
| **ATTORNEY, EXPERT, AND ADVOCATE FEES** | | | | | | | | | | | |
| **Item** | **Year** | **Hours** | | **Rate $** | **Basis for Rate\*** | | **Total $** | | **Hours** | **Rate $** | **Total $** |
| Bruce E. Stanton | 2018 | 18.7 | | $150.0 | See Comment 1 | | $2,805.00 | | 18.7 | $155 [1] | $2,898.50 |
| Bruce E. Stanton | 2019 | 6.0 | | $150.0 | See Comment 1 | | $ 900.00 | | 6.0 | $160 [2] | $960.00 |
| Bruce E. Stanton | 2020 | 1.0 | | $150.0 | See Comment 1 | | $ 150.00 | | 1.0 | $165 [3] | $165.00 |
| ***Subtotal: $3,855.00*** | | | | | | | | | ***Subtotal: $4,023.50*** | | |
| **INTERVENOR COMPENSATION CLAIM PREPARATION \*\*** | | | | | | | | | | | |
| **Item** | **Year** | **Hours** | | **Rate $** | **Basis for Rate\*** | | **Total $** | | **Hours** | **Rate** | **Total $** |
| Bruce E. Stanton | 2018 | 2.2 | | $150.0 | See Comment 1 | | $330.00 | | 2.2 | $77.50 [4] | $170.50 |
| Bruce E. Stanton | 2019 | .5 | | $150.0 | See Comment 1 | | $ 75.00 | | 0.5 | $80 [5] | $40.00 |
| Bruce E. Stanton | 2020 | 4.0 | | $150.0 | See Comment 1 | | $600.00 | | 4.0 | $82.50 [6] | $330.00 |
| ***Subtotal: $1,005.00*** | | | | | | | | | ***Subtotal: $540.50*** | | |
| ***TOTAL REQUEST: $4,860.00*** | | | | | | | | | ***TOTAL AWARD: $4,564.00*** | | |
| \*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]](#footnote-3)** | | | **Member Number** | | **Actions Affecting Eligibility (Yes/No?)**  **If “Yes”, attach explanation** | | | |
| Bruce E. Stanton | | | December, 1982 | | | 104925 | | No | | | |

1. **Attachments Documenting Specific Claim and Comments on Part III:**

|  |  |
| --- | --- |
| **Attachment or Comment #** | **Description/Comment** |
| 1 | Certificate of Service |
| 2  3  Comment 1 | Daily Time Record for Bruce E. Stanton, Attorney  August 16, 2018 Joint GSMOL/WMA letter to Commissioner  The $150.00 rate claimed for Attorney rate herein is well below market rate, and was previously approved for GSMOL in proceeding R.11-02-018 wherein compensation was granted. |

**D. CPUC Comments, Disallowances, and Adjustments**

|  |  |
| --- | --- |
| **Item** | **Reason** |
| COLA Adjustments [1, 2, and 3] | Although Mr. Stanton requested an hourly rate of $150 for work done between 2018 and 2020, we applied the adopted Cost of Living Adjustments to establish new hourly rates. The Commission adopts the rates as reasonable. |
| Icomp Preparation Rates  [4, 5, and 6] | Icomp preparations are compensated at half the rate. Corrections were made to reflect half hourly rates. (*See* CPUC Intervenor Compensation Program Guide at 12). |
| Ordering Paragraphs 2-4 | In light of the dollar value of the award, we direct PG&E to make payment to GSMOL and bill the remaining utilities their respective shares. |

**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))?** | Yes |

**FINDINGS OF FACT**

1. Golden State Manufactured – Home Owners League has made substantial contribution to D.20-04-004.
2. The requested hourly rates for Golden State Manufactured – Home Owners League’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 $4,564.00.

**CONCLUSION OF LAW**

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

**ORDER**

1. Golden State Manufactured – Home Owners League shall be awarded $4,564.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay Golden State Manufactured – Home Owners League the entirety of the 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 September 6, 2020, the 75th day after the filing of Golden State Manufactured – Home Owners League’srequest, and continuing until full payment is made.
3. Pacific Gas and Electric Company shall bill Southern California Edison Company, San Diego Gas & Electric Company, Southern California Gas Company; Liberty Utilities, Southwest Gas Corporation; Bear Valley Electric Service, and Pacific Power their respective shares of the award including interest, calculated as set forth in Ordering Paragraph 2, based on their California-jurisdictional natural gas and electric revenues for the 2018 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data is unavailable, the most recent natural gas and electric revenue data shall be used.
4. Southern California Edison Company, San Diego Gas & Electric Company, Southern California Gas Company; Liberty Utilities, Southwest Gas Corporation; Bear Valley Electric Service, and Pacific Power shall remit their respective shares of the award within 10 days of Pacific Gas and Electric Company’s bill.
5. The comment period for today’s decision is waived.

This decision is effective today.

Dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, at San Francisco, California.

**APPENDIX**

Compensation Decision Summary Information

|  |  |  |  |
| --- | --- | --- | --- |
| Compensation Decision: |  | Modifies Decision? | No |
| Contribution Decision(s): | D2004004 | | |
| Proceeding(s): | R1804018 | | |
| Author: | ALJ Hecht | | |
| Payer(s): | Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, Southern California Gas Company; Liberty Utilities, Southwest Gas Corporation; Bear Valley Electric Service, and Pacific Power. | | |

Intervenor Information

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Intervenor | Date Claim Filed | Amount Requested | Amount Awarded | Multiplier? | Reason Change/Disallowance |
| Golden State Manufactured – Home Owners League | 6/23/2020 | $4,860.00 | $4,564.00 | N/A | *See* CPUC Comments, Disallowances, and Adjustments above. |

Hourly Fee Information

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| First Name | Last Name | Attorney, Expert, or Advocate | Hourly Fee Requested | Year Hourly Fee Requested | Hourly Fee Adopted |
| Bruce | Stanton | Attorney | $150.00 | 2018 | $155 |
| Bruce | Stanton | Attorney | $150.00 | 2019 | $160 |
| Bruce | Stanton | Attorney | $150.00 | 2020 | $165 |

**(END OF APPENDIX)**

1. All statutory references are to California Public Utilities Code unless indicated otherwise. [↑](#footnote-ref-1)
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.  [↑](#footnote-ref-2)
3. This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch> . [↑](#footnote-ref-3)