

Decision 21-03-012 March 4, 2021

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U338E) for Approval of Energy Efficiency Rolling Portfolio Business Plan.	Application 17-01-013
And Related Matters.	Application 17-01-014 Application 17-01-015 Application 17-01-016 Application 17-01-017
(NOT CONSOLIDATED)	
Order Instituting Rulemaking Concerning Energy Efficiency Rolling Portfolios, Policies, Programs, Evaluation, and Related Issues.	Rulemaking 13-11-005

**DECISION ON INTERVENOR COMPENSATION
CLAIM OF CHARLES A. GOLDMAN**

Intervenor: Charles A. Goldman	For contribution to the implementation stage of Decision (D.) 18-01-004 and Procurement Review Groups
Claimed: \$13,988	Awarded: \$13,987.50
Assigned Commissioner: Liane Randolph	Assigned Administrative Law Judges (ALJs): Julie A. Fitch and Valerie Kao

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

A. Brief description of Decision:	D.18-01-004 addresses the required process for third party solicitations in the context of the rolling portfolio energy efficiency programs overseen by the investor-owned utility (IOU) program administrators (PAs). This decision approves a two-stage solicitation approach to soliciting third party program design and implementation services as part of the energy efficiency portfolio. All IOUs will be required to conduct a Request for Abstract (RFA) solicitation, followed by a full Request for Proposal (RFP) stage. We require the IOUs to utilize procurement review groups (PRGs) for design and conduct of solicitations, as well as add an independent evaluator (IE) structure, except that the IEs shall be specifically hired for their energy efficiency expertise. The IEs will provide support to the PRGs and periodic updates to the Commission.
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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 16, 2017	Verified
2. Other specified date for NOI:	December 7, 2018	Verified
3. Date NOI filed:	January 3, 2019	Verified
4. Was the NOI timely filed?		Yes
Showing of eligible customer status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R 13-11-005	Verified
6. Date of ALJ ruling:	4/5/19	Verified
7. Based on another CPUC determination (specify):	See also D 20-05-048 (May 28, 2020)	Verified
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:	R13-11-005	Verified

¹ All “§” and “Section” references are to California Public Utilities Code unless indicated otherwise.

	Intervenor	CPUC Verification
10. Date of ALJ ruling:	4/5/19	Verified
11. Based on another CPUC determination (specify):	See D. 20-05-048 as well	Verified
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	ALJ Ruling Setting Date for New or Revised Notices of Intent to Request Intervenor Compensation for Work Related to Procurement Review Groups	D.18-01-004 (issued on January 17, 2018) and the Procurement Review Groups process in compliance with D.18-01-004
14. Date of issuance of Final Order or Decision:	12/07/18	Verified
15. File date of compensation request:	6/16/20	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor's Comment(s)	CPUC Discussion
1	D.20-05-048 granted intervenor compensation to Charles Goldman for contributions to the Energy Efficiency (EE) PRG in 2018 and part of 2019 (Jan – May 2019). This claim covers work on the EE PRG from June 2019-May 2020	Noted

PART II: SUBSTANTIAL CONTRIBUTION
(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)?

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contributions	CPUC Discussion
Ongoing participation in the Energy Efficiency Procurement Review Group process with Independent Evaluator (EE-PRG/IE)		Verified. D.18-01-004 explained that participation in the PRG is eligible for intervenor

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contributions	CPUC Discussion
<ul style="list-style-type: none"> • I have participated actively in meetings and working groups of the Statewide EE PRG and PG&E EE-PRG, providing unique input from the perspective of an expert that has been involved in the design and evaluation of competitive bidding solicitations for energy efficiency program administration in several states (CA, VT, HI, WI, NY and NJ) with an emphasis on impacts of innovative efficiency programs on residential customers • Active member of team of Independent Evaluators and PRG members that developed, updated and revised PRG Solicitation Guidelines that included requirements and guidelines for RFAs, RFPs and contracting with winning bidders (Jan-April 2020) • Participated actively and provided input on PG&E Local Multi-sector RFP - Reviewed 3rd party bids, commented upon Phase 1 and Phase 2 Negotiation process with bidders, and selection of winning bidders in various market segments (Industrial, Agriculture, Public, Commercial and Multi-Family) • Review and provided input on Statewide New Construction RFP and selection of winning bidders 		<p>compensation.² ALJ's ruling allowing a filing of the PRG-related NOIs explains that "It is likely that some parties will be spending a significant amount of time contributing to PRG activities ... as a part of the implementation of the energy efficiency business plans."³</p> <p>PRG-related claims, in general, must explain</p> <p>...the types of programs, policies, practices or documents reviewed in connection with its PRG ... and how that work contributed to an outcome that benefited ratepayers;⁴</p> <p>They must also address how the intervenor's work</p> <p>...added value to the review or advisor process because of the intervenor's unique analysis, perspective or work product or because of specific</p>

² D.18-04-004 at 35.

