

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Address
Energy Utility Customer Bill Debt
Accumulated During the COVID-19
Pandemic.

Rulemaking 21-02-014

**DECISION GRANTING COMPENSATION TO SMALL BUSINESS UTILITY
ADVOCATES FOR SUBSTANTIAL CONTRIBUTION TO DECISION (D.) 21-06-036**

Intervenor: Small Business Utility Advocates (SBUA)	For contribution to: Decision (D.) 21-06-036
Claimed: \$94,641.50	Awarded: \$82,787.00
Assigned Commissioner: Darcie L. Houck ¹	Assigned ALJ: Camille Watts-Zagha

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	In Decision (D.) 21-06-036 the Commission addressed energy utility customer bill debt accrued during the Commission's disconnection moratorium implemented on account of the COVID-19 pandemic by requiring that utilities implement repayment plans and take other measures.
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¹ Rulemaking 21-02-014 was reassigned from Commissioner Martha Guzman Aceves to Commissioner Darcie L. Houck on February 1, 2022.

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812²:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of prehearing conference (PHC):	March 8, 2021	Verified
2. Other specified date for Notice of Intent (NOI):	N/A	
3. Date NOI filed:	April 7, 2021	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 R.20-08-020	Verified
6. Date of ALJ ruling:	December 23, 2020	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:	R.20-08-020	Verified
10. Date of ALJ ruling:	December 23, 2020.	Verified
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.21-06-035	The final decision is D.21-06-036.
14. Date of issuance of Final Order or Decision:	June 30, 2021	Verified
15. File date of compensation request:	August 30, 2021	Verified
16. Was the request for compensation timely?		Yes

² All statutory references are to California Public Utilities Code unless indicated otherwise.

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><u>1. Designing effective repayment plans for small businesses:</u></p> <p>The repayment plan structure adopted by the Commission was designed, presented, and defended by SBUA based on SBUA’s extensive analysis of the Investor-Owned Utility’s (IOU) arrearage data. It included automatic enrollment and a payment plan a duration calibrated to avoid an increase of greater than 10 percent of historic bill levels, both of which were opposed by several utilities. <i>See</i> SBUA Comments on OIR, pp. 3-4 (March 3, 2021); SBUA Comments on Scoping Memo, pp. 1-2 (March 23, 2021); SBUA Response to Post-Workshop Questions, pp. 2-3 (April 12, 2021); SBUA Opening Brief, pp. 3-13 (April 26, 2021) (see also IOU data responses in Exh. 1-3 and expert report in Exh. 4); SBUA Reply Brief, pp. 4-9 (May 3, 2021) (see also second expert report in Exh. 1 and IOU data responses in Exh. 2-3); SBUA Notice of Ex Parte Communication to Staff of Commissioner Shiroma (May 25, 2021) (<i>see</i> slides; need for debt relief, long-term repayment plans and automatic enrollment); SBUA Notice of Ex Parte Communication to Staff of Commissioner Guzman Aceves (May 28, 2021) (<i>see</i> slides; need for debt relief, long-term repayment plans and automatic enrollment); SBUA Opening Comments on PD, pp. 4-13 (June 14, 2021); SBUA Notice of Ex Parte Communication to Staff of Commission President Batjer (June 18, 2021) (<i>see</i> slides; need for long-term repayment, debt relief and automatic enrollment); SBUA Reply Comments on PD, pp. 1-5 (June 21, 2021).</p>	<p>The Decision cites extensively to SBUA’s contributions:</p> <p>“The SBUA opening brief included a study on Small Business customers’ arrearages analyzing arrearage data submitted by the utilities.” Decision, p. 6; <i>see also</i> p. 37, fn. 63 (“See SBUA Opening Brief at 5-6 describing how pre-pandemic, customers with debt would slowly chip away at it while prioritizing current bill payments.”)</p> <p>“[SDGE and SoCal Gas’] definition of reasonable differs from the SBUA definition of reasonable, primarily over automatic enrollment and reasonable amortization periods. SBUA argues for an automatic, customized payment extension for all Small Business customers with an included element of debt forgiveness. They also propose capping the payments of arrearages to 10 percent of the customer’s current bill for Small Businesses generally, and to 5 percent of the customer’s current bill for customers in disadvantaged communities. . . In post-workshop comments and briefs, SBUA has presented more extensive analysis on the conditions faced by Small Business customers and recommends financial relief as well as automatic enrollment in payment plans. . . PG&E disagrees with the SBUA recommendations for auto-enrollment into a payment plan[.]” D.21-06-036 (Decision), pp. 35-36.</p> <p>“We acknowledge the SBUA position that an immediate shift to full payment is not realistic; it is better for now to keep</p>	<p>Verified</p>

