

Decision 09-03-042 March 26, 2009

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding Policies, Procedures and Rules for the Low Income Energy Efficiency Programs of California's Energy Utilities.

Rulemaking 07-01-042
(Filed January 25, 2007)

Southern California Edison Company's (U338E) Application for Approval of SCE's "Change A Light, Change The World," Compact Fluorescent Lamp Program.

Application 07-05-010
(Filed May 10, 2007)

**DECISION GRANTING INTERVENOR COMPENSATION TO THE
DISABILITY RIGHTS ADVOCATES, GREENLINING INSTITUTE,
AND A WORLD INSTITUTE FOR SUSTAINABLE HUMANITY
FOR THEIR SUBSTANTIAL CONTRIBUTIONS
TO DECISION 07-12-051**

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**DECISION GRANTING INTERVENOR COMPENSATION TO THE
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AND A WORLD INSTITUTE FOR SUSTAINABLE HUMANITY
FOR THEIR SUBSTANTIAL CONTRIBUTIONS
TO DECISION 07-12-051**

This decision awards compensation for contributions to our Decision (D.) 07-12-051, as follows:

1. Disability Rights Advocates (DisabRA) is awarded \$26,486.12 for its substantial contributions to D.07-12-051;
2. Greenlining Institute (Greenlining) is awarded \$106,724.25 for its substantial contributions to D.07-12-051; and
3. A World Institute for a Sustainable Humanity (A W.I.S.H.) is awarded \$118,691.14 for its substantial contributions to D.07-12-051.

The amount of awards for DisabRA, Greenlining and A W.I.S.H. are less than requested by respective parties. We explain the particular deductions and adjustments in detail in the body of this decision. These proceedings are closed.

1. Background

1.1. Decision (D.) 07-12-051

D.07-12-051 arose from the Order Instituting Rulemaking (OIR or R.) 07-01-042 and Application (A.) 07-05-010. D.07-12-051 updated and expanded our policy direction for the Low-Income Energy Efficiency (LIEE) programs provided by the California's regulated energy utilities. It was also a companion decision to D.07-10-032, which set the stage for the next generation of energy efficiency in California.

It established a new course for low-income energy efficiency policy objectives, program goals, strategic planning, and the 2009-2011 program portfolio, and addressed renter access and Assembly Bill 2140 implementation. Recognizing the changes in energy markets and the environment, and the needs

of low-income individuals and the larger community, the Commission concluded that our LIEE programs can only meet California's needs with a change in direction and emphasis. The Commission therefore, committed to changing the way we approach LIEE programs by adopting the following policies and program guidance:

- The complementary objectives of LIEE programs will be to provide an energy resource for California while concurrently providing low-income customers with ways to reduce their bills and improve their quality of life;
- LIEE programs should emphasize opportunities to save energy;
- LIEE programs should be designed to take advantage of all cost-effective energy efficiency opportunities;
- LIEE programs should include measures that may not be cost-effective but that may promote the quality of life of participating customers;
- LIEE programs should emphasize effective ways to inform customers of the benefits to themselves and their communities of conservation and energy efficiency measures, as well as the way energy efficiency promotes environmental values and reduces greenhouse gases;
- LIEE programs should be integrated with other energy efficiency programs to allow the utilities and customers to take advantage of the resources and experience of energy efficiency programs, promote economies of scale and scope, and improve program effectiveness; and
- LIEE programs should take advantage of other resources, such as federally funded programs, local efforts, the work of businesses and publicly-owned utilities.

The Commission also adopted a broadly-stated programmatic initiative as follows:

To provide all eligible customers the opportunity to participate in the LIEE programs and to offer those who wish to participate all cost-effective energy efficiency measures in their residences by 2020.

The Commission provided further guidance to utilities in their development of a comprehensive long-term statewide strategic plan as directed in D.07-10-032. The strategic plan was to assist utilities in achieving the programmatic initiative. The Commission directed the utilities to propose programs and budgets for their 2009-2011 LIEE applications that will help them move toward this programmatic initiative and the strategic plan.

The Commission also underscored on-going commitment to reducing greenhouse gases and improving the reliability of the state's energy infrastructure, and we reaffirmed that energy efficiency programs are the best way to meet our commitment to both of these goals.

Finally, in light of the Commission strategic direction for LIEE programs and energy efficiency programs generally, we stated our intent to initiate a dialogue regarding Southern California Edison Company's (SCE) proposal to spend \$22 million on a program to distribute six compact fluorescent bulbs (CFLs) to each of 926,000 households. This dialogue between interested parties was intended as a way to hopefully resolve some of the concerns raised by the parties and help develop a program that is integral to other, more comprehensive programs to promote long term, enduring energy savings.

1.2. Procedural Background to D.07-12-051

The Commission adopted Rulemaking (R.) 07-01-042 in January 2007, for the purpose of revisiting and refining policies, programs, and practices of the

utilities' LIEE programs and to implement legislation concerning California Alternative Rates for Energy (CARE).

This rulemaking evolved and built on the work we began in previous proceedings, including associated decisions, such as D.06-12-036 and D.06-12-038. This rulemaking addressed several issues raised in those decisions and also issues interrelated with our general energy efficiency rulemaking, R.06-04-010. The OIR described the following 12 issues to be addressed in this proceeding:

1. **Policy Objectives** - As California's energy needs and demographics change, and energy efficiency markets and technologies evolve, the Commission believe we should reconsider our policy objectives and priorities. For example, in the administration of LIEE programs, how important is equitable access by low-income communities to LIEE programs? Cost-effectiveness? LIEE programs as an energy resource? The safety and comfort of low-income customers? Technology development? The answers to these questions should guide the goals that are set and allocation of funds to program elements and technologies.
2. **Goals-based Budgeting** - D.06-12-038 stated the Commission's commitment to developing strategic goals for LIEE programs and then developing budgets accordingly. The Commission issued the "KEMA" needs assessment in late 2006 (commonly referred to as KEMA Report¹), providing a foundation for this approach. Key issues we need to address include: How should the universe of LIEE participants be defined? Should criteria for program participation be changed or clarified? How should program priorities be set and defined in a given budget period?

¹ The report, titled "final Report on Phase II Low Income Needs Assessment" was published on September 7, 2007.

<http://www.cpuc.ca.gov/PUC/energy/consumers/liee.htm>

In developing program priorities, what should be the target populations? How should those priorities be translated into program goals and how should they be reflected in utility budgets?

3. **Processes for Considering Program Improvements between Utility Budget Cycles** – The Commission’s intent is to move to a three-year program funding cycle beginning in 2009. Currently, the utilities are required to meet with interested parties about program elements between budget cycles, as set forth in D.06-12-038. Is this an adequate way for the utilities to become informed about program issues and make program changes that are responsive to Commission objectives? If not, what type of forum or group is appropriate for this purpose and what type of authority or discretion should it have, if any?
4. **Cost-benefit Models** – What models are the utilities using now in their impact studies? Should those models be changed? How should cost-benefit analyses of low-income programs be applied? Should they be used to prioritize program elements? Improve them? Eliminate some? Are impacts on greenhouse gasses appropriately reflected in the assessment of program benefits and, if not, how should they be reflected?
5. **California Solar Initiative (CSI) Program** – The Commission is conducting a rulemaking to implement its CSI, which provides various incentives for customers and businesses to install solar technologies. The Commission has determined that 10% of CSI funds should be set aside for low-income customers and projects. Since the issuance of that order, the California Legislature enacted AB 2723, which defines the low-income component of the CSI with more specificity. To what extent should LIEE be coordinated with the low-income portion of the CSI?
6. **Evaluation, Measurement and Verification (EM&V)** – What should EM&V study and measure? How often should such studies be conducted and used? How does the Commission’s inclusion of LIEE results in energy efficiency goals affect program evaluation?

7. **Integration of the LIEE program with Energy Efficiency Programs** – The Commission has traditionally considered LIEE programs separately from other energy efficiency programs. Recently, the Commission included LIEE as part of the performance goals of the utilities and stated the Commission’s intent to treat LIEE more as a resource program, which conceptually makes LIEE more like energy efficiency programs than a subsidy program. How, if at all, should the two programs be merged from the standpoint of budget and program review and management, procurement and for the purpose of strategic development?
8. **Gas Furnace Programs and NGAT** – What policies and practices should apply to gas furnace repairs and installations for low-income customers? What are the effects of Natural Gas Appliance Testing (NGAT) on program participation and how can the Commission balance safety and program participation objectives?
9. **AB 2140** – AB 2140 requires the Commission to adopt, no later than January 1, 2008, a process for improving electric and gas utility CARE applications and outreach to tenants at master-metered properties, such as mobile home parks and apartment buildings. In this proceeding, the Commission will adopt the process required under AB 2140. What should the utilities do to implement this statute?
10. **Renter Access** – Some parties have raised concerns that some LIEE programs may not be adequately marketed or provided to tenants. What problems exist for renters in both single and multi-family dwellings and what steps should be taken?
11. **Water Conservation Programs** – In R.06-04-010, the Commission has begun a review of how water conservation programs can be developed to increase energy efficiency savings. Programs are needed that target low-income customers. What types of programs for low-income customers should be developed? What kinds of energy savings are possible from programs that target low-income water customers?

