

Decision 22-01-014 January 13, 2022

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U338E) for Approval of its Charge Ready 2 Infrastructure and Market Education Programs.

Application 18-06-015

**DECISION GRANTING COMPENSATION TO
NATIONAL ASIAN AMERICAN COALITION
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 20-08-045**

Intervenor: National Asian American Coalition	For contribution to Decision (D.) 20-08-045
Claimed: \$103,001.88	Awarded: \$103,001.88
Assigned Commissioner: Clifford Rechtschaffen	Assigned ALJ: Sasha Goldberg

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	Decision (D.) 20-08-045 authorized Southern California Edison Company (SCE) to collect \$436 million in revenue to deploy approximately 37,800 electric vehicle service equipment (EVSE) charging ports in their service territory. The final decision reduces SCE's requested budget by over \$300m, and adopts recommendations to focus deployment in the underserved DAC and MUD market segments.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:¹

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	September 07, 2018	Verified
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	October 04, 2018	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:	A.18-01-012	Verified
6. Date of ALJ ruling:	January 04, 2019	Verified
7. Based on another CPUC determination (specify):	N/A	
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:	A.18-01-012	Verified
10. Date of ALJ ruling:	January 04, 2019	Verified
11. Based on another CPUC determination (specify):	N/A	
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.20-08-045	Verified
14. Date of issuance of Final Order or Decision:	09/02/2020	Verified
15. File date of compensation request:	11/02/2020	Verified
16. Was the request for compensation timely?		Yes

¹ All statutory references are to California Public Utilities Code unless indicated otherwise.

C. Additional Comments on Part I:

#	Intervenor's Comment(s)	CPUC Discussion
1	<p>On 10/04/2018, the National Asian American Coalition ("NAAC") filed a Notice of Intent to Claim Intervenor Compensation in this proceeding, with the box checked indicating a Request for Administrative Law Judge's Ruling on NAAC's Showing of Financial Hardship. No ruling has been issued yet on NAAC's request.</p> <p>On 01/04/2019, in the separate A.18-01-012 proceeding, ALJs Goldberg and Hymes granted NAAC's Notice of Intent to Claim Intervenor Compensation and found that NAAC had demonstrated customer status and substantial financial hardship. Additionally, NAAC had previously been found to have demonstrated customer status and substantial financial hardship in A.16-09-001 on 12/22/2016.</p> <p>NAAC has not undergone any recent changes that would alter their customer status or financial hardship status before the Commission, and should be granted customer and substantial financial hardship status for the purposes of this claim.</p>	Noted

PART II: SUBSTANTIAL CONTRIBUTION**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 Contribution(s)	CPUC Discussion
<p>1. Effective Participation and Procedural Matters (EP/PROC)</p> <p>NAAC, on behalf of the National Diversity Coalition (NDC), reviewed testimony and filings, issued discovery, conducted cross examination at evidentiary hearings, filed briefs, and submitted comments.</p> <p>NAAC reviewed the utility's application, identified concerns regarding specific program aspects,</p>	<p><i>Motion For Party Status of The National Diversity Coalition And National Asian American Coalition (08/23/2018)</i> ("Motion for Party Status")</p> <p><i>Opening Brief of The National Diversity Coalition (03/15/2019)</i> ("Opening Brief")</p> <p><i>Reply Brief of The National Diversity Coalition (04/12/2019)</i> ("Reply Brief")</p>	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>and substantially contributed to the final decision by providing analysis and recommendations to better target underserved market segments, evaluate cost effectiveness, and improve the public benefits realized through the program. Although not every recommendation that NAAC provided was adopted, our perspectives and analyses led to more robust discussions and review of the program, contributing to the overall reasonableness of the final decision.</p> <p>Low-income and minority ratepayers benefited from NAAC's advocacy in this proceeding because these groups are the most impacted by rate increases and environmental pollution, and yet these communities have the least capacity and resources to engage in Commission proceedings to make their voices heard. Therefore, it is essential that NAAC highlight the needs and perspectives of low-income and minority ratepayers in Commission proceedings.</p> <p>As in every case, NAAC's participation also entailed a significant amount of work to review and research issues and address procedural matters that did not result in outcomes which are directly evident in the final decision, but were nonetheless essential for effective participation in the overall case.</p>	<p><i>Comments of The National Diversity Coalition on The Proposed Decision of Administrative Law Judge Goldberg</i> (08/17/2020) ("Comments on PD")</p> <p><i>Reply Comments of The National Diversity Coalition on The Proposed Decision of Administrative Law Judge Goldberg</i> (08/24/2020) ("Reply Comments on PD")</p> <p>D.20-08-045, <i>Decision Authorizing Southern California Edison Company's Charge Ready 2 Infrastructure And Market Education Programs</i> (08/27/2020) ("Decision" or "Final Decision")</p>	
2. Disadvantaged Communities Deployment Target and Provisions (DAC)	"As an initial matter, NDC supports SCE's proposal to use the statewide definition of disadvantaged	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>NAAC argued extensively for reasonable DAC deployment targets and provisions, based on legislative mandates and Pilot results.</p> <p>NAAC supported the use of the appropriate statewide DAC definition as required by law, as opposed to the service territory-based definition. NAAC also highlighted statutory directives to prioritize DAC deployment in TE programs.</p> <p>Our analysis on anti-competitive concerns in the nascent EVSE market and economic and environmental equity concerns also supported the conclusion that ratepayer funding must prioritize deployment in underserved DAC markets.</p> <p>NAAC provided arguments for a minimum 50% DAC deployment target based on pilot results and taking into account market segment prioritization and incentives offered in the CR2 program.</p>	<p>communities, as this definition is consistent with legislative intent to direct funds to the most pollution-burdened areas of the state... The state-wide definition is therefore consistent with the law and is consistent with the legislative intent behind the creation of the CES to identify DACs, as interpreted by the state agency that developed the CES tool in the first place.” – Opening Brief at 19-20.</p> <p>“In SB 350, the legislature acknowledges and codifies the need to target support for EV adoption in DACs, declaring that widespread transportation electrification would specifically require increased access for disadvantaged communities and low- and moderate-income communities... This underscores the particular legislative concern for disadvantaged communities, and the specific legislative intent to direct resources to help these areas. Substantial DAC deployment targets in TE programs are necessary to fulfill this mandate.” – Opening Brief at 20</p> <p>“The lower-income, lower-English proficiency demographics of DACs continue to make them harder to reach by the competitive market, and therefore DACs are an ideal area of focus for ratepayer-funded utility programs that do not face the same constraints as competitive third-party vendors. In order to protect the nascent EV market and fulfill Legislative and public policy goals, utility programs should focus and direct the majority of their resources to underserved markets.” – Opening Brief at 20.</p>	<p>Verified</p>