³ Administrative Law Judge's Ruling Setting Date for New or Revised Notices of Intent to Claim Intervenor Compensation for Work Related to Procurement Review Groups at 2.

⁴ D.07-11-024, Opinion Clarifying Required Showing for Awards of Compensation to Intervenor for Their Substantial Contributions to Procurement Review Groups, Peer Review Groups and Program Advisory Groups, at 5.

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contributions	CPUC Discussion
<ul style="list-style-type: none"> PG&E Local Govt. RFA – Review and provided input on RFP bid evaluation process and selection of winning bidders 		<p>expertise or skills of the intervenor.⁵</p> <p>We find that the subject claim meets these criteria.</p>

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?⁶	Yes	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Noted
c. If so, provide name of other parties: I have worked collaboratively with other parties that are members of the PRG (e.g., Energy Division, Public Advocates Office, NRDC, ⁷ BlueGreen Alliance, and representatives of various labor unions).		Noted
d. Intervenor's claim of non-duplication: In D.18-01-004, the CPUC required utility program administrators to convene one or more Procurement Review Groups (PRG) consisting of non-market participants in the energy efficiency space for purposes of review of their third party solicitation process and indicated that participation in a PRG would be eligible for compensation from the CPUC's intervenor compensation position. I have participated actively, worked in a collaborative fashion, and made significant contributions in the PG&E PRG, Statewide PRG and in joint meetings of PRG and Independent Evaluators (IEs) (see Section 2A above on contributions). I have coordinated my efforts with other members of the PRG as we developed and updated Solicitation Guidelines that have been provided to the IOUs in an effort to encourage and enhance "best practices". The EE PRG believes that if the utilities follow the PRG Guidelines for Third Party EE RFA and RFP, this will result in substantial savings of time and labor in development and implementation of RFAs		Noted

⁵ *Id.*, at 5-6.

⁶ 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.

⁷ Natural Resources Defense Council.

	Intervenor's Assertion	CPUC Discussion
	and RFPs by the utilities as well as reduce time commitment required of EE PRG and IEs.	

C. Additional Comments on Part II:

#	Intervenor's Comment	CPUC Discussion

PART III: REASONABLENESS OF REQUESTED COMPENSATION
(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>I have participated actively in the PG&E and Statewide EE PRG and in the coordination meetings of PRG members participating in each utility PRG and Statewide PRG. The utilities are required to competitively solicit up to 60% of their EE portfolio of programs over the next 3 years; the annual budgets for these EE programs are in the hundreds of millions of \$\$ so it imperative that the funding is used wisely, that the competitive solicitation processes are fair, transparent and efficient and potentially lead to more innovative and cost-effective efficiency programs, particularly those targeted at residential customers. The savings for effective efficiency programs can reduce energy costs for residential customers.</p> <p>I was conservative in how I claimed time, claiming the bulk of hours for formal meetings of the EE PRG and my contributions to working groups developing memos and documents for the PRG to be provided to utilities. No time was claimed for travel and associated costs of meetings (e.g. meals). I participated often by phone in conference calls and meetings to minimize any travel time or other expenses. See Attachment 2 for time records.</p>	Noted
<p>b. Reasonableness of hours claimed:</p> <p>The rate that I have requested (\$205/hour in 2019 and \$210/hour in 2020) is purposefully conservative and low on the ranges approved by the Commission for someone like myself who is a nationally recognized expert on energy efficiency policy, program design and administration with more than 35 years of experience. In PRG meetings, I have consciously attempted to represent the interests of residential customers that both pay the costs of efficiency programs and can benefit from effective and</p>	Noted