12. **Program Management and Administration** – Can any improvements be made in the current administration of LIEE programs? Should community-based organizations be more involved? How much involvement should the Commission have in ongoing program oversight? Can the Commission or the utilities do more to include input from low-income customers in program development and administration?²

Following a prehearing conference (PHC) held in this proceeding on March 7, 2007, the assigned Commissioner issued a scoping ruling that set proceeding priorities and scheduled the review of issues relating to LIEE programs' objectives and priorities, renter access to LIEE programs, and the implementation of AB 2140 in the utilities' CARE programs (Items 1, 9 and 10 above).³ The assigned Commissioner subsequently solicited comments on NGAT issues (Item 8) and the programmatic implications of a recently-issued report titled "Final Report on Phase II Low Income Needs Assessment" which had been administered by the Commission and conducted by KEMA (commonly referred to as KEMA Report).⁴

On March 23, 2007, the Administrative Law Judge (ALJ) conducted a workshop to seek suggestions on ways to revise policy objectives and program goals. At the workshop, the parties explored how the Commission should define broad policy objectives, and how it should articulate and prioritize those objectives. They also responded to a broad goal proposed informally by the ALJ

² R.07-01-042, January 25, 2007.

³ Scoping Memo and Ruling issued March 28, 2007, R.07-01-042.

⁴ The report, titled "Final Report on Phase II Low Income Needs Assessment" was published on September 7, 2007.

<http://www.cpuc.ca.gov/PUC/energy/consumers/liee.htm>

and discussed in some detail how that proposed goal might influence program design and funding. Subsequently, the parties filed comments in response to the following questions regarding LIEE policy objectives and program goals:⁵

1. Discuss whether these are the appropriate broad policy objectives for LIEE and, if they are not, propose others:
 - Affordability of energy services for low-income customers;
 - Reducing the burdens of energy bills of low-income customers;
 - Equity for low-income customers;
 - Safety and comfort of low-income customers;
 - Energy system reliability and cost-effectiveness (LIEE as an energy resource); and
 - Environmental quality and reduction of greenhouse gasses.
2. Given the broad policy objectives for LIEE and assuming there are multiple objectives that are potentially competing, how should the Commission articulate those objectives and prioritize them?
3. Comment on whether the following broad goal statement is a reasonable one from the standpoint of law, Commission policy and community needs:

To assure that the residence of every low-income customer in California is energy efficient by 2015.
4. How should the Commission define the elements of the proposed goal statement to assure that it is clear, efficacious,

⁵ The following parties filed comments on the issues raised in this portion of this proceeding: PG&E, SCE, SDG&E/SoCalGas, Southwest Gas Company (SWGAs), Disability Rights Advocates (DisabRA), Latino Issues Forum (LIF), Division of Ratepayer Advocates (DRA), The Utility Reform Network (TURN), Association of California Community and Energy Services (ACCES), Greenlining Institute (Greenlining), A World Institute for Sustainable Humanity (A W.I.S.H.), Bo Enterprises (Bo).

- and reasonable? (That is, how should the Commission define “energy efficiency” for the purpose of meeting its LIEE program goals?)
5. Should the broad program goal be applied to all program elements or should the Commission treat some program elements separately from the goal statement?
 6. Are there other broad program goals the Commission should consider? For example, should the Commission set a goal in terms of energy savings?
 7. What questions must the Commission address in order to implement programs toward the broadly stated goal? For example, questions might include: (1) how should utilities’ current LIEE programs be modified to recognize the goal? (2) What types of strategies would be required to meet the goal? and (3) should the Commission apply the goal to only a subset of measures?
 8. What kind of criteria should the Commission consider in determining strategies for meeting the goal, and how generally should those criteria be ranked? For example, the Commission may need to consider cost-effectiveness, the health and safety of low-income customers and the efficacy of the strategy for meeting the goal.⁶

In addition to workshops, there were three separate rounds of comments leading to D.07-12-051. The decision ultimately addressed the foregoing issues as well as SCE’s application (A.07-05-010) for increased funding for CFL distribution, and was consolidated with R.07-01-042. With the aide of the foregoing exchange with the parties, we were able to arrive at D.07-12-051 which, (1) addressed and clarified LIEE policy objectives; (2) addressed program goals in light of adopted policy objectives and how they should be defined for

⁶ These questions were posed in the assigned Commissioner’s ruling and scoping memo issued March 28, 2007.

purposes of program design, development and delivery; and (3) adopted strategies for meeting our policy objectives and program goals and the criteria for selecting program elements.

2. Requirements for Awards of Compensation

The intervenor compensation program, which is set forth in Pub. Util. Code §§ 1801-1812,⁷ requires California jurisdictional utilities to pay the reasonable costs of an intervenor's participation if that party makes a substantial contribution to the Commission's proceedings. The statute provides that the utility may adjust its rates to collect the amount awarded from its ratepayers.

All of the following procedures and criteria must be satisfied for an intervenor to obtain a compensation award:

1. The intervenor must satisfy certain procedural requirements including the filing of a sufficient notice of intent (NOI) to claim compensation within 30 days of the PHC, pursuant to Rule 17.1 of the Commission's Rules of Practice and Procedure (Rules), or at another appropriate time that we specify. (§ 1804(a).)
2. The intervenor must be a customer or a participant representing consumers, customers, or subscribers of a utility subject to our jurisdiction. (§ 1802(b).)
3. The intervenor must file and serve a request for a compensation award within 60 days of our final order or decision in a hearing or proceeding. (§ 1804(c).)
4. The intervenor must demonstrate "significant financial hardship." (§§ 1802(g) and 1804(b)(1).)
5. The intervenor's presentation must have made a "substantial contribution" to the proceeding, through the adoption, in whole or in part, of the intervenor's contention or recommendations by

⁷ All subsequent statutory references are to the Public Utilities Code unless otherwise indicated.

a Commission order or decision or as otherwise found by the Commission. (§§ 1802(i) and 1803(a).)

6. The claimed fees and costs must be reasonable (§ 1801), necessary for and related to the substantial contribution (D.98-04-059), comparable to the market rates paid to others with comparable training and experience (§ 1806), and productive (D.98-04-059).

In the discussion below, the procedural issues in Items 1-4 above are combined and discussed in Section 3 below. Separate discussions of Items 5-6 above follow, starting at Section 4.

3. Preliminary Procedural Issues

Under § 1804(a)(1) and Rule 17.1(a)(1), a customer who intends to seek an award of intervenor compensation must file an NOI before certain dates. In a proceeding in which a PHC is held, the intervenor must file and serve its NOI between the date the proceeding was initiated until 30 days after the PHC is held. (Rule 17.1(a)(1).) The PHC in this matter was held on March 7, 2007.

Section 1802(b)(1) defines a “customer” as: (A) a participant representing consumers, customers or subscribers of a utility; (B) a representative who has been authorized by a customer; or (C) a representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential or small business customers.

(§ 1802(b)(1)(A) through (C).)

3.1. Disability Rights Advocates (DisabRA)

On April 6, 2007, DisabRA timely filed its NOI in this proceeding. On May 10, 2007, the ALJ issued a ruling that found DisabRA a customer pursuant to § 1802(b) and that it meets the financial hardship condition pursuant to § 1802(g). DisabRA timely filed its request for compensation on February 22, 2008, within 60 days of D.07-12-051 issuance. No party opposed DisabRA’s request.

3.2. Greenlining Institute (Greenlining)

On March 19, 2007, Greenlining timely filed its NOI in this proceeding. On May 10, 2007, the ALJ issued a ruling that found Greenlining a customer pursuant to § 1802(b). Greenlining refers to a finding of significant hardship in a decision issued on May 25, 2007, in D.06-08-030/R.05-04-005. Because that decision was issued within the past year, that prior finding of financial hardship regarding Greenlining applies to Greenlining's participation in this proceeding pursuant to § 1804(b)(1).

Greenlining timely filed its request for compensation on February 22, 2008, within 60 days of D.07-12-051 issuance (December 24, 2007). SCE opposes Greenlining's request as excessive. However, SCE does not controvert Greenlining's assertion that it has complied with the preliminary procedural requirements here.

3.3. A World Institute of Sustainable Humanity (A W.I.S.H.)

On April 4, 2007,⁸ A W.I.S.H. timely filed its NOI in this proceeding. On May 10, 2007, the ALJ issued a ruling that found A W.I.S.H. was a customer pursuant to § 1802(b). In its NOI, A W.I.S.H. expressly elected to show its financial hardship in its request, instead of its NOI. A W.I.S.H., in its request, refers to a finding of significant hardship in a decision issued on January 14, 2008, D.07-11-045, granting its request for intervenor compensation for substantial contribution to that decision. Because that decision was issued within the past year, that prior finding of financial hardship regarding A

⁸ On April 10, 2007, A W.I.S.H. filed an Errata to its previously filed NOI.

W.I.S.H. applies to A W.I.S.H.'s participation in this proceeding pursuant to § 1804(b)(1).

A W.I.S.H. timely filed its request for compensation on February 19, 2008, within 60 days of D.07-12-051 issuance. SCE opposes A W.I.S.H.'s request. However, SCE does not controvert A W.I.S.H.'s assertion that it has complied with the procedural requirements for the request here.

3.4. Summary

In view of the above, we affirm the ALJ's May 10, 2007 ruling and find that DisabRA, Greenlining, and A W.I.S.H. have satisfied all the procedural requirements necessary to make their respective request for compensation in this proceeding.

4. Substantial Contribution

In evaluating whether a customer made a substantial contribution to a proceeding, we look at several things. First, we look at whether the Commission adopted one or more of the factual or legal contentions, or specific policy or procedural recommendations put forward by the customer. (§ 1802(i).) Second, if the customer's contentions or recommendations paralleled those of another party, we look at whether the customer's participation unnecessarily duplicated or materially supplemented, complemented, or contributed to the presentation of the other party. (§§ 1801.3(f) and 1802.5.) As described in § 1802(i), the assessment of whether the customer made a substantial contribution requires the exercise of judgment.