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	<p>“Poverty hinders businesses and residents in DACs from obtaining EVs and supporting infrastructure, which leads to the continued emission of pollutants in those areas, which causes significant medical problems and depresses local land values, further exacerbating local poverty, fueling a vicious circle. Meeting the public interest in accelerating TE, supporting areas with the worst pollution and least amount of resources to combat it, and helping alleviate serious health issues for residents in those communities requires dedicating substantial resources to DACs.” – Opening Brief at 21.</p> <p>“With limited ratepayer funds, it makes sense to divert ratepayer subsidized deployment away from the least polluted areas (bottom 25% of CES scores) and toward the most polluted areas (top 25% of CES scores). If CR2 deployment goals are reprioritized away from the least polluted areas and focused toward the most polluted areas, the DAC target should be set at a minimum of 50%. The Charge Ready Pilot already demonstrated that greater than 50% DAC deployment is achievable. And with program modifications that further support DAC participation, including the elimination of the 4% parking space cap and substantial utility ownership available for MUDs (including those in DACs), even greater DAC deployment can be expected.” – Opening Brief at 22.</p> <p><i>See Also</i> Opening Brief 18-24</p> <p>“SCE has set only a minimal, non-binding 30% DAC deployment</p>	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>--</p> <p>The Final Decision adopts the statewide DAC definition and 50% DAC deployment target in line with NDC's arguments and recommendations.</p>	<p>target that is little better than what would result from a random distribution of EVSE across their service territory.” – Reply Brief at 2.</p> <p>“NDC explains that based on SB 350 legislative intent and policy to focus investment in DACs, TE programs should target a minimum of 50% for DAC deployment.” – Reply Brief at 3.</p> <p>“Clearly then, the Commission should simply reject the enhanced incentives SCE proposes for non-DAC locations, adopt incentives that support underserved markets, and require at least a 50% DAC deployment target consistent with Pilot results.” – Reply Brief at 4.</p> <p><i>See Also</i> Reply Brief at 1-4.</p> <p>--</p> <p>“NDC supports adopting SCE’s proposed use of the state-wide DAC definition, and the revised 25 percent EVSE rebates for non-DAC and 100 percent EVSE rebates for DACs and MUDs. In addition, NDC recommends setting a DAC target of 60 percent of all ports deployed under CR2, even if the Commission were to adopt an overall smaller program size.” – Decision at 89.</p> <p>“We find merit in many of the arguments put forward on the issue of what the appropriate DAC target should be, ultimately determining whether CR2 adequately addresses low-income communities and moderate-income communities. Given SCE’s success in installing approximately 50 percent of ports in the Phase 1 Pilot in DACs, we</p>	<p>Verified</p>

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	find SCE's proposed 30 percent DAC target to be low and unrepresentative of the equity provisions of SB 350 and SB 1275. Accordingly, we adopt a 50 percent DAC target for the Make-Ready Expansion program." – Decision at 90-91.	
<p>3. Multi-Unit Dwelling Provisions and Targets (MUD)</p> <p>As Pilot results indicated that MUDs were the most difficult market segment to reach (both in DAC and non-DAC locations), NAAC recommended that MUDs be allowed to participate in the Own and Operate program, along with other modifications to reduce participation barriers. However, NAAC also recommended a limit on how many EVSE the utility should be allowed to own, limited to only MUD deployments, to reduce program costs and anti-competitive impacts.</p> <p>Complementary with increased MUD incentives, NAAC also recommended an enhanced MUD deployment target of 40%, to ensure that program resources were supporting the most underserved and difficult to reach communities.</p>	<p>"With the trend toward increasing EV battery range, residential at-home charging will continue to grow as the most important market segment that supports increased EV adoption." – Opening Brief at 13.</p> <p>"Given the clear and substantial barriers to MUD deployment revealed through the Pilot, NDC strongly supports program modifications made to incentivize greater MUD participation." – Opening Brief at 14.</p> <p>"Offering enhanced incentives to all market segments will undercut the intent to encourage greater participation from the underserved MUDs and DACs. Instead, Pilot program parameters must be modified to encourage greater participation specifically from MUDs, but not all market segments. MUDs should be allowed to participate in the Own and Operate program, but not government customers." – Opening Brief at 14.</p> <p>"SCE says that they calculated this 15% target by comparing the estimated EVSE demand from MUDs that have more than 20 parking spaces to the total incremental EVSE need that they calculated for SCE's territory, (i.e. $12000/92000 = 13\%$). This methodology is unreasonable for at least two reasons:</p>	<p>Verified</p> <p>Verified</p>