	<p>Small Business debt payments as minimal as possible so that Small Business customers can begin to turn the corner while stabilizing their business operations.” <i>Id.</i>, p. 37.</p> <p>“We are convinced by the SBUA position that energy utilities must treat debt accumulated during the COVID-19 pandemic differently. Today’s requirement to tailor payment plan amounts so that Small Business customers pay just fractionally more than their typical bill nearly accomplishes the SBUA objective of keeping customers connected to service. We are further convinced by party responses to the Post-Workshop questions that disconnecting Small Business customers has severe repercussions on business operations, giving these customers maximum incentive to resolve their debt.” <i>Id.</i>, pp. 37-38.</p> <p>The Findings of Fact 11 and 12 declared: “11. For Small Business customers of IOUs and SMJUs in communities elsewhere in California, automatic enrollment in payment plans that add no more than 10 percent to the customer’s average bill is an effective strategy to allow Small Businesses to gradually pay down accumulated utility bill debt.</p> <p>12. Automatic enrollment with an opt-out provision is the simplest and most direct strategy to reach all customers in need of assistance addressing utility bill arrearages.” <i>See also</i> FOF 27.</p>	
<p><u>2: Increasing outreach to indebted small businesses</u></p> <p>SBUA developed an enhanced outreach recommendation, presented it at the workshop, explained it in comments and briefs and ex parte meetings. See SBUA Comments on OIR, p. 3 (March 3, 2021); SBUA Comments on Scoping Memo, pp. 3-4 (March 23, 2021);</p>	<p>“A part of Workshop Team #5, SBUA was initially proposing non-financial assistance for Small Business customers. . . SBUA points out consensus in their working group for affirmative outreach to Small Business customers for the purposes of counseling customers on bill reductions strategies, such as Time of</p>	<p>Verified</p>