In assessing whether the customer meets this standard, the Commission typically reviews the record, composed in part of pleadings of the customer and, in litigated matters, the hearing transcripts, and compares it to the findings, conclusions, and orders in the decision to which the customer asserts it contributed. It is

then a matter of judgment as to whether the customer's presentation substantially assisted the Commission.⁹

With this guidance in mind, we turn to the claimed contributions DisabRA, Greenlining, and A W.I.S.H., respectively, made to the proceeding.

4.1. DisabRA's Claim of Substantial Contribution

DisabRA claims that its participation was active and substantial throughout the proceeding resulting in D.07-12-051. Given the importance of this proceeding in shaping the future of this LIEE program and given that persons with disabilities are disproportionately low income, DisabRA contends that it intervened in the proceeding and ultimately helped ensure that, in expanding and improving the LIEE program, the needs, concerns and issues faced by this unique customer constituency, persons with disabilities, were not overlooked.

Throughout the proceeding and in its comments, DisabRA analyzed and informed the Commission and highlighted the factual findings of the KEMA Report regarding persons with disabilities and made specific policy recommendations in response to those findings. DisabRA asserted that a disproportionate number of persons with disabilities rely on programs such as LIEE. Pointing to the KEMA Report findings, DisabRA underscored the statistic which showed that one in four low income households have a member with a disability, and in 20% of all low-income households, the responsibility for making energy payments on behalf of the household lies with a disabled household member.¹⁰ DisabRA also demonstrated how persons with disabilities

⁹ D.98-04-059, 79 CPUC2d 628 at 653.

¹⁰ DisabRA Comments, October 16, 2007, at 1-4.

are also highly dependent on energy, and thus on programs providing affordable access to energy, making DisabRA's participation all the more crucial.

DisabRA also pointed to KEMA Report finding, in its comment, that 56% of low-income households with a disabled member spend more than 5% of their total household income on energy.¹¹ This dependence on energy stems from several facts, including the fact that many persons with disabilities spend more time at home than their non-disabled counterparts,¹² that electricity powers much of the assistive technology which allows persons with disabilities to live independently in the community, and that some disabilities cause an individual to be particularly sensitive to extreme temperatures, thus requiring greater energy use for heating and/or cooling.

Throughout this proceeding, during the workshops and in its comments, DisabRA also offered a number of recommendations aimed at ensuring that the interests of persons with disabilities would be met by the LIEE program. These recommendations included: (1) prioritization of socio-economic objectives and goals of the LIEE program in order for the LIEE program to better serve the unique needs of persons with disabilities, including health and safety considerations of persons with disabilities, at the household level; (2) support for the Commission's staff proposed program delivery model; and (3) the provision of targeted and accessible outreach for persons with disabilities, including possible auto-enrollment into the LIEE program for those households receiving Social Security Disability Insurance (SSDI).

¹¹ *Id.*

¹² *Id.*

DisabRA contends that its efforts resulted in a substantial contribution to the proceeding. The record shows that Commission's final decision addresses the issues raised by DisabRA. Specifically, the Commission's final decision adopts DisabRA's recommendations: (1) for continued commitment to "ensuring the LIEE programs add to the participant's quality of life, which implicates equity, energy affordability, bill savings, and safety and comfort;"¹³ (2) for support of the Commission's staff-proposed program delivery model;¹⁴ and (3) for accessible outreach to persons with disabilities, including consideration of auto-enrollment for households receiving SSDI. Therefore, the Commission finds DisabRA's contributions substantial.

4.2. Greenlining's Claim of Substantial Contribution

Greenlining claims that it actively participated in this consolidated proceeding resulting in D.07-12-051. Greenlining contends that it and its individual coalition members represent the interests of those who have traditionally been marginalized or otherwise excluded from the public utility process: minority, low-income, inner city, and other vulnerable and underserved communities. Furthermore, Greenlining claims to represent customer interests that would otherwise be unrepresented or underrepresented before this Commission. Greenlining therefore posits that its role in this proceeding is unique in that it brings to the table the perspectives, experiences, and interests of minority, low-income, inner city, and other vulnerable and underserved communities.

¹³ D.07-12-051, December 20, 2007, at 23-24, 29.

¹⁴ *Id.* at 42-44.

Greenlining claims that it made a substantial contribution D.07-12-051 by promoting two central arguments towards better service and improved quality of life for underserved communities, low-income, and minority Californians: (1) the promotion of increased energy savings through access to clean technology and energy efficiency is the way to concurrently reduce the financial burdens on low-income and minority Californians and improve the quality of life for these underserved communities; and (2) the promotion of increased eligibility for and the penetration rates of the LIEE program.

Greenlining submits, and we find, its contribution is well reflected in the Commission's decision which provides Greenlining's contribution:

Today we clarify that the complementary objectives of LIEE programs are to provide an energy resource for California, consistent with our "loading order" that establishes energy efficiency as our first priority, while reducing low-income customers' bills and improving their quality of life. We commit to expand LIEE programs by making them available to more customers, improving their cost effectiveness and designing them in ways to make them a reliable energy resource.¹⁵

As reflected in the record for this proceeding, during workshops and in its comments throughout the proceeding, Greenlining substantially contributed and actively participated by: (1) filing meaningful opening and reply comments; (2) participated in proceeding workshops; and (3) ultimately providing comments on the proposed decision to the Commission. Greenlining also claims

¹⁵ D.07-12-051 at 2-3.

that its efforts went beyond the four corners of the record of this proceeding and that Greenlining undertook efforts that complimented and supported its active participation in this proceeding, including (1) meetings with Investor-owned Utilities (IOUs); (2) meetings with Commission advisors; (3) meetings with other intervenors to discuss possible joint proposals; (4) meetings with community based organizations and faith based organizations served low-income and minority rate payers; (5) meetings with financial institutions to discuss possible financial strategies to increase access by low-income Californians to the LIEE programs and to clean and safe energy technologies, including but not limited to photovoltaic panels, in general; and (6) filing a timely response to SCE's CFL application.

Greenlining appeared in this proceeding as an advocate on behalf of low-income and minority communities. In particular, Greenlining's comments throughout the proceeding recommended the Commission: (1) emphasize the need to use energy savings as means to concomitantly advance economic development and environmental stewardship; (2) highlight the significance of using energy savings as means to reduce the financial burdens on and improve quality of life of low income and minority Californians; (3) increase eligibility for and penetration rates of the Commission's LIEE and CARE programs; (4) simplify the CARE enrollment process; (5) improve LIEE marketing, outreach, and education initiatives; (6) eliminate the "10 year go back rule"; and (7) deny SCE's CFL proposal. Further, Greenlining also recommended specific strategies for easing and simplifying the CARE and LIEE Enrollment processes.

The decision specifically adopts several of Greenlining's key recommendations including, but not limited to: (1) improving LIEE marketing,

outreach, and education initiatives;¹⁶ (2) eliminating the “10 year go back rule;”¹⁷ (3) simplifying enrollment in CARE;¹⁸ and (4) denying SCE’s CFL application.¹⁹

Greenlining also claims that it added significant value to the proceeding by clearly illustrating the importance of partnering with private sector financial institutions to provide low income families with greater options to adopt and access energy efficiency. Notably, Greenlining claims, and the record reflects, that it convened a meeting of eight of the 10²⁰ largest financial institutions in California, as well as Commissioner Dian Grueneich, Commission President, Michael R. Peevey and their chief energy advisors at the Commission on October 31, 2007, to discuss strategies for leveraging private sector financial resources and expertise to increase the effectiveness and scope of the LIEE programs.

¹⁶ *Id.* at 86 (*See* Finding of Fact 18 “ME&O is essential to an effective LIEE program” and Finding of Fact 19. “Coordinated ME&O efforts can improve program cost-effectiveness and customer response.”)

¹⁷ *Id.* at 87 (*See* Finding of Fact 20, “The ten year ‘go back’ rule may unjustifiably limit cost-effective LIEE program installations.”)

¹⁸ *Id.* at 89 (*See* Finding of Fact 11, “The utilities should automatically qualify for CARE discounts those customers who live in public housing because they have already demonstrated to public officials their low-income status.”)

¹⁹ *Id.* (*See* Finding of Fact 12, “SCE should be authorized to modify its application for authority to spend an additional \$22 million on CFL distribution as part of its LIEE budget, as set forth herein.”)

²⁰ The two financial institutions that were unable to attend the meeting in-person committed to partnering with the Commission in the future to increase access by low income and minority communities to energy efficiency and clean technology.

Greenlining initiated meetings with IOUs, the Commission's staff, interested community based organizations and faith based organizations, and other intervenors to formulate joint proposals.

Given Greenlining's overall contribution to the proceeding, through advocacy, and Greenlining's unique position advocating on behalf of low-income and minority Californians, the Commission find that Greenlining has made a substantial contribution to this proceeding.

4.3. A W.I.S.H.'s Claim of Substantial Contribution

A W.I.S.H. claims, and the record reflects, that A W.I.S.H. actively participated in every aspect of this proceeding. A W.I.S.H. represented and advocated for the interests of low income energy customers and other communities, with focus on promoting sustainability, energy assistance, renewable technologies, and environmental justice for those constituencies.