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	<p>(1) There is no reason to only consider demand from MUDs that have more than 20 parking spaces, especially given that SCE is requesting that the CR2 program have no minimum parking space criteria for any customers; and (2) the incremental EVSE need which SCE calculated and based their program size on is itself made up of 78% MUD deployments.” – Opening Brief at 16.</p> <p>“NDC recommends that SCE be required to deploy a total of 40% of all EVSE ports in MUDs. NDC further recommends that SCE be allowed to own and operate up to 30% of all EVSEs, as long as they are located within MUDs.” – Opening Brief at 17-18.</p> <p><i>See Also</i> Opening Brief at 13-18.</p> <p>“Therefore, even greater incentives are likely necessary to generate greater MUD participation in CR2. NDC supports offering MUDs 100% EVSE rebates, a 2-port minimum, and participation in the utility own and operate program. These additional incentives can encourage substantial MUD participation, which must be reflected in a meaningful and binding MUD deployment target.” – Reply Brief at 5-6.</p> <p>“NDC acknowledges that utility ownership of EVSE does add substantial costs to the program and is inherently anti-competitive, which is why it is only appropriate to a limited degree in market segments that are truly underserved and</p>	Verified

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<p>--</p> <p>The Commission acknowledges and discusses many of the arguments NAAC put forth. In the Final Decision, MUDs are authorized to participate in the Own and Operate program, a cap is placed on the total number of ports eligible to receive the full "turn-key" incentive or equivalent rebate amount, and the deployment target is set at 40%, in line with NAAC recommendations.</p>	<p>essential to increasing EV adoption, such as MUDs." – Reply Brief at 6.</p> <p>Based on 35% EVSE ownership allowed for PGE and the 78% MUD assumption in SCE's total deployment calculations, NDC recommended "a total MUD deployment target of 40%, and utility ownership of up to 30% of total deployment only in MUDs." – Reply Brief at 7.</p> <p><i>See Also</i> Reply Brief at 5-8.</p> <p>--</p> <p>"In lieu of a turnkey option for government locations, NDC recommends MUDs be allowed to participate in the Own and Operate program. NDC supports this recommendation pointing to data sourced by Cal Advocates, which illustrates the utility-ownership model achieved a 39 percent deployment rate in MUDs in SDG&E service territory. While NDC recognizes the differences between SCE and SDG&E's service territory, the intervenor ultimately believes offering utility ownership to MUDs will increase MUD participation. Additional recommendations include 100 percent EVSE rebates for all MUDs, a reduced two-port minimum requirement (as opposed to five), and no maximum parking space cap." – Decision at 72-73.</p> <p>"However, we do think there is merit in offering a turnkey option to MUDs. A turnkey solution would assist MUD building owners who would like to offer charging stations to their residents but</p>	

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	<p>may be financially unable to do so.” – Decision at 74.</p> <p>“In an effort to maximize ratepayer benefits under the turnkey option, SCE may offer its turnkey option to only MUDs located in DACs. Offering a utility-ownership model for MUDs in DACs provides the Commission with a more focused approach to addressing the multiple obstacles to MUD participation in CR2 and will invest the funds in areas where they are most needed.” – Decision at 75.</p> <p>“Therefore, we direct the program cap of 2,500 charge ports to apply to both the Own and Operate and maintenance and network fee rebate options. In other words, site hosts will be given the option to elect utility ownership or a rebate for maintenance and network fees. Once 2,500 sites elect either, all subsequent MUDs in DACs will not be eligible for either utility ownership nor the rebate for maintenance and network fees.” – Decision at 76.</p> <p>“Although offering all three infrastructure programs to MUDs, SCE proposes to target only 15 percent of the total ports deployed for the Make-Ready Expansion Program at MUDs. TURN and NDC support enhanced incentives to the MUD market segment, which they consider to be underserved citing to the Phase 1 Pilot results.” – Decision at 86.</p> <p>“NDC recommends there be a stronger focus on improving MUD participation on the premise that with increasing EV battery range, residential at-home</p>	Verified

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	<p>charging will continue to grow as the most important market segment that supports increased EV adoption. Moreover, NDC notes that MUD participation comprised only three percent of EVSE deployment in the Phase 1 Pilot, the lowest rate of pilot participation. NDC explains this low participation resulted even with MUDs subject to the same ten-port minimum deployment and four percent maximum parking space cap as workplaces, but eligible for a higher 50 percent rebate on EVSE. MUD participation in the Phase 1 Pilot was twice as high in non-DACs than in DACs. NDC notes the low MUD participation occurred in DAC locations even with 100 percent EVSE rebates and lower port-minimums (five versus ten).” – Decision at 87.</p> <p>“We agree that the deployment of charging infrastructure for the MUD customer segment will likely result in incremental EV adoption and provide ratepayers with direct program benefits. Ultimately, CR2 should have a stronger focus on improving MUD participation and accessibility... SCE should strive to site 40 percent of the ports for the Make-Ready Expansion program at MUDs.” – Decision at 88.</p> <p>“Based on the Phase 1 Pilot results, SCE needs to continue efforts to reach the MUD customer segment. The 40 percent MUD target in addition to our directive that the Own and Operate program be offered only to MUDs in DACs, should ensure the MUD customer segment achieves higher participation than the Phase 1 Pilot rate.” – Decision at 88-89.</p>	Verified