<p>SBUA Response to Post-Workshop Questions, pp. 8-10 (April 12, 2021); SBUA Opening Brief, pp. 15-18 (April 26, 2021) (<i>see also</i> Exh. 5 showing table of recommendations from workshop); Notice of Ex Parte Communication to Staff of Commissioner Shiroma (May 25, 2021) (requesting Tier 2 Advice letter pilot; pointing out lack of outreach in PD); Notice of Ex Parte Communication to Staff of Commissioner Guzman Aceves (May 28, 2021) (requesting Tier 2 Advice letter pilot; pointing out lack of outreach in PD); SBUA Opening Comments on PD, pp. 13-15 (June 14, 2021); Notice of Ex Parte Communication to Staff of Commission President Batjer (June 18, 2021) (pointing out lack of outreach pilot in PD); SBUA Reply Comments on PD, p 5 (June 21, 2021).</p> <p>SBUA obtained SCE’s study of bill savings potential and PG&E survey of small businesses via data request, analyzed, and presented the information, which was used in the Decision as support for implementing more robust outreach by utilities to small businesses to implement bill reduction programs. SBUA Opening Brief, pp. 16-17 (April 26, 2021).</p> <p>Ultimately, the Commission adopted SBUA’s recommendation that IOUs file “Tier 2 Advice Letters detailing how they will increase outreach to small business customers, specifically targeting businesses struggling during the pandemic and businesses located in ESJ communities.” SBUA Reply Brief, p. 14 (May 3, 2021).</p> <p>The Proposed Decision did not include a small business outreach pilot, or other enhanced outreach; the pilot was added to the final Decision after SBUA comments and ex parte meetings. SBUA was the only party to recommend the pilot program or address enhanced small business customer outreach.</p>	<p>Use adjustments, and generation investments/incentives. SBUA consistently recommended counseling by trained utility representatives throughout this proceeding.” Decision, p. 35.</p> <p>“SBUA supports its argument that there is unmet potential for Small Business customers to realize bill saving by accessing different rates, programs and incentives. In 2020, SCE analyzed 400,000 non-residential accounts showing potential for five percent annual bill savings and documented commercial customers with smaller loads on a rate known as TOU-GS1 saving 10 percent of their annual bill in 2020. PG&E responded to SBUA’s request stating ‘SMBs [Small-Medium Businesses] are generally not aware of PG&E support programs and resources.’” <i>Id.</i>, p. 41.</p> <p>The Decision implements SBUA’s proposal for enhanced outreach to small business customers: “We order utilities to work with interested stakeholders to propose a pilot with Small Business customers in disadvantaged communities. While this pilot is necessitated by the deep debt accumulated during the pandemic, this pilot should serve customers and utility programs during times of economic stabilization as well. Energy utilities shall jointly develop outreach and evaluation protocols, timelines, a budget, and evaluation plan for a pilot to verbally counsel Small Business customers over a series of months and identify impacts on bills over several years. IOUs shall submit their pilot proposal to the Energy Division via a Tier 2 Advice Letter filing within 120 days of the issuance of this decision.” <i>Id.</i>, p. 43; see also COL 9 and Ordering Paragraph 9 (accord).</p>	
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<p><u>3. Promoting resilience and economic development for small businesses in ESJ communities</u></p> <p>SBUA demonstrated that small businesses in ESJ communities bear a disproportionate burden of moratorium-period debt and SBUA proposed that debt payments for small businesses in ESJ communities to be restricted to avoid an increase of greater than 5 percent of historic bills. <i>See</i> SBUA Comments on OIR, pp. 3-4 (March 3, 2021) (discussing need for enhanced relief in ESJ communities); SBUA Response to Post-Workshop Questions, pp. 2, 6-7 (April 12, 2021) (lower thresholds for ESJ communities); SBUA Opening Brief, pp. 14-15 (April 26, 2021); SBUA Reply Brief, pp. 13-15 (May 3, 2021) (need for enhanced outreach to ESJ communities).</p>	<p>“Furthermore, SBUA points out that Small Business customers are not monolithic, and especially Small Businesses in ESJ communities may merit special consideration.” Decision, p.35.</p> <p>“SBUA identifies a gap in resources to help Small Business utility customers with their bills and describes the detriment to ESJ communities when Small Businesses go out of business.” <i>Id.</i>, p. 39.</p> <p>The Decision implemented SBUA’s recommendation to limit bill increases to 5 percent for small businesses in ESJ communities. FOF, 10; COL, 28.</p>	Verified
<p><u>4. Ensuring fair and reasonable allocation of cost:</u></p> <p>UCAN, National Consumer Law Center and Center for Accessible Technology proposed debt forgiveness for residential customers owing less than \$500, which would have shifted over \$1B to other ratepayers; Cal Advocates recommended full residential debt forgiveness with cost over \$3B, potentially impacting small business ratepayers as well. SBUA opposed debt forgiveness for low-debt customers (residential and commercial) if the cost would be borne by other ratepayers because small debts make up a significant total of all utility debt but can affordably be addressed by long repayment plans. <i>See</i> SBUA Comments on OIR, pp. 5-6 (March 3, 2021) (identifying minimal benefit but high cost of forgiving small debts); SBUA Opening Brief, p. 7 (April 26, 2021) (“small amounts of debt forgiveness for customers substantially behind, for instance the \$200 considered in the straw proposal attached to the OIR, will have no appreciable impact on the problem. This money would be better spent on those fewer</p>	<p>As recommended by SBUA, the Commission did not adopt unfunded debt forgiveness for small debt customers. <i>See</i> Decision, pp. 15-32 (discussing debt forgiveness for residential customers exclusively from existing funded sources).</p>	Verified

<p>customers (approximately 1/3 with debt) who most need the help.”); SBUA Reply Brief, pp. 9-11 (May 3, 2021) (arguing against unfunded debt forgiveness that could result in \$3.5B in cost shifting).</p>		
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor’s Assertion	CPUC Discussion
<p>a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?</p>	Yes	Yes
<p>b. Were there other parties to the proceeding with positions similar to yours?</p>	Yes	Noted
<p>c. If so, provide name of other parties: CalCCAs (agreeing with concept that “energy burden” is relevant to debt relief); TURN (opposing small debt forgiveness); Cal Advocates (automatic enrollment in payment plans).</p>		Noted
<p>d. Intervenor’s claim of non-duplication: SBUA was the only party to focus exclusively on the issue of small business utility debt, which was a central aspect of this proceeding. SBUA further focused its efforts by limiting participation to small business-related issues.</p>		Noted