In its comments and during workshops, A W.I.S.H. advocated for a more aggressive and holistic approach to LIEE by pointing out (1) the importance of leveraging and coordination with the Solar Initiative and other energy programs both at the Commission and statewide; and (2) the importance of using a network to reach the most vulnerable. The record of the proceeding also reveals that A W.I.S.H. also advocated for comprehensive and sustainable approach to weatherization including all feasible measures for low income customers and leveraging program dollars including Low-Income Home Energy Assistance Program (LIHEAP). A W.I.S.H. also pointed out the statutory basis for job skills development in "green" and new technologies, as well as equities for renters and master-metered customers. A W.I.S.H. took a significant role in advocating for the inclusion of health, safety, comfort, and greenhouse gas concerns as key objectives of the new LIEE programs. In general, A W.I.S.H. urged for a

coordinated and holistic approach to energy efficiency towards achieving California's ambitious AB 32 greenhouse gas goals.

In its comments, A W.I.S.H. also provided its analysis of the KEMA Report and Department of Energy findings, whereby it illustrated the inability of low-income customers to pay for basic necessities, including energy, and the need to design and augment the LIEE programs in terms of more long-term pay back measures and goal-based budget to reach all eligible customers who wish to participate. In its comments and during workshops, A W.I.S.H. also interjected its concerns with cost tests, contending that they did not take the health and comfort issues into account or the societal objectives related to AB 32. In its comments and during workshops, A W.I.S.H. advocated in favor of broadening the targeted eligible population to include all eligible LIEE customers who wish to participate.

A W.I.S.H. attended the PHC and numerous workshops at various phases of the Commission's low-income energy efficiency proceeding. During the March 23, 2007 workshop on goals and objectives, A W.I.S.H. argued that LIEE program should be structured and integrated to take advantage of leveraging LIHEAP and other energy efficiency dollars, that job skills training as Section 327(a) of the Code provides should be pursued with "green" technologies, that health, safety, and hardship were significant concerns, that the LIEE budget was inadequate as illustrated by KEMA Report, and that all feasible as well as new measures should be considered to reach greenhouse gas and sustainability objectives. A W.I.S.H. also argued that LIEE and the low-income Solar Initiative must be coordinated, that there should be equity for renters and master-metered customers, and that the network of community service providers should be used in program delivery, as the Public Utilities Code describes.

A W.I.S.H. attended the April 17, 2007 workshop on master-meter and AB 2140 issues, again emphasizing the need for equity for this population since the majority of low income customers are renters. A W.I.S.H. shared its experience from R.03-03-017/I.03-03-018 relating to the sub-metered mobile home park customers: (1) that the mobile home park managers do not always correctly calculate and pass on the discounts to the customers; and (2) that additional Commission enforcement and oversight was needed. A W.I.S.H. also provided other helpful legal research and other insightful enforcement ideas.

On May 10, 2007, A W.I.S.H. attended another workshop relating to renters. Again, A W.I.S.H.'s input centered on ensuring equitable delivery to all low income customers. A W.I.S.H. argued in favor of expanded outreach to landlords and master-metered customers.

A W.I.S.H. also filed comments and reply comments on all aspects of the proceeding, coordinated all aspects of its contribution, wherever possible, and made a concerted effort to minimize inefficiency and duplication by submitting joint filings whenever appropriate. A W.I.S.H. also convened several meetings of statewide stakeholders to gather their expertise and inputs on low-income programs to develop and present a coordinated analysis.

In the end, A W.I.S.H.'s arguments and concerns were reflected in D.07-12-051. D.07-12-051 acknowledges the need to achieve equity among low-income renters, including master-metered customers, and home owners, by (1) requiring the utilities to develop a process to notify submetered tenants and provide them with renewal information; (2) encouraging utilities to speak directly with the customers to verify their CARE enrollment and to assist the customer in analyzing whether the discount has been properly calculated and passed on; and (3) discussing the various agencies and their respective

enforcement roles to achieve that equity. Likewise, as A W.I.S.H. advocated throughout the proceeding, D.07-12-051 adopted, in part, a more aggressive outreach and marketing as well as expanded automatic enrollment to reach hard-to-reach customers, such as public housing tenants, renters, and master-metered customers.

In addition, as advocated by A W.I.S.H., D.07-12-051 recognizes the importance of and therefore required coordination of LIEE and low income solar programs to achieve its energy efficiency and greenhouse gas goals. Furthermore, the Decision embraces A W.I.S.H.'s holistic leveraging concept wherein we provide that the LIEE programs be designed to promote coordination with other existing local, state or federal programs, when feasible.²¹

A W.I.S.H. has raised numerous other issues that the Commission ultimately adopted, in part or in whole. The record of the proceeding shows that A W.I.S.H.'s participation included advocacy for several positions which the Commission did not ultimately adopt, such as leveraging goals, greater parity between renters and homeowners with respect to NGAT policies, expanded automatic or categorical enrollment, and all feasible measures in low-income weatherization. A W.I.S.H.'s research of similar programs in different states and best practices in those states served as basis for some of the positions not expressly adopted by the Commission. However, its public policy research and framework contributed to the record and meaningful discussion. While these positions may not have been adopted in D.07-12-051, A W.I.S.H.'s contribution

²¹ D.07-12-051 at 34.

contributed to a more informed and meaningful discussion which in turn yielded a thoughtful decision here.

In its Response to A W.I.S.H.'s request, SCE objected to full compensation and contended that A W.I.S.H.'s request is "excessive, unreasonable and seek compensation for matters that are beyond the scope of the proceeding, for duplicative efforts, and for recommendations and work that did not substantially contribute to D.07-12-051." SCE suggests A W.I.S.H. seeks to be compensated for its "day-to-day operations" and for funding for its other "extraneous outreach, research and community meetings." SCE contends A W.I.S.H.'s request should be reduced.

We agree with SCE in part and disagree in part. We find that A W.I.S.H.'s request here appears generally supported by its level of participation and commensurate with its substantial contribution to the proceeding. This policy development proceeding necessitated creative brainstorming exercises which invariably lead to ideas, proposals, recommendations, etc. being considered yet not finally adopted by the Commission for various reasons. Thus, while A W.I.S.H.'s positions were not adopted by the Commission in their entirety or as specifically proposed by A W.I.S.H., the record of the proceeding shows a clear and full participation that supplemented the necessary discussions which ultimately resulted in D.07-12-051. Therefore, the Commission finds A W.I.S.H.'s contributions here substantial.

4.4. Determinations of DisabRA's, Greenlining's, and A W.I.S.H.'s Claims of Contribution

The Commission has awarded full compensation even where the intervenor's positions were not adopted in full, especially in proceedings with a broad scope. (D.98-04-028, 79 CPUC2d 570, 573-574.)

The proceeding at issue here was initiated in January 2007. The rulemaking identified twelve issues to be addressed, ranging from program objectives and priorities to the implementation of AB 2140. There were three rounds of comments and replies leading up to the final decision:

- (1) comments/ replies on LIEE program objectives and goals;
- (2) comments/replies on renter participation in LIEE and AB2104; and
- (3) comments/replies on how the LIEE program might address issues raised by the KEMA Report. The resulting final decision incorporates multiple iterations of the comments and replies and “sets a new course for the LIEE programs in California.”²²

Here, DisabRA, Greenlining, and A W.I.S.H. each actively participated and achieved a significant level of success on the varying issues each raised during the proceeding, as discussed in the foregoing Sections 4.1, 4.2 and 4.3. DisabRA made a significant contribution by advocating for the unique issues, concerns and interests of persons with disabilities. Greenlining and A W.I.S.H. likewise actively participated and made significant contributions in the public policy discussion which was ultimately reflected in D.07-12-051.

In the areas where we did not adopt their position in whole, or in part, we nonetheless benefited from their respective unique perspective, analysis, input and discussion of most of the issues which each raised.

5. Contributions of Other Parties

Section 1801.3(f) requires an intervenor to avoid participation that duplicates that of similar interests otherwise adequately represented by another

²² D.07-12-051 at 3.

party, or participation unnecessary for a fair determination of the proceeding. Section 1802.5, however, allows an intervenor to be eligible for full compensation where its participation materially supplements, complements, or contributes to the presentation of another party if that participation makes a substantial contribution to the Commission order.

DisabRA, Greenlining, and A W.I.S.H. claimed that they each collaborated closely with each other and other intervening parties, when appropriate, throughout this proceeding, coordinating meetings and filings, workshops, analysis of applications, and discussions with parties. Each explained that the modest overlaps between the intervening parties do not reflect excessive duplication, rather such seeming overlaps are evidence of active cooperation and coordination to facilitate constructive and efficient public dialogue.

This proceeding required high-quality and quickly delivered public policy analysis and recommendations, all of which were critically important to the process leading to the final decision. To that end, DisabRA, Greenlining, and A W.I.S.H. state that they each took all reasonable steps to coordinate with all parties while keeping duplication to a minimum and to ensure that its work served to supplement, complement, or contribute to the showing of the other very active parties in this proceeding. The record of the proceeding, as well as the requests detailing the work, generally confirms this. The record is clear that Greenlining and A W.I.S.H. were the leading intervenors with broader interests and issues they championed on behalf of the low-income customers. DisabRA, as the advocacy group for persons with disabilities, played a formidable role in the proceeding to assure the unique interests of low-income persons with disabilities were not overlooked.

We agree with the intervenors that in this proceeding which involved multiple participants, it was virtually impossible to completely avoid some duplication of the work of other parties. Moreover, the record shows that DisabRA, Greenlining, and A W.I.S.H. each made a substantial contribution in their respective roles, in this consolidated proceeding, by constructively adding to the discussion while minimizing unnecessary duplication.