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<p>4. Government Locations (GOV)</p> <p>NAAC questioned SCE's claims that substantial process delays hindering government participation in the Pilot program. NAAC reviewed SCE's calculations, and using their same methodology with appropriate and relevant inputs, provided evidence of the actual negligible difference in government location procurement times. Our analysis highlighted SCE's unreasonable, self-serving, and selective calculation of "government locations" in fabricating the "long" delay time.</p> <p>Based on our research and results from the Pilot, NAAC recommended against including government locations in the Own and Operate program, as such locations did not face greater barriers than other customers or need additional incentives to participate.</p> <p>In rebuttal testimony, SCE raised novel excuses to attempt to justify government participation in Own and Operate, including alleged network cyber security issues. NDC countered these claims on cross examination, showing that SCE neither understood nor offered appropriate solutions to their claimed problems. Further, NDC examined other party experts to elicit informed testimony on actual EVSE networking protocols.</p>	<p>"For government customers, SCE's opening testimony only discusses one challenge faced by government customers related to 'a long lead-time for charging station procurement', and then claims that the SCE own and operate option could 'save an average of 169 business days to install the charging stations. Later in rebuttal testimony, SCE adds new arguments claiming that some federal government customers were restricted from using funds to provide charging for privately owned vehicles, that EVSE could not connect to government networks because of cyber security requirements, and that government customers found the own and operate option appealing. As discussed below, SCE neglected to reasonably investigate and understand these alleged challenges, failed to accurately present real barriers faced by government locations, and did not justify their request to further incentivize government participation.'" – Opening Brief at 4-5.</p> <p>"At the time of the Charge Ready Pilot Report, 43% of total EVSE ports were distributed to government locations. The substantial 43% government participation does not demonstrate any need to substantially modify program design to encourage greater government participation. Offering the own and operate option to government customers is unwarranted based on Pilot participation levels, especially given the increased costs to ratepayers, harm to the competitive market, and displacement of other customers from participation that would result, without</p>	<p>Verified</p>

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	<p>any demonstrated need or benefit.” – Opening Brief at 5.</p> <p>“As an initial matter, SCE fails to provide any discussion of the significance of the claimed 21-day procurement difference on program outcomes. SCE presents no evidence that the claimed 21-day delay has any impact on government participation, adds any ratepayer costs, or reduces program benefits in any way.” – Opening Brief at 6.</p> <p>“Furthermore, SCE uses only the highly selective and misleading average for federal and university customers, the two subcategories out of five within ‘government locations’ that had the longest procurement periods. Yet SCE argues to offer a substantial incentive to all government locations.” – Opening Brief at 7.</p> <p>“County locations actually have the shortest procurement period of all locations by far, at only 15 days. Even universities, which have the longest procurement period, still show substantial participation, comprising 12% of all port deployments. There is no clear evidence that all government locations face any meaningful barriers to participation related to procurement periods, and even the customers that faced the longest delays still participated substantially.” – Opening Briefs at 8-9.</p> <p>“In rebuttal testimony, SCE raises the novel idea that cyber security requirements make connecting EVSEs to government networks challenging...</p>	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<p>SCE failed to reasonably investigate and understand the alleged cyber security issue before proposing the own and operate solution.” – Opening Briefs at 9-10</p> <p>“In summary, Packard responded to SCE’s claims about government network and cyber security issues by saying ‘First of all, there is no connection to the government network because, as I stated, the connection path is separate than the government network. And, secondly, whether SCE owns or does not own these stations does not change how they communicate.’” – Opening Brief at 11.</p> <p>“SCE has failed to demonstrate that any meaningful challenge to participation exists for government customers. Without having identified or explained any problem with government participation, SCE has failed to show any need or benefit from their ‘solution’ of including government customers in the Own and Operate program. Instead, the Commission should adopt program modifications that encourage and support greater participation from the customer segments that are clearly identified in pilot results and legislatives mandate as needing additional support – MUDs and DACs.” – Opening Brief at 13.</p> <p><i>See Also</i> Opening Brief at 4-13.</p> <p>“But SCE cannot justify providing enhanced incentives to all non-DAC locations, in particular offering utility</p>	Verified

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<p>--</p> <p>The Final Decision reviews the evidence, analysis, and arguments NAAC provided against government location participation in Own and Operate and adopts our recommendation.</p>	<p>ownership to government locations..." – Reply Brief at 3.</p> <p>--</p> <p>"NDC suggests that the SCE ownership model for potential government sites is unwarranted based on the Phase 1 Pilot results. NDC notes, the only specific issue SCE raises in direct testimony to substantiate the request to offer government locations the own and operate option is that government sites experienced delays in procuring charging stations. Utilizing SCE's modeling but including all government locations (rather than just universities and other public sites) participating in the Phase 1 Pilot, yields an average government procurement period of 49 days. Using the same methodology, NDC calculates the average procurement period for a non-government participant to be 44 days. Ultimately, NDC suggests the real difference between the average procurement period for government versus all customer locations is only five days." – Decision at 72</p> <p>"We are unpersuaded utility ownership at government sites is necessary to support the goals of CR2. SCE proposes the 'turnkey' option to minimize 'long' lead-time faced by federal and university sites to provide the right procurement paperwork. However, in comparing the lead time it takes average customers (44 business days) to provide procurement paperwork to that of federal/university customers (65 business days) we are unconvinced the time savings outweighs the additional cost of utility ownership of EVSE. SCE</p>	<p>Verified</p>