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>SBUA intervened in this proceeding to protect and advance the interests of the approximately 11.5 percent of small business customers, or nearly 135,000 small business customers, with energy utility debt (~\$125M) from the COVID-19 pandemic period and at risk of service termination (<i>see</i> Decision, p. 11). SBUA was the primary active party pertaining to the small business aspect of this proceeding. SBUA participated at every available opportunity by submitting comments on the OIR and Scoping Memo, attending the prehearing conference and workshop, submitting post-workshop recommendations, serving two rounds of data requests and engaging in a meet-and-confer with IOUs to address data quality issues, retaining experts to analyze arrearage data and prepare two reports, submitting opening and reply briefs, engaging</p>	Noted

<p>with Commissioners in three noticed ex parte presentations to staff, and submitting opening and reply comments on the Proposed Decision. SBUA’s recommendations were broadly adopted, and its contribution was explicitly, repeatedly cited in the Decision.</p> <p>SBUA’s participation focused narrowly on issues addressed by other parties. SBUA’s compensation request seeks an award of just under \$95,000 for approximately 193 hours of work performed pertaining to the proceedings.</p> <p>This is a reasonable request for fees in light of the technical complexity and this issue’s enormous significance to approximately 135,000 indebted small business customers and the public, employees and families that rely on these businesses. For these reasons, the Commission should find that SBUA’s efforts have been valuable and the request for fees reasonable.</p>	
<p>b. Reasonableness of hours claimed:</p> <p>The hours claimed are reasonable in the context of the urgent need for a well-designed repayment plan and the failure of the IOUs to offer proposals responsive to the massive need. The IOUs largely opposed SBUA’s positions (automatic enrollment, extended repayment, preferential repayment terms for ESJ communities, tying repayment rate to bill impact, robust outreach), which ultimately were nevertheless adopted in the Decision. This opposition and lack of IOU analysis of its own data necessitated extensive analysis by SBUA’s expert, detailed briefings, and several ex parte meetings. SBUA participated efficiently, narrowly, and successfully to address the needs of an underrepresented class. The hours requested above are reasonable in the context of the level of effort required to participate in this case.</p>	<p>Noted</p>
<p>c. Allocation of hours by issue:</p> <p>SBUA has assigned the following issue categories:</p> <ol style="list-style-type: none"> 1. Designing effective repayment plans for small businesses (89 hours, 46 percent). 2. Increasing outreach to indebted small businesses (49 hours, 25 percent). 3. Promoting resilience and economic development for small businesses in ESJ communities (32 hours, 16 percent). 4. Ensuring fair and reasonable allocation of costs (18 hours, 9 percent). 5. General participation (6 hours, 3 percent). <p>The categories above are designed to capture SBUA’s main areas of advocacy and contributions to the Decision. However, should the Commission require more information, or requests a different method of showing reasonableness of this claim, SBUA requests the opportunity to supplement this section.</p>	<p>Noted, totals 99%</p>

B. Specific Claim: *

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Ariel Strauss	2021	66.4	\$490	New rate per Res. ALJ-393; <i>see</i> Comment #1 below.	\$32,536	58.41 [5,6]	\$450 [1]	\$26,284.50
Ted Howard	2021	32.1	\$395 [2]	New rate per Res. ALJ 393; <i>see</i> Comment #3 below.	\$12,679.50	32.10	\$425 [2]	\$13,642.50
Theodore Love	2021	50.5	\$300	New rate per Res. ALJ 393; <i>see</i> Comment #4 below.	\$16,665	50.50	\$300 [3]	\$15,150.00
James Birkelund	2021	42.5	\$770	New rate per Res. ALJ-393; <i>see</i> Comment #2 below	\$29,596	38.25	\$650 [4]	\$24,862.50
Subtotal: \$91,477						Subtotal: \$79,939.50		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
James Birkelund	2021	2	\$385	50% of 2021 Rate	\$770	2	\$325 [4]	\$650
Ariel Strauss	2021	9.1	\$245	50% of 2021 Rate	\$2,229.50	9.1	\$225 [1]	\$2,047.50
Theodore Love	2021	1	\$165	50% of 2021 Rate	\$165	1	\$150 [3]	\$150
Subtotal: \$3,164.50						Subtotal: \$2,847.50		
TOTAL REQUEST: \$94,641.50						TOTAL AWARD: \$82,787.00		
<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					
Ariel S. Strauss	March 2012	282230	No					
James M. Birkelund	March 2000	206328	No					