6. Reasonableness of Requested Compensation

After we have determined the scope of a customer's substantial contribution, we then look at whether the amount of the compensation request is reasonable. In assessing the reasonableness of a claim, the Commission also looks to a party's demonstrated "productivity" in a proceeding including the party's efficiency and reasonableness in terms of cost of the participation.

6.1. Reasonableness of DisabRA's Requested Compensation

DisabRA requests \$30,069.12 for its participation in this proceeding, as follows:

Work on Proceeding				
Attorney/Staff	Year	Hours	Hourly Rate	Total
Melissa Kasnitz	2007-2008	22.7	\$390	\$ 8,853.00
Mary-Lee Kimber	2007-2008	81.8	\$190	\$15,542.00
Law Clerks	2007-2008	18.9	\$100	\$ 1,890.00
Subtotal:				\$26,285.00

Preparation of NOI and Compensation Request				
Attorney/Staff	Year	Hours	Hourly Rate	Total
Melissa Kasnitz	2007-2008	2.4	\$195 (50% of \$390)	\$ 468.00
Mary-Lee Kimber	2007-2008	20.8	\$95 (50% of \$190)	\$1,976.00

Law Clerks	2007-2008	5.0	\$50 (50% of \$100)	\$ 250.00
Subtotal of Compensation (on NOI and Compensation Request):				\$2,694.00
Expense Request				
Photocopying	--			\$ 1,061.00
Postage & Delivery	--			\$ 6.54
Telephone & Fax	--			\$ 22.58
Subtotal of Expense:				\$1,090.12

In general, the components of this request must constitute reasonable fees and costs of the customer's preparation for and participation in a proceeding that resulted in a substantial contribution. The issues we consider to determine reasonableness are discussed below.

6.1.1. DisabRA's Requested Hours and Costs Related To and Necessary for Substantial Contribution

We first assess whether the hours claimed for the customer's efforts that resulted in substantial contributions to the Commission decision are reasonable by determining to what degree the hours and costs are related to the work performed and necessary for the substantial contribution. While DisabRA has substantially contributed to this proceeding and the hours and costs claimed, in general, are reasonable, some of its claims are excessive, unjustified and improper. In general, below are some examples of claimed hours and costs that are not reasonable. Instead they are excessive, illustrate inefficiency and otherwise not justified in the filings of DisabRA. Therefore, as discussed below and detailed in Section 8, DisabRA's claim will be reduced as follows:

1. the total award as it relates to the work on the proceeding will be reduced by 5%;

2. the 1.6 hours (1.1 hours of Kimber's time and 0.50 hour of clerk's time) claimed relating to correcting erroneous NOI filing will be disallowed;
3. the 6.6 hours of clerical work associated with the merits work and the 2.0 hours of clerical work associated with the fee work, will be disallowed;
4. the 2.5 hours travel hours claimed will be disallowed; and
5. \$961 of the \$1,061.00 total claimed for photocopying, will be disallowed.

6.1.2. DisabRA's Requested Hours Claimed are Excessive

DisabRA's claimed hours in general are excessive and not commensurate with the work product. On its nine-page²³ comments on LIEE Goals and Objectives of April 27, 2007, DisabRA claimed approximately 17 attorney hours. On its six-page reply comments on LIEE Goals and Objectives of May 8, 2007, DisabRA claimed 13.60 hours of attorney time. On its one-page Comments on LIEE Program Renter Access issues and AB 2104 of June 4, 2007, DisabRA claimed 3.10 hours of attorney time, while its comments expressly state that DisabRA does not provide any substantive responses.

Furthermore, DisabRA claimed almost 20 hours on its 10-page October 16, 2007 comments on KEMA report, which was in addition to numerous hours it claimed for its review when the KEMA report was first issued. Finally, on its five-page comments on the proposed decision, filed on December 11, 2007, DisabRA claimed 14 attorney hours. A large part of the five-page comments consists of references to the proposed decision and cutting and pasting of DisabRA's own prior comments filed in this proceeding.

²³ Only pages with substantive text are counted. Parts required for compliance with Rules on formal filing (such as title page, certificate of service, etc.) are not counted.

Finally, DisabRA requests the total of 23.20 attorney hours for intervenor compensation documents. In general, the foregoing claimed hours are not reasonable. Instead the foregoing claimed hours are excessive in comparison to the related work product and illustrate inefficiency that is not otherwise justified in the filings of DisabRA. Therefore, DisabRA's total award as it relates to the intervenor's work on the proceeding will be reduced by 5%.

6.1.3. DisabRA's Error Correction Work is Not Compensable

Work associated with claimant's own errors and related corrective efforts are generally not compensable. DisabRA claims 1.6 hours (1.10 hours of Kimber's time and 0.50 hour of clerk's) for work associated with refilling its NOI to correct its prior NOI filing. Such time claimed by DisabRA's corrective work is not compensable.

6.1.4. DisabRA's Clerical Work is Not Compensable

DisabRA claims compensation for 6.6 hours of clerical work, such as filing, serving, calendaring, indexing, etc. Such clerical work is built in to the hourly fee structure, and no separate compensation is allowed. Similarly, in the intervenor compensation work category, DisabRA also claims for compensation of approximately 2 hours spent on some clerical tasks (filing, serving, etc.). We disallow this time also.

6.1.5. DisabRA's Routine Commuting Expense is Not Compensable

DisabRA claims 2.50 hours at the full attorney rate for Mary-Lee Kimber's travels to and from the Commission. DisabRA's office is located in Berkeley. Routine commuting is not compensable. We disallow this time also.

6.1.6. DisabRA's Hourly Rates

We next take into consideration whether the claimed fees are comparable to the market rates paid to advocates and experts having comparable training and experience and offering similar services.

6.1.6.1. Melissa Kasnitz

DisabRA seeks an hourly rate of \$390 for Kasnitz for her 2007 and 2008 work in this proceeding. In D.07-06-040, this rate was adopted for Kasnitz's 2007 work and we utilize it here for all her hours claimed.

6.1.6.2. Mary-Lee Kimber

DisabRA seeks an hourly rate of \$190 for her 2007 and 2008 work in this proceeding. In D.08-01-033, this rate was adopted for Kimber's 2007 work and we utilize it here for all her hours claimed.

6.1.6.3. Law Clerks

DisabRA seeks an hourly rate of \$100 for the 2007 and 2008 work performed by its law clerks in this proceeding. In D.07-06-040, this rate was adopted for law clerks and paralegals' 2007 work and we utilize it here for all of DisabRA's law clerk hours claimed.

6.1.7. DisabRA's Expenses are Unreasonable

DisabRA's expenses of \$1,090.12 listed in the summary presented above includes \$1,061.00 in copying expense. While other expenses claimed are reasonable in relation to the volume and magnitude of efforts undertaken by DisabRA and were reasonably necessary for DisabRA's efforts in this case, DisabRA's claimed photocopying expense is excessive.

Even at 10 cents per page, the number of pages copied for the claimed amount exceeds ten thousand pages. In addition, in proceedings like this one, in which the vast majority of the documents are filed and served electronically,

copying expenses should be minimal, in the \$100 range as reflected in other more active intervenors' claims. We therefore disallow \$961 of the total claimed photocopying expense and allow only \$100 for photocopying expense.

6.2. Reasonableness of Greenlining's Requested Compensation

Greenlining requests \$137,475.00²⁴ for its participation in this proceeding as follows:

Attorney/Staff	Work on Proceeding			
	Year	Hours	Hourly Rate	Total
Robert Gnaizda	2007	140.5	\$520	\$ 73,060.00
Thalia N.C. Gonzales	2007 & 2008	124.50	\$230	\$ 28,635.00
Jesse W. Raskin	2007 & 2008	93	\$190	\$ 17,670.00
Mark Rutledge	2007	70.75	\$150	\$ 10,612.50
Bobak Roshan	2007	21.25	\$180	\$ 3,825.00
Farida Ali	2007	8.75	\$150	\$ 1,312.50
Subtotal:				\$135,115.00

Preparation of NOI and Compensation Request				
Attorney/Expert	Year	Hours	Hourly Rate	Total
Thalia N.C. Gonzales	2007	6	\$230	\$ 1,380.00
Jesse W. Raskin	2008	5	\$190	\$ 950.00
Subtotal of Compensation				
(on NOI and Compensation Request):				\$ 2,330.00

²⁴ Greenlining's correct total claim based on its claimed merit work (\$135,115) and fee work (\$2,330) hours plus expense (\$120) is \$137,565.

Expense Request			
Direct Expense	--	\$	100.00
Postage Costs	--	\$	20.00
Subtotal of Expense:		\$	120.00
Total Requested Compensation			\$137,475.00²⁵

The issues we consider to determine reasonableness of Greenlining's request are discussed below.

6.2.1. Greenlining's Requested Hours and Costs Related To and Necessary for Substantial Contribution

We first assess whether the hours claimed for Greenlining's efforts that resulted in substantial contributions to the Commission decision are reasonable by determining to what degree the hours and costs are related to the work performed and necessary for the substantial contribution. While Greenlining has substantially contributed to this proceeding and the hours and costs claimed, in general, are reasonable, some of its claimed hours are excessive, unjustified, and improper. Below are some examples of claimed hours that are not reasonable. Instead they are excessive, illustrate inefficiency, and are not otherwise justified in the filings of Greenlining. Therefore, as discussed below and detailed in Section 8, Greenlining's total award as it relates to the work on the proceeding will be reduced by 10%.