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	has not demonstrated how EV adoption will increase with utility owned EVSE at these sites, and we therefore reject SCE's proposal to own such equipment at government sites." – Decision at 74.	
<p>5. Modifications to Reduce Costs and Focus Enhancements (COST)</p> <p>In evaluating SCE's proposal, NAAC raised concerns regarding program costs, especially from modifications to the Pilot that did not address demonstrated deficiencies. For example, NAAC argued that the universal two-port minimum would substantially increase deployment costs and would increase incentives for areas that <i>do not need</i> support by a greater amount than it would increase incentives for areas that do need the extra support. NAAC recommended against the universal two-port minimum, and for reducing unnecessary incentives to bring overall costs down.</p>	<p>"The Commission should apply the lessons learned from the Pilot program and implement modifications to support MUD and DAC participation, <u>while rejecting proposed changes that will unreasonably add to program costs</u> and broadly incentivize customers that were not shown to face participation barriers." – Opening Brief at 3 (<u>emphasis added</u>).</p> <p>"The proposed changes that provide greater incentives to non-DAC customers over DAC customers are overly broad and do not appropriately address challenges identified in the Pilot report. Instead, the CR2 program should <u>focus on applying lessons learned, in order to address specific needs and minimize program costs</u>." – Opening Brief at 18-19 (<u>emphasis added</u>).</p> <p>"The universal two-port minimum requirement proposed by SCE will have an unreasonably disproportionate 167% greater benefit for non-DACs than for DACs, as it reduces the non-DAC pilot requirement by 8 ports, while only reducing the DAC requirement by 3 ports." – Opening Brief at 22.</p> <p>"Such a drastically reduced minimum port requirement is also unsupported by the Pilot results...the lower minimum port requirement would <u>increase program costs, without evidence of</u></p>	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>--</p> <p>The Final Decision notes NAAC's criticism and recommendations on the size and scope of CR2. While NAAC recommended port minimums in line with the Pilot program, the Final Decision rejects SCE's request for a two-port minimum for L1 and L2 EVSE and makes other budget reductions in line with NAAC recommendations.</p>	<p><u>equivalent corresponding benefits...</u> Because the universal two-port requirement would reduce overall DAC participation and increase program costs without justification or benefits, this proposal should be rejected." – Opening Brief at 23 (<u>emphasis added</u>).</p> <p>"But SCE cannot justify providing enhanced incentives to all non-DAC locations, in particular... a 2-port minimum for workplace and retail customers." – Reply Brief at 3.</p> <p>"...utilizing too high of a vehicle projection could result in under-used assets which does not contribute to reductions in GHG emissions and can lead to over-subsidization of the market at ratepayer expense." – Comments on PD at 2.</p> <p>--</p> <p>"TURN, Cal Advocates and NDC are critical of the utility's proposal, recommending various alternatives to adjust the size and scope of CR2." – Decision at 35.</p> <p>"NDC suggests the two-port minimum is unsupported by the Phase 1 Pilot, given that DACs average 12 ports per site, and non-DACs averaged 20 ports." – Decision at 61.</p> <p>"... we remain unconvinced that a two-port minimum is warranted based on the evidentiary record. And while we are hesitant to set port minimums below those set for the Phase 1 Pilot (five ports for DACs sites, 10 ports for non-DAC sites), we understand costs fluctuate based on specifics of site type and</p>	<p>Verified</p>