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

C. Attachments Documenting Specific Claim and Comments on Part III:
(attachments not attached to final decision)

Attachment or Comment #	Description/Comment
Comment 1	<p><u>2021 Rate for Attorney Ariel S. Strauss</u> In Resolution (Res.) ALJ-393, the Commission adopted a Market Rate Study to set new attorney and expert rates starting in 2021. Per Res. ALJ-393 and the Market Rate Study, attorneys with 5-10 years of experience are placed at Level III with a 2021 hourly rate range of \$309.76 (low) to \$413.88 (median) to \$519.48 (high). As of January 1, 2021, Mr. Strauss had 9 years of attorney experience. SBUA requests a 2021 hourly rate for Mr. Strauss of \$490, which is between the median and high levels of this range and justified based on his years of experience at the top end of Level III. Mr. Strauss' CV is included as <u>Attachment 3</u>. He graduated from University of Los Angeles School of Law with a Juris Doctor in 2011. His academic qualifications also include a Master of Arts degree from UCLA's School of Public Policy in 2011 and a Bachelor of Arts degree from Brandeis University in 2007. His experience as an attorney is broad and includes: current work protecting small business interests in utility proceedings at the CPUC, including in deenergization, wildfire mitigation planning, PG&E restructuring, electric vehicle rate-setting, grid hardening cost recovery, building decarbonization, general rate case, and climate change adaption proceedings; extensive experience engaging on administrative law matters and proceedings, including at the Los Angeles City Attorney's Office; experience working with municipal power agencies (Northern California Power Agency and Alameda Municipal Power); experience advising solar microgrid companies; and compliance work under the Public Utility Regulatory Policy Act (PURPA).</p> <p>The requested 2021 hourly rates for services provided by Mr. Strauss in this proceeding are within the Level III range set forth in Res. ALJ-393 and justified based on the 9 years of experience this attorney has, including working on numerous energy matters at the CPUC.</p>
Comment 2	<p><u>2021 Hourly Rate for General Counsel James M. Birkelund</u> Per Resolution ALJ-393 and the Market Rate Study, the hourly rate for a Legal Director with Mr. Birkelund's years of experience (20+ years) ranges from \$529.38 (low) to \$884.06 (high). SBUA requests a 2021 hourly rate for James Birkelund of \$770, which is within the third quartile of this range and justified for Mr. Birkelund based on his credentials, labor responsibilities as General Counsel, and high level of experience with PUC, energy, and utility matters. Mr. Birkelund received his J.D. from the University of Michigan in 1999 and has over 21 years of legal experience. Mr. Birkelund has been acting as General Counsel for SBUA for over 8 years since 2012.⁴</p>

⁴ See, e.g., A.12-11-009, D.15-06-016 (Decision Granting Compensation to Small Business Utility Advocates for Substantial Contribution to Decision 14-08-032), June 11, 2015, at 17 (Mr. Birkelund acting as SBUA's General Counsel in 2012).