In its Response to Greenlining's request, SCE objected to full compensation and contended that Greenlining's request is "excessive, unreasonable and seek compensation for matters that are beyond the scope of the proceeding, for duplicative efforts, and for recommendations and work that did not substantially contribute to D.07-12-051." SCE suggested Greenlining seeks to be compensated

²⁵ *Id.*

for its “day-to-day operations” and for funding for its other “extraneous outreach, research and community meetings.” SCE also contended Greenlining’s request is overstated and thus should be reduced.

We agree with SCE in part and disagree in part. In general, we find that Greenlining made a substantial contribution to the proceeding and that Greenlining’s request here appears generally supported by its level of participation and commensurate with its substantial contribution to the proceeding. This policy development proceeding necessitated creative brainstorming exercises which would lead to ideas, proposals, and recommendations, being considered but not finally adopted by the Commission for various reasons. Thus, while Greenlining’s positions may not have been completely adopted by the Commission, the record of the proceeding shows a clear and full participation that supplemented the necessary discussions which ultimately resulted in D.07-12-051.

However, as pointed out by SCE, we find that Greenlining was not particularly efficient in its efforts in assigning work to its staff. We direct Greenlining to exercise efficiency in assigning work to its staff and maintain and provide clearer records of its efforts in its future requests.

For instance, Greenlining claims in excess of 25 hours of research time. In addition, those claimed hours are attributed to its most senior attorney, Robert Gnaizda, who conducted more than 25 hours of legal research on LIEE program, at the requested rate of \$520 an hour while the law clerk/paralegal level staff, Farida Ali, did no legal research but simply attended meetings and discussions. The law clerk/paralegal rate is less than 1/5 of the Gnaizda’s rate and would have been more cost effective use of resources for some or all of such research or other efforts claimed in the request. In fact, Ali’s claimed 8.75 hours of

contribution to this proceeding consisted of handful of internal discussions and meetings with Gnaizda and attendance at one 4.5-hour meeting on October 31, 2007, for which Gnaizda also claims 4.5 hours for his part. These types of entries raise a concern about the efficiency and productivity of Greenlining's activities relating to this proceeding.

In addition, with two seasoned attorneys and four law clerks/paralegal level staff members participating in the proceeding, Greenlining conducted more internal meetings to discuss, strategize, and coordinate their individual efforts and to review each other's drafts of work associated with the proceedings. For instance, many of Greenlining's filings resulted in excessive number of hours claimed in comparison to the related work product as follows:

- On its seven-page initial comments on OIR, Greenling claimed 28.75 attorney hours.
- Reviewing other parties initial OIR comments (totaling approximately 40 pages), Greenlining claimed a total of 21.25 hours.
- On its three-page May 8, 2007 reply comments on LIEE Goals and Objectives of May 8, 2007, Greenling claimed yet another 11.25 hours of attorney time.
- Reviewing March 2007 LIEE Report (totaling approximately 30 pages), Greenlining claimed a total of 11.50 hours.
- On its eight-page Response to Application, Greenlining claimed 28.75 hours of attorney time.
- Greenlining claimed almost 23.25 hours on its thirteen-page comments on KEMA report, which was in addition to numerous hours it claimed for its review when the KEMA report was first issued.
- On its ten-page comments and four-page reply comments on the proposed decision, Greenlining claimed 23.5 attorney hours. A large part of the comments were references to the proposed

decision and cutting and pasting of Greenlining's own prior comments filed in this proceeding.

Associated with each of those filings, excessive large number of hours are attributed and claimed for internal discussions and coordination that were necessitated by the large number of Greenlining staff involved in this proceeding.

Related to the issue of inefficiency, four Greenlining professional staff attended same 4½ hour meeting on October 31, 2007 and result was 18 total hours for that meeting attendance, yet there is no explanation in the claim to indicate how the meeting impacted Greenlining's substantial contribution or why all the staff had to attend.

There are also claims that are ambiguous and not justified such as Jesse Raskin's October 17, 2007 entry "On that date, Jesse Raskin met Raskin." In addition, there are entries and claims for over 15 hours of various meetings about LIEE with non-parties but there is no showing that such meetings were necessary for Greenlining to undertake in order for Greenling to make its substantial contribution to this proceeding. There is no evidence of those meetings' contribution to this proceeding, as documented by Greenlining's claim. Moreover, as SCE correctly points out in its Response to Greenlining's claims, as a general rule, hours claimed for community meetings participation are not compensable.²⁶ Greenlining did not respond to SCE's objections regarding those community meeting hours.

Greenlining's chosen method of participation was inefficient and not cost effective. Moreover, Greenlining's record keeping must be significantly

²⁶ See D.05-08-028 at 20; D.05-01-007 at 17-18 and 32.

improved. Finally, the records of internal and community meetings do not clearly indicate the necessary descriptions to demonstrate how such meetings actually contributed to the proceeding. In turn, while it can be generally inferred what those internal, community outreach or other meetings yielded, it is far better practice and we direct that Greenlining in the future better document for its activities to clearly illustrate the connection between its efforts and the proceeding's scope.

Finally, some of the time claimed by Greenlining staff for NOI or request preparation was not reduced, as required, by 50%; as such, Greenlining is directed to provide improved documentation to ensure compensation in the future claims.

6.2.2. Greenlining's Hourly Rates

We next take into consideration whether the claimed hourly rates by Greenlining are comparable to the market rates paid to advocates and experts having comparable training and experience and offering similar services.

6.2.2.1. Robert Gnaizda, General Counsel and Policy Director

Greenlining seeks an hourly rate of \$520 for Gnaizda for his 2007 work in this proceeding. In D.07-11-013, this rate was adopted for Gnaizda's 2007 work and we utilize it here for all his hours claimed.

6.2.2.2. Thalia N.C. Gonzalez, Senior Counsel

Greenlining seeks an hourly rate of \$230 for Gonzalez for her work in this proceeding, the majority of which occurred in 2007. In D.08-05-015, we adopted her 2007 hourly rate of \$195. Greenlining has not shown any evidence that justifies such an increase in her hourly rate since D.08-05-015. Thus, we utilize

the previously adopted 2007 hourly rate of \$195 for Gonzalez here for all her hours claimed.

6.2.2.3. Jesse Raskin, Legal Counsel

Greenlining seeks an hourly rate of \$190 for Raskin for his work in this proceeding, the majority of which occurred in 2007. While Greenlining sought an hourly rate for Raskin's 2007 work consistent with a level for a new attorney, the records of the State Bar show that Raskin did not become a licensed member of the California State Bar until December 2007 and was performing duties until that time in the capacity comparable to law clerk/paralegal. In D.08-05-015, we adopted a 2007 hourly rate of \$100 for Raskin, consistent with the law clerk/paralegal rates. Greenlining has not shown any evidence that justifies an increase in Raskin's hourly rate since D.08-05-015. Thus, we utilize the previously adopted 2007 hourly rate of \$100 for Raskin here for all his hours claimed.

6.2.2.4. Mark Rutledge, Advocacy Fellow

Greenlining seeks an hourly rate of \$150 for Rutledge for his 2007 work in this proceeding. D.07-11-013 adopted a 2007 hourly rate of \$110. Greenlining has not shown any evidence that justifies an increase in Rutledge's hourly rate since D.07-11-013. Thus, we utilize the previously adopted 2007 hourly rate of \$110 for Rutledge here for all his hours claimed.

6.2.2.5. Bobak Roshan, Legal Associate

Greenlining seeks an hourly rate of \$180 for Roshan for his 2007 work in this proceeding. While Greenlining sought attorney hourly rate for Roshan's 2007 work, the records of the State Bar show that Roshan did not become a licensed member of the California State Bar until December 2008 and until that time was performing duties comparable to a law clerk/paralegal. We adopt a

2007 hourly rate of \$110 for Roshan, consistent with D.08-12-057 that adopted this rate for Roshan's work in 2007.

6.2.2.6. Farida Ali

Greenlining seeks an hourly rate of \$150 for Ali for her 2007 work in this proceeding. While Greenlining claims that Ali is an Advocacy Fellow at Mabuhay Alliance at the present time and had received a degree from Columbia University sometime in 2007 with double major in Asian American Studies and Comparative Ethnic Studies, its request is unclear as to the exact capacity in which she participated in this proceeding. Based on her experience, educational background, and tasks she performed in this proceeding, as set forth in the Greenlining's request which appear comparable to that of law clerk/paralegal, we adopt a 2007 hourly rate of \$100, consistent with the law clerk/paralegal rates adopted here for Raskin and Roshan.

6.2.3. Greenlining's Expenses Are Unreasonable

The miscellaneous expenses of \$120 listed in the summary presented above are not reasonable. Of the \$120, \$100 is claimed generally as "Direct Expense." Without further explanation, we cannot discern whether such expense is compensable and was reasonably necessary expense. Accordingly, \$100 total claimed for "Direct Expense" will be disallowed for insufficient justification.