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	<p>resulting port installation...we adopt a minimum port requirement of four ports per site for those sites supporting L1 or L2 EVSE.” – Decision at 63.</p> <p>“However, we agree with many of the points raised by NDC, Cal Advocates and TURN, that the overall budget of the CR2 program is substantial. At this time, we decrease the budget of the New Construction Rebate Program by \$10 million for a total budget of \$54 million.” – Decision at 79.</p>	
<p>6. Performance Evaluation and Reporting (PER)</p> <p>NAAC noted the lack of accountability or performance requirements in SCE’s proposal. In addition to specific deployment targets for priority market segments (discussed above), NAAC recommended and supported evaluation, accountability, and safety requirements to ensure the CR2 program is implemented reasonably, and to help gather data that will better inform future program design.</p> <p>NAAC specifically recommended metrics to track site utilization and customer participation. Additionally, NAAC successfully argued against unnecessary additional requirements for contractors that would not enhance safety, but instead could hinder participation by qualified non-union workers.</p>	<p>“In a section titled ‘Charge Ready 2 Includes Performance Accountability Measures’, SCE refers to their DAC and MUD deployment goals as ‘metrics to measure performance’. SCE avoids calling them ‘accountability measures’ and they do not in fact hold SCE accountable in any way.” – Reply Brief at 4.</p> <p>“The final decision should adopt PAMs in line with TURN’s recommendations: (i) At least 7% utilization of SCE’s workplace and public infrastructure on a per port basis, with a review before the Commission in the General Rate Case (GRC) for the sites not meeting the minimum utilization within 3 years of installation; and (ii) Annual tracking of site utilization in SCE’s GRC and removal of sites with zero utilization in a year from the ratebase.” – Comments on PD at 9-10.</p> <p>“There is no substantial evidence before the Commission which shows that the IBEW and EVITP requirements are necessary for public safety, system reliability, or any other ratepayer</p>	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>--</p> <p>The Final Decision adopts requirements for SCE to file program reports which include utilization and customer enrollment data, with specific focus on performance in low-income, DAC, and MUD market segments.</p> <p>Further, the Decision rejects imposing any additional contractor qualification requirements, acknowledging the arguments and recommendations put forth by NAAC.</p>	<p>benefits. Such requirements may serve to hinder qualified small and minority-owned contractor and electrician businesses with valid licenses from participating in the program for lack of unnecessary memberships or certifications. Moreover, the Commission's Safety checklist does not mention this requirement, nor has it been required in recent TE programs." – Reply Comments on PD at 3-4</p> <p><i>See Also</i> Reply Comments on PD at 1.</p> <p>--</p> <p>"In addition to SCE's proposed data collection and reporting recommendations, Cal Advocates, TURN and NDC recommend additional data gathering requirements which we find reasonable for SCE." – Decision at 122.</p> <p>"[SCE's] reports will evaluate data across all program activities, including but not limited to: (i) customer enrollment and participation data (ii) program progress information; (iii) program installation costs; and (iv) customer usage data (e.g., EV usage data, transactions per day)." - Decision at 122.</p> <p>"Accordingly, SCE is required to file annual reports beginning 12 months from the date of adoption of this decision and a final program report following the four-year program duration." – Decision at 124.</p> <p>"The evaluation process should, at a minimum investigate and identify the following:</p>	<p>Verified</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<p>...</p> <p>3) Station utilization, over time and across site types, and if possible, the identification of barriers to higher utilization.</p> <p>4) CR2 and Pilot charging station access for low- and moderate-income customers, customers residing in DACs, and MUD residents.” – Decision at 126.</p> <p>“In comments on the proposed decision, CUE contends that charging stations and other supporting equipment should be installed and constructed by Electric Vehicle Infrastructure Training Program (EVITP) certified electricians... we do not have an adequate record to impose such a directive necessary for CR2, especially given the current economic climate and the importance of TE programs in improving that climate. Moreover, we do not want the EVITP or IBEW signatory requirement to place barriers to job opportunities for those contractors that hold a valid C-10 contractor's license but do not meet these additional requirements. Accordingly, construction and installation for CR2 must be completed according to the parameters outlined in the Safety Considerations section of this decision.” – Decision at 131.</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?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: TURN		Verified
d. Intervenor's claim of non-duplication: <p>CalAd and TURN are well-respected and strong advocates for the interests of ratepayers generally, and as such, their positions often align with those of NAAC on certain issues. Although NAAC works with other parties, they do not represent the same minority communities as NAAC does, and do not have the same direct grassroots involvement in those communities. The arguments of other parties, even for the same outcomes, are not based on the same understanding and expertise gained from direct service to and input from low-income and minority ratepayers that NAAC brings. NAAC contributes a distinct perspective on the needs of underserved communities, gained through grassroots engagement and experience, which helps inform and lend credibility to Commission decisions.</p> <p>NAAC made efforts to coordinate with other parties who had similar positions and concerns, in order to reduce duplication, and coordinate joint efforts, allowing other parties to speak from their experience and expertise, while presenting our own unique perspective as community leaders. Therefore, while other parties may have had positions that were compatible or similar to NAAC, our perspectives and goals were necessarily differentiated, and were supplemented, not duplicated, by efforts toward common goals.</p> <p>Additionally, NAAC represents the National Diversity Coalition (NDC), a coalition of about 2 dozen different community-based organizations. In order to effectively communicate case developments and receive member feedback on positions, a significant number of discussions must take place. Only a small fraction of those numerous meetings are included in our records, and only the portion of time during those meeting that are directly relevant to the instant case are recorded in our timesheets. Time we record</p>		Noted

² The Office of Ratepayer Advocates was renamed the Public Advocate's Office of the Public Utilities Commission pursuant to Senate Bill 854, which the Governor approved on June 27, 2018.

	Intervenor's Assertion	CPUC Discussion
<p>as “coordination” is more than avoiding duplication among parties, and should all be eligible for compensation.</p> <p>The Commission should find that to the extent that NAAC is claiming compensation for any overlapping efforts that may have occurred, it served to supplement, complement, or contribute to the presentation of issues by another party, consistent with Cal Public Utilities Code Section 1802.5.</p>		

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
<p>a. Intervenor's claim of cost reasonableness:</p> <p>NAAC is seeking approximately \$103,001.88 as the reasonable cost of our participation in the proceeding. Our analysis of the reasonableness of the utility's request and recommendations on issues that impact underserved ratepayers helped the Commission craft a decision that focuses greater resources toward communities that are actually burdened by pollution and poverty while reducing unreasonable costs and expenses for all ratepayers.</p> <p>For the most part, NAAC cannot calculate precisely the exact monetary benefits to ratepayers from these advocacy efforts, given the nature of the issues addressed and the fact that the authorized program has yet to be fully implemented. However, our analysis and recommendations directly contributed to the over \$300 million reduction in program costs from the original application, substantially increased investments in disadvantaged communities and MUDs, and reduced unreasonable and unnecessary incentives. As such, our requested compensation is a small fraction of the value of the savings, efficiencies, and benefits attributable to our advocacy, and should be found reasonable.</p>	Noted
<p>b. Reasonableness of hours claimed:</p> <p>This claim for compensation includes 310.45 total hours for NAAC attorneys, experts and legal interns. NAAC submits that this is a reasonable amount of time, given the scope of this proceeding and the breadth of issues examined. The hours claimed were devoted to research</p>	Noted