	<p>As General Counsel, Mr. Birkelund squarely meets each of the requirements for a Level V Legal Director. His responsibilities include:</p> <ul style="list-style-type: none"> • Overseeing the legal work of the organization, including providing strategic direction; • coordinating and supervising SBUA’s legal team, including attorneys and experts; • participating in the most complex legal actions; and • overseeing legal operations including case assignments, hiring, supervision and professional development of the legal staff, and budgeting. <p>See Market Rate Study, Legal Director labor role (“Oversees the legal work of the organization, including providing strategic direction. Alternate title may be General Counsel. Responsible for coordinating and supervising a legal team. Participates in the most complex legal actions. Oversees all legal operations including case assignment, hiring, supervision and professional development of the legal staff, as well as budgeting”).</p> <p>Mr. Birkelund has dedicated his legal career to energy, environmental, and utility law. His experience as an energy attorney is broad and includes advising on PUC matters in California, Oregon, Washington, D.C., Idaho, South Dakota, and Colorado, as well as in-house counsel experience at a major utility (with over \$1.5 billion in annual revenues) where he advised and routinely commented on energy regulatory issues. Mr. Birkelund also has extensive litigation experience practicing in federal and California courts and before administrative agencies. He formerly held positions as a Senior Project Attorney at the Natural Resources Defense Council (NRDC) and as an attorney at Morrison & Foerster, LLP. Along with a law degree, Mr. Birkelund has a Master of Science in Resource Policy (1999) from the University of Michigan School of Natural Resources.</p> <p>Mr. Birkelund’s professional activities also are extensive and have included:</p> <ul style="list-style-type: none"> • acting as a <i>Judge Pro Tem</i> at the San Francisco Superior Court of California; • serving as an <i>Executive Committee Member</i> at the California Lawyers Association, Environmental Law Section; and • teaching as an <i>Adjunct Professor</i> at Hastings College of Law in San Francisco. <p>A copy of Mr. Birkelund’s professional qualifications is included herewith as <u>Attachment 5</u>.</p> <p>Based on Mr. Birkelund’s 20+ years of professional experience, dedication to the fields of energy and utility law, and responsibilities as General Counsel, SBUA submits that the requested rate of \$770 hour is reasonable and well justified under Resolution ALJ-393.</p>
<p>Comment #3</p>	<p><u>2021 Hourly Rate for Expert Ted Howard</u> Res. ALJ-393 provides that a public policy expert with 5-10 years of experience is placed at Level III with a 2021 hourly rate range of \$231.53 (low) to \$437.05 (high). SBUA requests a 2021 hourly rate for Ted Howard of \$425, which is within the higher</p>

	<p>end of this range and justified for Mr. Howard based on his experience and long career in the energy field. (The Commission recently approved a 2019 rate for Mr. Howard in D.21-07-021 at \$375 (eligible for a Cost-of-Living Adjustment to \$395 in 2020); however, 2021 hourly rates are based on the Market Rate Study without regard to previously established hourly rates for 2020 or prior years. (Res. ALJ-393, p. 4.) Mr. Howard is SBUA’s Senior Energy Policy Analyst. He has over 40 years of professional experience in the energy field. In 1981, Mr. Howard started his career as an Economist at the Massachusetts Department of Public Utilities. From 2005-2013, he spent 7 years working as an Analyst at the California Public Utilities Commission from 2005 to 2012 working on developing the CPUC’s energy storage policies as well as policies related to microgrids, clean energy, smart grid, and climate change matters. From 2012-2019, he spent 7 years working with a small business, Sustainable, on energy issues in the Bay Area, including consulting with PG&E on electric vehicle charging station challenges and strategies for small and medium businesses and advising on distributed energy resources (DER) programs and policies for the energy sector, government, and academia. During his almost 40-year career, Mr. Howard also has held numerous executive and management positions with larger corporations; he has certifications in Energy Innovation & Emerging Technologies, Stanford University (2012), Smart Grid Technology, University of California-Berkeley (2011), and Sustainable Energy & Storage, Stanford University (2011); and he has published numerous reports on energy and policy matters. Mr. Howard earned a Master of Science in Resource Economics from Virginia Tech in 1980 and a Bachelor of Science in Resource Economics from University of Massachusetts in 1977. Although Mr. Howard has degrees in resource economics and worked as an economist back in the early 1980s, his career has for many years focused on public policy matters, including in his current capacity as a Senior Policy Analyst for SBUA. A copy of Mr. Howard’s professional qualifications is included herewith as <u>Attachment 5</u>. Based on these credentials, SBUA submits that it is reasonable for the Commission to consider Mr. Howard a Level 3 Public Policy Analyst with 8-9 years of directly relevant experience on public policy issues (e.g., 1.5 years as a public policy analyst for SBUA, and 7 years as an analyst for the CPUC focusing on policies related to energy storage and otherwise) and set his 2021 rate at \$425 per hour. This rate is at the high end of the approved range of rates for this level as set forth in the Intervenor Compensation Market Rate Study Final Report and is justified given Mr. Howard’s extended experience in the energy field. For these reasons, the Commission should find Mr. Howard’s requested rate for his work in 2021 to be reasonable</p>
<p>Comment #4</p>	<p><u>2021 Hourly Rate for Expert Theodore Love</u> The Commission has not previously approved an hourly rate for Mr. Love’s work in a CPUC proceeding. SBUA seeks an hourly rate of \$300 for the work he performed in 2021 as SBUA’s expert based on a classification as a Level IV (10-15 years) expert with 14 years’ experience and classification as both as an economist / energy and resource expert. Per Resolution ALJ-393, Level IV rates for “economist” vary from low (\$178.48) to median (\$252.28) to high (\$343.26), and the PUC describes the role of an “economist” as a professional who:</p>