6.3. Reasonableness of A W.I.S.H.'s Requested Compensation

A W.I.S.H. requests \$155,560.09 for its participation in this proceeding, as follows:

Work on Proceeding				
Attorney/Staff	Year	Hours	Hourly Rate	Total
Susan E. Brown	2007	220.28	\$400	\$ 88,112.00
Michael Karp	2007	180.75	\$290	\$ 52,417.50
Chuck Eberdt	2007	22.50	\$150	\$ 3,375.00
Subtotal:				\$143,904.50

Preparation of NOI and Compensation Request				
Attorney/Expert	Year	Hours	Hourly Rate	Total
Susan Brown	2007	18.25	\$400	\$ 7,300.00 ²⁷
Michel Karp	2007	9.5	\$290	\$ 2,755.00
				(calculated @50%)
Subtotal of Compensation				
(on NOI and Compensation Request):				\$ 10,055.00

Expense Request				
Copying	--			\$ 147.83
Parking	--			\$ 65.00
Supplies	--			\$ 140.01
Travel	--			\$ 1,248.20
Subtotal of Expense:				\$ 1,601.04
Total Requested Compensation				\$ 155,560.54

The issues we consider to determine reasonableness of A W.I.S.H.'s request are discussed below.

6.3.1. A W.I.S.H.'s Requested Hours and Costs Related To and Necessary for Substantial Contribution

We first assess whether the hours claimed for A W.I.S.H.'s efforts that resulted in substantial contributions to Commission decision are reasonable by

²⁷ The A W.I.S.H. request does not reduce by 50% the hourly rate for Brown as required by the Commission for time spent preparing compensation requests.

determining to what degree the hours and costs are related to the work performed and necessary for the substantial contribution. While A W.I.S.H. has substantially contributed to this proceeding and the hours claimed, in general, are reasonable, some of its claimed hours and claims are excessive, unjustified, and improper. Below are some examples of claimed hours that are not reasonable. Instead these claimed hours and costs are excessive, illustrate inefficiency and are not otherwise justified in the filings of A W.I.S.H. Therefore, as discussed below and detailed in Section 8, A W.I.S.H.'s award will be reduced as follows:

1. Total award will be reduced by 10% as to its work on the proceeding;
2. 1.75 hours of Brown's time for NOI correction work is disallowed; and
3. 4 hours of Brown's commute time (at half rate) is disallowed.

6.3.2. A W.I.S.H.'s Claimed Hours are Excessive and/or Lack Adequate Justification

SCE filed a Response to A W.I.S.H.'s request for intervenor compensation and objected to full compensation and contended that A W.I.S.H.'s request is "excessive, unreasonable and seeking for matters that are beyond the scope of the proceeding, for duplicative efforts, and for recommendations and work that did not substantially contribute to D.07-12-051." SCE suggested A W.I.S.H. seeks to be compensated for its "day-to-day operations" and for funding for its other "extraneous outreach, research and community meetings." SCE also contended A W.I.S.H.'s request is overstated and thus should be reduced.

We agree with SCE in part and disagree with SCE in others, as discussed below. In general, we find that A W.I.S.H. made a substantial contribution to the proceeding and that its request here appears generally supported by its level of participation and contribution to the proceeding here. A W.I.S.H.'s filings were

quite thorough, helpful and generally commensurate with the amount of time claimed and work products. Because this proceeding was one of policy development and largely based on written record, A W.I.S.H.'s filings appropriately aided the creative brainstorming exercises while providing ideas, proposals, and recommendations for deliberation that were not ultimately adopted by the Commission for various reasons. Thus, while A W.I.S.H.'s positions may not have been completely adopted by the Commission, the record of the proceeding shows a clear and full participation that effectively complimented the necessary discussion which ultimately resulted in D.07-12-051.

However, as pointed out by SCE, we find that A W.I.S.H. may not have been particularly efficient in its efforts nor did A W.I.S.H. document its efforts adequately. For instance, A W.I.S.H.'s claim lacks documentation and justifications for claims relating to its hours claimed associated with activities other than its filings. Approximately 275 claimed hours involve internal and external contacts and meetings and for many we cannot discern from the entries how those activities were related to and necessary for A W.I.S.H.'s contributions to D.07-12-051.

Many entries simply note telephone communications with individuals who are not parties to the proceeding and/or whose affiliation with a party is not specified (e.g., telephone communications with Burke, Parker, Redton, Kanomata, O'Drain, Jiminenez, Shakpor; Rathswohl; Louise Perez; Kofasun; Yamagata, Yuliya, Scheffer, Savarte, Sarvale, Wimbley, Surrate, O'Bannon, Osmer, etc.). Moreover, many of those entries lack clear description of the purpose of those communications as being necessary for A W.I.S.H.'s contribution to this proceeding, leaving us in a precarious position to try and

infer how those activities may relate to the proceeding and A W.I.S.H.'s contribution.

Similarly, A W.I.S.H. held and/or attended frequent meetings and communications with various organizations. Some of these meetings may or may not be "related to and necessary" for, A W.I.S.H.'s contributions. Not every discussion, meeting and conversation where LIEE issues come up or relating to LIEE is necessarily related to and necessary for contribution to this proceeding and therefore compensable. In fact, if these meetings were necessary for its contribution, the filings should evidence the connection between these meetings, discussions, or communications. However, the Decision and A W.I.S.H.'s filings do not show that linkage, either. There is no evidence in the record of how those meetings' contributed to this proceeding, as documented by A W.I.S.H.'s claim (e.g., Low-Income Oversight Board meetings, San Carlos meeting with Bay Area Poverty Resource Council, Meeting with SF Foundation, etc.).

Moreover, as SCE correctly points out in its Response to A W.I.S.H.'s claim, as a general rule, hours claimed for community meetings participation are not compensable, and A W.I.S.H.'s explanation, in its Reply to Edison's response to the Request, that "the meetings that A W.I.S.H. organized were necessary ... to avoid duplication and coordinate efforts with the network of community service providers and other parties" is conclusory and is not persuasive, without further justification. These organizations were not parties to the proceeding and nothing in the record indicates how those meetings contributed specifically to this proceeding.

In addition, A W.I.S.H. claimed numerous hours for several meetings with Consumer Services and Information Division (CSID). We are not persuaded that meetings with CPUC staff were necessary for A W.I.S.H.'s contribution to this

proceeding and also wonder whether A W.I.S.H.'s efforts unnecessarily duplicated efforts of the CPUC's staff. A W.I.S.H.'s entries do not explain one way or other.

Many of A W.I.S.H.'s entries in the timesheets are devoid of necessary descriptions, and many were also erroneous, as illustrated below. Moreover, parties do not revise, prepare or review scoping rulings, as set forth in A W.I.S.H.'s claim, yet A W.I.S.H. claims for such activities, as illustrated below:

- 12/4, "conference call" – no participants or subject noted.
- 4/4, "revise scoping memo"
- 4/11, call from Rand Burke-coordination – no participants or subject noted
- 3/30, preparation of scoping ruling
- 3/16, planning call w/Brown
- 10/3, error in timesheet: $1.1 + 1.1 = 1.2$ not 2.25 – extra 1.05 hrs.
- 12/4, conference call – no participants or subject noted
- 12/14, calls – no subject noted
- 3/30, prep. of scoping ruling
- 5/1, "final review of A W.I.S.H comments for scoping memo" – comments were already filed as of 4/27/07

As discussed above, A W.I.S.H.'s record keeping must be significantly improved. The records of internal and community communications and meetings do not clearly indicate the necessary descriptions to demonstrate how such meetings actually relate to and contributed to the proceeding. In turn, while it can be generally inferred what those internal, community outreach or other meetings yielded, it is far better practice and we direct that A W.I.S.H. in the future claims, provide better document for its activities to clearly illustrate the connection between its efforts and the proceeding's scope.

In general, the foregoing are examples of claimed hours that are not reasonable. Instead the foregoing claimed hours are excessive, illustrate inefficiency and are not otherwise justified in the filings of A W.I.S.H. All these facts and issues considered, we conclude that at least a part of the time claimed by A W.I.S.H. is unrelated to its contributions to D.07-12-051, was unnecessary for its contributions to D.07-12-051, and was unproductive. Because the costs of a customer's participation should bear a reasonable relationship to the benefits realized through its participation, A W.I.S.H.'s award should be reduced by 10% as to its work on the proceeding, as illustrated in Section 8 below.

6.3.3. A W.I.S.H.'s Error Correction Work is Not Compensable

Work associated with claimant's own errors and related corrective efforts are generally not compensable. A W.I.S.H. had to correct its NOI by filing an amendment and requests 1.75 hours of Brown's time for that task. Although A W.I.S.H is fairly new to Commission, their counsel is quite experienced thus time to correct work should not be compensable. This amount is disallowed.

6.3.4. A W.I.S.H.'s Claim for Commuting Time is Not Compensable

Generally, routine commuting is not compensable. A W.I.S.H. claims hours for its routine commuting for trips between Mill Valley, Marin County, and San Francisco (4 hours of Brown's time at ½ rate). This amount is disallowed.

6.3.5. A W.I.S.H.'s Vague Documentation is Improper

Travel and intervenor's compensation time should clearly be shown as full time (charged at half rate). The claim is unclear in its present form and we are unable to discern whether the intervenor properly applied the "half-time" or not.

6.3.6. A W.I.S.H.'s Hourly Rates

We next take into consideration whether the claimed hourly rates by A W.I.S.H. are comparable to the market rates paid to advocates and experts having comparable training and experience and offering similar services.

6.3.6.1. Susan Brown, Attorney

A W.I.S.H. seeks an hourly rate of \$400 for Brown for her 2007 work in this proceeding, majority of which occurred in 2007. In D.08-05-015, this rate was adopted for Brown's 2007 work and we utilize it here for all her hours claimed.