	CPUC Discussion
<p>and analysis, review of proposals and filings, filing comments, participation in all workshops, hearings, conferences and meetings, as well as other procedural matters.</p> <p>The vast bulk of the work was handled by Director of Legal Advocacy Tadashi Gondai. To reduce overall costs and duplication of efforts, Mr. Gondai took primary responsibility for the case.</p> <p>Legal Intern Prachi Kohli provided limited support, primarily on drafting comments on the proposed decision. Her hours have been reduced to reflect time spent on instruction and teaching, and reflect her efforts that were directly related to the proceeding. The time she spent working on this case results in low costs than if Mr. Gondai had done the work at his higher hourly rate.</p> <p>NAAC has made voluntary reductions for time spent investigating issues and developing recommendations that were ultimately not pursued, or were not discussed in the final decision. However, some time is still legitimately claimed for the necessary steps of reviewing the staff proposals and comments from other parties, reasonably researching, and presenting comments for Commission consideration, as these efforts led to a more well-reasoned and better supported final decision.</p> <p>NAAC submits that the requested hours are reasonable, both for each attorney and legal intern, and in the aggregate. Therefore, NAAC seeks compensation for all hours recorded by our attorneys and legal interns as submitted in this claim.</p> <p><u>Compensation Request Preparation Time:</u></p> <p>NAAC is requesting compensation for 14 hours devoted to the preparation of the compensation request, and an additional 0.75 hours for the preparation of the initial Notice of Intent to Claim Compensation. This number of hours is reasonable in light of the fact that this was an active proceeding, with a substantial amount of material which needed to be reviewed in preparing this claim.</p> <p>Mr. Gondai reviewed timesheets, emails, filings, motions, briefs, comments, and decisions in order to properly allocate time by issue. He also reviewed I-Comp claim procedures and prior I-Comp decisions to determine what work could be appropriately claimed, and omit hours spent on work that was duplicative of other party efforts, did not contribute to the final decision, or exceeded normal time allotments for similar activities.</p>	

	CPUC Discussion
The Commission should find that the hours claimed are reasonable.	
<p>c. Allocation of hours by issue:</p> <p>Effective Participation (EP) – 21.9%: time and effort not tied to single specific issues but which was nonetheless essential to effective participation, such as analyzing testimony for relevant issues, reviewing other party filings, attending workshops, and discussing position and strategy.</p> <p>Procedural (PROC) – 15.7%: time and effort spent preparing and engaging in conferences and hearings, researching and advocating for legal standards, and addressing other procedural requirements.</p> <p>Coordination (COOR) – 0.6%: time and effort spent coordinating with other parties, planning joint strategy, engaging in settlement discussions, and reducing duplication while supplementing common positions.</p> <p>Disadvantaged Communities (DAC) – 15.1%: research and advocacy on the proper definition of DAC and the appropriate level of resources to direct to these areas.</p> <p>Multi-unit Dwellings (MUD) – 16.5%: research and advocacy on the barriers to EV adoption in MUDs and the appropriate level of resources to direct to these areas.</p> <p>Government Locations (GOV) – 11.5%: research and advocacy on the participation of government locations in TE programs and the appropriate incentives to direct to these areas.</p> <p>Costs Reductions (COST) – 8.0%: research and advocacy on the appropriate budget and cost estimates for the program, as well as modifications to direct resources to areas most in need of support.</p> <p>Performance Evaluation and Reporting (PER) – 2.1%: research and advocacy on reasonable performance requirements and targets, evaluation metrics, reporting data to ensure prudent implementation and inform future design.</p> <p>Discovery (DISC) – 8.7%: time and effort spent on research, drafting, and reviewing data requests and responses.</p> <p>EP – 21.9% PROC – 15.7%</p>	Noted

	CPUC Discussion
COOR – 0.6% DAC – 15.1% MUD – 16.5% GOV – 11.5% COST – 8.0% PER – 2.1% DISC – 8.7% Total: 100% (0.1% rounding)	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Tadashi Gondai	2018	86.7	\$325.00	D.20-05-033	\$28,177.50	86.70	\$325.00	\$28,177.50
Tadashi Gondai	2019	186.75	\$350.00	D.20-05-033	\$65,362.50	186.75	\$350.00	\$65,362.50
Tadashi Gondai	2020	11.00	\$360.00	See Comment #4	\$3,960.00	11.00	\$360.00 [1]	\$3,960.00
Subtotal: \$97,500.00						Subtotal: \$97,500.00		
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 \$
Prachi Kohli	2020	26	\$110.00	See Comment #5	\$2,860	26.00	\$110.00 [2]	\$2,860.00
Subtotal: \$2,860.00						Subtotal: \$2,860.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Tadashi Gondai	2018	0.75	\$162.50	\$325/2	\$121.88	0.75	\$162.50	\$121.88
Tadashi Gondai	2020	14.00	\$180.00	\$360/2, See Comment #4	\$2,520.00	14.00	\$180.00	\$2,520.00
Subtotal: \$2,641.88						Subtotal: \$2,641.88		

CLAIMED				CPUC AWARD
COSTS				
#	Item	Detail	Amount	Amount
	Office and Travel expenses	NAAC is not claiming any costs in this request for printing, postage, travel, or other office expenses. NAAC utilized e-document readers, e-mail, phone, and conference calls to reduce printing, filing, and meeting costs and to minimize overall costs, adding to the reasonableness of our claim.	\$0.00	\$0.00
TOTAL REQUEST: \$103,001.88				TOTAL AWARD: \$103,001.88
<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>				
ATTORNEY INFORMATION				
Attorney	Date Admitted to CA BAR ³	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation	
Tadashi Gondai	Dec 3, 2010	273186	No	