	<p>“Conducts research and analyses on economic data/trends and provides recommendations based on expertise. Researches and develops new data statistical models and technological innovations. Organizes data into report format and arranges graphic illustrations of research findings. Interprets and predicts economic conditions and advises management on implications.”</p> <p>Per Resolution ALJ-393, Level IV rates for “energy and resource expert” vary from low (\$178.48) to median (\$221.62) to high (\$331.98), and the PUC describes the role of an “energy and resource expert” as a professional who: “Offers broad, cross discipline expertise in analytic, methodological, theoretical, and practical approaches to problems in energy, resources, and the environment.”</p> <p>In this proceeding, Mr. Love performed economic analysis, prepared detailed graphic illustrations of arrearage information overtime and conducted regression analysis to illustrate trends and demonstrate relationships.</p> <p>Mr. Love is a partner at Green Energy Economics Group, Inc., where for in his 14th year Mr. Love has been providing policy and economic-based insights into the design, analysis, and implementation of energy efficiency and distributed energy resource programs and portfolios in twelve states, three Canadian provinces, and China.</p> <p>Mr. Love has a bachelor’s degree in mathematics and computer science from Clark University in Worcester, Massachusetts (2006) and completed additional data science courses. Among Mr. Love’s previous work was developing multiple Excel-based analytical data tools for quality assurance and analyzing large data sets.</p> <p>Mr. Love has authored numerous technical reports pertaining to a wide range of utility management issues, including for Philadelphia Gas Works (Penn.), PECO Energy Company (Penn.), Commonwealth Edison (Ill.) and Optimal Energy, Inc. (Ver.), and also designed energy efficiency and conservation plans for UGI Utilities, Inc., ranging in size from \$7 to \$27M.</p> <p>The rate of \$300 is appropriate based on Mr. Love’s extensive experience and data analysis and data visualization expertise. A copy of Mr. Love’s professional qualifications is included herewith as <u>Attachment 6</u>.</p>
Attachment 1	Certificate of Service
Attachment 2	Time Sheet Records with Allocation of Hours by Issue for D.21-06-036
Attachment 3	Resumé / Professional Qualifications of Ariel S. Strauss
Attachment 4	Resumé / Professional Qualifications of James M. Birkelund
Attachment 5	Resumé / Professional Qualifications of Ted Howard
Attachment 6	Resumé / Professional Qualifications of Theodore Love