			CPUC Discussion
innovative programs. All hours represent substantive work conducted by and/or on behalf of the EE PRG.			
Since the technical work and participation in the PRG was conducted in an efficient manner, the hours billed are conservative and billing rates low, my request for compensation should be granted in full.			
c. Allocation of hours by issue:			
A	EE Procurement Review Group (PRG) Organization, Meetings, Handbook, and Solicitation Guidelines	60%	
B	Review Requests for Abstracts (RFA) issued by utilities: PG&E	3%	
C	Review RFA Bids for RFA issued by PG&E	3%	
D	Review Draft RFPs	7%	
E	Review RFP Shortlist of Bidders and Selected Contractors	24%	
F	Review Evaluations conducted by Independent Evaluators	4%	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total	Hours	Rate	Total
Charles Goldman	June – Dec 2019	16.5	\$205	ALJ Res-352 and D.20-05-048	\$3,382.50	16.5	\$205	\$3,382.50
Charles Goldman	Jan - May 2020	49	\$210	ALJ Res-352	\$10,290	49.0	\$210 [1]	\$10,290
Subtotal: \$13,672.50						Subtotal: \$13,672.50		
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
[Person 1]								
Subtotal: \$						Subtotal: \$		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total	Hours	Rate	Total \$
Charles Goldman	2020	3	\$105	½ of 2020 rate	\$315	3	\$105	\$315
Subtotal: \$315						Subtotal: \$315		

COSTS				
#	Item	Detail	Amount	Amount
1.				
			<i>Subtotal: \$</i>	<i>Subtotal: \$</i>
			<i>TOTAL REQUEST: \$13,988.50</i>	<i>TOTAL AWARD: \$13,987.50 [2]</i>
<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. Intervenors' 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>				

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

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	[3] Charles Goldman time record
Attachment 3	Charles Goldman resume
Attachment 4	D 20-05-048 0 Decision Granting Intervenor Compensation to Charles Goldman for Substantial Contribution to D.18-01-004 and Procurement Review Groups
Comment 1	We request a 2019 rate of \$205 per hour per ALJ Resolution (see D. 20-05-048 and \$210 per hour for 2020. Mr. Goldman has more than 35 years of experience in energy efficiency policy, program design and administration. This billing rate is at the low end of the range for a technical expert with his experience. See Attachment 3 (Goldman resume)

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

Item	Reason
[1] Hourly Rate (2020)	Charles A. Goldman requests an hourly rate of \$210 for his work in 2020. In D.20-05-048, the Commission adopted the hourly rate of \$205 for Mr. Goldman's work in 2019. For work performed in the year 2020, the Commission, in Resolution ALJ-387, adopted a cost-of-living adjustment (COLA) of 2.55 percent. Based on the COLA, we adopt the hourly rate of \$210 for Mr. Goldman's work in 2020. The rate consists of the 2019 rate of \$5 and the COLA of 2.55.

Item	Reason
[2] Total Award	The total awarded amount corrects a minor typographical error in the claim.
[3] Time Records	In the formally filed timesheet (Attachment 2 to the claim), hours of work spent on the proceeding's issue "F" were accidentally cut off. On January 1, 2020, Charles A. Goldman supplied his complete timesheet, including hours of work on the proceeding's issue "F" and also on the intervenor compensation claim. To avoid possible reductions of the award, we recommend the intervenor to make sure his claims filed in the proceeding's formal record are fully documented.

PART IV: OPPOSITIONS AND COMMENTS

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

FINDINGS OF FACT

- Charles A. Goldman has made a substantial contribution to D.18-01-004 and Procurement Review Groups.
- The requested hourly rates for Charles A. Goldman are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
- The claimed costs and expenses are reasonable and commensurate with the work performed.
- The total of reasonable compensation is \$13,987.50.

CONCLUSION OF LAW

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

ORDER

- Charles A. Goldman shall be awarded \$13,987.50.
- Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company shall pay Charles Goldman their respective shares of the award, based on their California-jurisdictional electric and revenues for the 2019 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data is unavailable, the most recent electric and gas 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 August 30, 2020, the 75th day after the filing of Charles Goldman's request, and continuing until full payment is made.

3. The comment period for today's decision is waived.

This decision is effective today.

Dated March 4, 2021, San Francisco, California.

MARYBEL BATJER

President

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

DARCIE HOUCK

Commissioners

APPENDIX

Compensation Decision Summary Information

Compensation Decision:	D2103012	Modifies Decision?	No
Contribution Decision:	D1801004 and Procurement Review Groups		
Proceedings:	A1701013, et al., and R1311005 (non-consolidated)		
Authors:	ALJ Fitch and ALJ Kao		
Payers:	Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Charles A. Goldman	16/06/20	\$13,988	\$13,987.50	n/a	Minor typographical error correction

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Charles	Goldman	Advocate	\$205	2019	\$205
Charles	Goldman	Advocate	\$210	2020	\$210

(END OF APPENDIX)