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

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	Timesheets of NAAC Attorneys and Legal Interns
Attachment 3	Resume of Prachi Kohli
Comment 4	For Mr. Gondai's 2020 hourly rate, pursuant to ALJ-387 (10/26/2020) NAAC requests the application of the 2020 COLA (2.55%). D.20-05-033

³ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

Attachment or Comment #	Description/Comment
	<p>set Mr. Gondai's 2019 rate at \$350/hr, reflecting his 6.5 years of relevant experience</p> <p style="text-align: center;">$\\$350 * 1.0255 = \\358.93</p> <p>Rounded to the nearest five-dollar increment, Mr. Gondai's 2020 rate should be set at \$360/hr which is the high end of the range for attorneys with 5-7 years of experience, appropriately reflecting 7.5 years of relevant experience. In the 5-7 year experience tier, Mr. Gondai has previously only requested one of his two allotted 5% step-increases, further justifying this 2020 rate request.</p>
Comment 5	<p>The Commission has not yet determined a rate for Ms. Prachi Kohli. NAAC submitted a pending IComp request in R.18-07-006 on 9/21/2020 with the same request for Ms. Kohli's rate as is being made here.</p> <p>NAAC requests that Ms. Kohli's rate be established at \$110 an hour. Given the complexity of the issue areas she was dealing with and her professional qualifications, NAAC asserts that this rate is more than justified.</p> <p>Ms. Kohli's requested compensation "take[s] into consideration the market rates paid to persons of comparable training and experience who offer similar services," (see PUC § 1806) and is in accordance with the Commission's guidelines in D.05-11.031.</p> <p>Ms. Kohli has been working with NAAC, particularly on CPUC proceedings for about a year. She has been responsible for legal research and drafting and has been actively contributing by reviewing proposals, testimony and comments, coordinating and working with attorneys to draft testimony, comments, attending hearings, writing briefs and drafting comments and completing intervenor compensation claims on behalf of NAAC for active proceedings before the CPUC.</p> <p>Ms. Kohli holds a Bachelor of Laws and Bachelor of Business Administration from Symbiosis International University, India and also a Master of Laws with specialization in Business Laws from UCLA School of Law.</p> <p>Ms. Kohli has also interned with other non-profit organizations in California and has worked as an Intern under a Superior Court Judge for the county of Los Angeles. Previously, she has worked as a Legal</p>

Attachment or Comment #	Description/Comment
	<p>Associate for 2 years with law firms in India and holds an active license to practice law as an Advocate in India.</p> <p>She has extensive experience in legal research and writing and has represented corporate clients before courts and tribunals in India. She has worked with Senior Advocates of the Supreme Court of India and High Courts. She also has experience working with various governmental and private organizations and law firms in India, including the ONGC Videsh Limited, a Public Sector Enterprise of the Government of India and the international arm of Oil and Natural Gas Corporation Limited (ONGC), the national oil company of India.</p> <p>Although this is a first request for a rate as a Legal Intern for intervenor compensation, Ms. Kohli has sufficient experience in the legal field. The requested rate is at the low end of the range comparable to other personnel working with similar educational backgrounds such as Legal Fellow/ Law Clerk/ Paralegals and who receive current rate in the range of \$100-\$130. Given her advocacy experience, her law degree, legal research background and duties with NAAC, we believe the rate of \$110 is justified and we ask that this rate be approved.</p>

D. CPUC Comments, Disallowances, and Adjustments:

Item	Reason
[1]	Adopting \$360 rate for 2020. New rate based on Gondai's 2019 rate adjusted to reflect ALJ Resolution-387 (2.55% COLA).
[2]	Adopting \$110 rate for 2020. New rate based on ALJ Resolution-387 for an expert with 0-6 years of experience. Kohli has been working for NAAC for a year working on their legal research and has been reviewing proposals, testimonies, comments and as well as coordinating and working with attorneys to draft testimonies. Kohli has a Bachelor of Laws degree from Symbiosis International University, India and a Master of Laws with specialization in Business Laws from UCLA School of Law.

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 (<i>see</i> Rule 14.6(c)(6))?	Yes

FINDINGS OF FACT

1. National Asian American Coalition has made a substantial contribution to D.20-08-045.
2. The requested hourly rates for National Asian American Coalition's representatives 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 are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$103,001.88.

CONCLUSION OF LAW

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

ORDER

1. National Asian American Coalition shall be awarded \$103,001.88.
2. Within 30 days of the effective date of this decision, Southern California Edison Company shall pay National Asian American Coalition 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 January 16, 2021, the 75th day after the filing of National Asian American Coalition'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 January 13, 2022, at San Francisco, California.

ALICE REYNOLDS
President
CLIFFORD RECHTSCHAFFEN
GENEVIEVE SHIROMA
DARCIE HOUCK
Commissioners

APPENDIX

Compensation Decision Summary Information

Compensation Decision:	D2201014	Modifies Decision?	No
Contribution Decision(s):	D2008045		
Proceeding(s):	A1806015		
Author:	ALJ Goldberg		
Payer(s):	Southern California Edison Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/ Disallowance
National Asian American Coalition	11/02/2020	\$103,001.88	\$103,001.88	N/A	<i>See Part III.D, CPUC Comments, Disallowances, and Adjustments above.</i>

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Tadashi	Gondai	Attorney	\$325	2018	\$325.00
Tadashi	Gondai	Attorney	\$350	2019	\$350.00
Tadashi	Gondai	Attorney	\$360	2020	\$360.00
Prachi	Kohli	Legal Intern	\$110	2020	\$110.00

(END OF APPENDIX)