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason												
[1] Ariel Strauss (Strauss) 2021 Hourly Rate	D.23-02-016 approved the 2021 hourly rate of \$450 for Strauss.												
[2] Ted Howard (Howard) 2021 Hourly Rate	SBUA requests a 2021 hourly rate for Howard of \$425; however, the rate listed in Part III.B. reflects a rate of \$395. As such, consistent with the request made by SBUA and in D.22-12-05, a 2021 hourly rate of \$425 is adopted for Howard.												
[3] Theodore Love (Love) 2021 Hourly Rate	SBUA requests a 2021 hourly rate of \$300 for Love as an Economist and Energy and Resource expert, Level IV. Love received a Bachelor's degree in Mathematics and Computer Science from Clark University in 2006. With over 14 years of experience with economic policy and design analysis, and background in implementation of energy efficiency and distributed energy resource programs and portfolios in twelve states, the Commission approves the rate of \$300.												
[4] James Birkelund (Birkelund) 2021 Hourly Rate	D.22-08-046 approved the 2021 hourly rate of \$650 for Birkelund.												
[5] Non-Compensable Tasks	<p>The Commission does not compensate attorneys for clerical and administrative tasks that are subsumed in the professional fees.⁵ Accordingly, we disallow compensation for the time spent on setting up a file, service list issues, filing, calendaring, etc. We note several clerical hours completed by Strauss as follows:</p> <ol style="list-style-type: none"> 1. On 03/18/2021, 0.1 hours disallowed for "RSVP to workshop and submit work group request." 2. On 05/24/2021, 0.5 hours disallowed for "Prepare and file ex parte meeting notice." 3. On 05/28/2021, 0.3 hours disallowed for "File post-meeting ex parte notice." 4. On 06/14/2021, 0.2 hours disallowed for "File and serve comments." 5. On 06/18/2021, 0.4 hours disallowed for "Draft ex parte notice for filing and service." 												
[6] Timesheet Entries	<p>For the most part, we find that SBUA has allocated its time by major issue. However, we note several incidences where SBUA combined multiple tasks into one timesheet entry, in violation of Rule 17.4(b)(2) and the Intervenor Compensation Program Guide at 25. On multiple occasions, Strauss and Birkelund combine hours for several tasks in one timesheet entry. We therefore disallow Strauss and Birkelund's total hours by 10%.</p> <table border="1" data-bbox="527 1545 1393 1692"> <thead> <tr> <th data-bbox="527 1545 732 1612">Person</th> <th data-bbox="737 1545 1060 1612">Hours Requested (after all prior disallowances)</th> <th data-bbox="1065 1545 1232 1612">Hours Disallowed</th> <th data-bbox="1237 1545 1393 1612">Hours Awarded</th> </tr> </thead> <tbody> <tr> <td data-bbox="527 1619 732 1654">Strauss⁶</td> <td data-bbox="737 1619 1060 1654">64.90</td> <td data-bbox="1065 1619 1232 1654">6.49</td> <td data-bbox="1237 1619 1393 1654">58.41</td> </tr> <tr> <td data-bbox="527 1661 732 1692">Birkelund⁷</td> <td data-bbox="737 1661 1060 1692">42.50</td> <td data-bbox="1065 1661 1232 1692">4.25</td> <td data-bbox="1237 1661 1393 1692">38.25</td> </tr> </tbody> </table>	Person	Hours Requested (after all prior disallowances)	Hours Disallowed	Hours Awarded	Strauss ⁶	64.90	6.49	58.41	Birkelund ⁷	42.50	4.25	38.25
Person	Hours Requested (after all prior disallowances)	Hours Disallowed	Hours Awarded										
Strauss ⁶	64.90	6.49	58.41										
Birkelund ⁷	42.50	4.25	38.25										

⁵ See Intervenor Compensation Program Guide at 12 and 22, D.98-11-049 and D.08-09-034.

⁶ See Strauss' timesheet entries for 03/03/2021, 03/15/2021, 03/18/2021, 05/16/2021, 05/19/2021, and 06/14/2021.

⁷ See Birkelund's timesheet entries for 03/25/2021, 04/23/2021, 05/21/2021, 06/17/2021, and 06/21/2021.

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. Small Business Utility Advocates has made a substantial contribution to D.21-06-036.
2. The requested hourly rates for Small Business Utility Advocates' 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 \$82,787.00.

CONCLUSION OF LAW

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

ORDER

1. Small Business Utility Advocates is awarded \$82,787.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, Southern California Gas Company, Pacific Power d/b/a PacifiCorp, Liberty Utilities (CalPeco Electric) LLC, Bear Valley Electric Service (a division of Golden State Water Company), Southwest Gas Corporation, Alpine Natural Gas, Inc., and West Coast Gas Company, Inc. shall pay Small Business Utility Advocates their respective shares of the award, based on their California-jurisdictional electric and gas revenues for the 2021 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data are 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 November 13, 2021, the 75th day after the filing of Small Business Utility Advocates' request, and continuing until full payment is made.

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

Dated _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D2106036		
Proceeding(s):	R2102014		
Author:	ALJ Camille Watts-Zagha		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company, PacifiCorp, Liberty Utilities (CalPeco Electric) LLC, Bear Valley Electric Service (a division of Golden State Water Company), Southwest Gas Corporation, Alpine Natural Gas, Inc., West Coast Gas Company, Inc.		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Small Business Utility Advocates	August 30, 2021	\$94,641.50	\$82,787.00	N/A	Hourly rate adjustments, non-compensable tasks, and multiple timesheet entries

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Ariel	Strauss	Attorney	\$490	2021	\$450
Ted	Howard	Expert	\$425	2021	\$395
Theodore	Love	Expert	\$300	2021	\$300
James	Birkelund	Attorney	\$770	2021	\$650

(END OF APPENDIX)