6.3.6.2. Michael Karp, Founder and CEO of A W.I.S.H.

A W.I.S.H. seeks an hourly rate of \$290 for Karp for his work in this proceeding, majority of which occurred in 2007. In D.08-05-015, we adopted his 2007 hourly rate of \$200. A W.I.S.H. has not shown any evidence that justifies an increase in his hourly rate since D.08-05-015. Thus, we utilize the previously adopted 2007 hourly rate of \$200 for Karp here for all his hours claimed.

6.3.6.3. Chuck Eberdt, Expert

A W.I.S.H. seeks an hourly rate of \$150 for Eberdt for his 2007 work in this proceeding, majority of which occurred in 2007. In D.08-05-015, this rate was adopted for Eberdt's 2007 work and we utilize it here for all his hours claimed.

6.3.7. A W.I.S.H.'s Expenses are Unreasonable

A W.I.S.H.'s expenses of \$1,601.04 listed in the summary presented above includes parking and travel claims. Without further explanation, we can not discern whether such expense is compensable and was a reasonably necessary expense. Generally, routine travel claims including parking expenses are not compensable. A W.I.S.H. claims \$65 for parking and \$1,601.04 in travel which includes:

1. 5/16 - Karp trip to and from Seattle to San Francisco for meeting with Commissioner Grueneich (\$259.80 airfare and \$421.80 in three nights hotel stay);
2. 6/5 - Karp trip to and from Seattle to San Francisco for "service provider mtg.," (\$532.20 airfare); and
3. 8/26 & 10/12 - Brown commuting expense (\$14.40 train fare & \$20 taxi fare).

Both the parking claim and travel claim are improper because they are routine commuting expenses for which we do not generally provide compensation. There is nothing in the record to show that these claims are anything other than routine commuting expense. In addition, there is nothing in the record which suggests that Karp was a unique expert who aided the proceeding by his personal presence in San Francisco on the two above occasions he claims travel expense. Lastly, Karp's May 16th travel claim is attributed to one meeting with the Commissioner with three nights' hotel stay, which suggests that the real purpose of that trip was something other than that one meeting with the Commissioner. For all those reasons, the parking and travel claims are disallowed.

7. Productivity

In D.98-04-059, the Commission adopted a requirement that a customer must demonstrate that its participation was "productive," as that term is used in § 1801.3, where the Legislature gave the Commission guidance on program administration. (See D.98-04-059, mimeo. at 31-33, and Finding of Fact 42.) In that decision, we discuss the requirement that participation must be productive in the sense that the costs of participation should bear a reasonable relationship to the benefits realized through such participation. Customers are directed to demonstrate productivity by assigning a reasonable dollar value to the benefits

of their participation to ratepayers. This exercise assists us in determining the reasonableness of the request and in avoiding unproductive participation.

Quantification of benefits is often difficult in rulemaking proceedings, and this proceeding is no exception. Nevertheless, there are qualitative observations we can make that demonstrate the general level of effort by intervenors in this proceeding was justifiable and productive.

D.07-12-051 updated and expanded our policy direction for LIEE programs. It was also a companion decision to D.07-10-032 which set the stage for the next generation of energy efficiency in California. In sum, D.07-12-051 established a new course for LIEE programs in California by adopting a new set policies and program guidance. As such, this proceeding will affect millions of customers and we greatly benefited from getting different expertise, recommendations, ideas, and perspectives, as to both the range of issues and added value of full and thoughtful deliberative public process.

Turning now to the particular showings by the claimants, we find DisabRA's, Greenlining's, and A W.I.S.H.'s respective participation to be generally productive in that the hours and costs each claims for its participation were less than the overall benefits realized.

As noted by DisabRA, its participation was helpful and while it did not prevail on every issue, DisabRA offered many policy proposals that we adopted that served the unique needs of the disabled and low-income customers.

We similarly find Greenlining's and A W.I.S.H.'s participation productive. As noted by Greenlining and A W.I.S.H., we adopted a number of their respective proposals, recommendations, positions, etc. While Greenlining and A W.I.S.H. did not prevail on every issue they advocated for, both were highly successful and helpful during the proceeding. In addition, we find that their

active participation benefited ratepayers by overall shaping and directing of a thorough and meaningful public policy debate, leading to the establishment of key policies. We also find that Greenlining's and A W.I.S.H.'s participation benefited the ratepayers by raising a multitude of significant issues and affecting the discussion such that a full record is developed here.

We, therefore, find that Greenlining's and A W.I.S.H.'s efforts were productive in yielding a number of significant, quantifiable, and less quantifiable benefits to the ratepayers by its active role leading to the D.07-12-051. We also find that the benefits of their respective participation generally outweigh the costs.

8. Award

8.1. DisabRA's Award

As set forth in the table below, we award DisabRA \$26,486.12:

Work on Proceeding				
Attorney/Staff	Year	Hours	Hourly Rate	Total
Melissa Kasnitz	2007-2008	22.7	\$390	\$ 8,853.00
Mary-Lee Kimber	2007-2008	79.3	\$190	\$15,067.00
Law Clerks	2007-2008	12.3	\$100	\$ 1,230.00
Subtotal:				\$25,150.00
Reduced by	Reduced by 5%			\$23,892.50

Preparation of NOI and Compensation Request				
Attorney/Staff	Year	Hours	Hourly Rate	Total
Melissa Kasnitz	2007-2008	2.4	\$195 (50%)	\$ 468.00
Mary-Lee Kimber	2007-2008	19.7	\$ 95 (50%)	\$ 1,871.50
Law Clerks	2007-2008	2.5	\$ 50 (50%)	\$ 125.00
Subtotal of Compensation				
(on NOI and Compensation Request):				\$ 2,464.50

Expense Request			
Photocopying	--	\$	100.00
Postage & Delivery	--	\$	6.54
Telephone & Fax	--	\$	22.58
Subtotal of Expense:		\$	129.12
Total Award		\$	26,486.12

8.2. Greenlining's Award

As set forth in the table below, we award Greenlining \$106,724.25, as follows:

Work on Proceeding				
Attorney/Staff	Year	Hours	Hourly Rate	Total
Robert Gnaizda	2007	140.5	\$520	\$ 73,060.00
Thalia N.C. Gonzales	2007 & 2008	124.50	\$195	\$ 24,277.50
Jesse W. Raskin	2007 & 2008	93	\$100	\$ 9,300.00
Mark Rutledge	2007	70.75	\$110	\$ 7,782.50
Bobak Roshan	2007	21.25	\$110	\$ 2,337.50
Farida Ali	2007	8.75	\$100	\$ 875.00
Subtotal:				\$117,632.50
Minus 10%				\$105,869.25

Preparation of NOI and Compensation Request

Attorney/Expert	Year	Hours	Hourly Rate	Total
Thalia N.C. Gonzales	2007	6	\$195 (50%)	\$ 585.00
Jesse W. Raskin	2008	5	\$100 (50%)	\$ 250.00
Subtotal of Compensation (on NOI and Compensation Request):				\$ 835.00

Expense Request

Direct Expense	--			Disallowed
Postage Costs	--			\$ 20.00
Subtotal of Expense:				\$ 20.00
Total Award				\$106,724.25

8.3. A W.I.S.H.'s Award

As set forth in the table below, we award A W.I.S.H. \$118,691.14 as follows:

Work on Proceeding

Attorney/Staff	Year	Hours	Hourly Rate	Total
Susan E. Brown	2007	218.28	\$400	\$ 87,312.00
Michael Karp	2007	180.75* Hrs reduced	\$200	\$ 36,150.00
Chuck Eberdt	2007	22.50	\$150	\$ 3,375.00
Subtotal:				\$126,837.00

Preparation of NOI and Compensation Request

Attorney/Expert	Year	Hours	Hourly Rate	Total
Susan Brown	2007	16.5	\$400 (50%)	\$ 3,300.00
Michel Karp	2007	9.5	\$200 (50%)	\$ 950.00
Subtotal of Compensation (on NOI and Compensation Request):				\$ 4,250.00

Expense Request

Copying	--	\$ 147.83
Parking	--	disallowed
Supplies	--	\$ 140.01
Travel	--	disallowed
Subtotal of Expense:		\$ 287.00
Total Requested Compensation		\$ 131,374.84

CALCULATION OF A W.I.S.H.'s FINAL AWARD

Work on Proceeding	\$ 126,837.00
NOI and Compensation Request Preparation	\$ 4,250.00
Expenses	\$ 287.00
10% reduction on work on proceeding	\$ - 12,683.70
TOTAL AWARD	\$ 118,691.14

Consistent with previous Commission decisions, we order that interest be paid on the award amount (at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release H.15) commencing on May 7, 2008, the 75th day after DisabRA and Greenlining filed their compensation requests, and May 5, 2008, the 75th day after A W.I.S.H. filed its compensation request and continuing until full payment of the award is made to each.

We direct PG&E, SDG&E, SoCalGas, and SCE to allocate payment responsibility among themselves based upon their California-jurisdictional gas and electric revenues for the 2007 calendar year, to reflect the year in which the proceeding was primarily litigated.

We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. DisabRA's, Greenlining, and A W.I.S.H.'s records should identify specific issues for which they requested 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.

9. Waiver of Comment Period

This is an intervenor compensation matter. Accordingly, as provided by Rule 14.6(c)(6), we waive the otherwise applicable 30-day public review and comment period for this decision.

10. Assignment of Proceeding

Commissioner Dian M. Grueneich is the assigned Commissioner and Kimberly Kim is the assigned ALJ in this proceeding.

Findings of Fact

1. DisabRA has satisfied all the procedural requirements necessary to claim compensation in this proceeding.
2. DisabRA made a substantial contribution to the underlying proceeding leading to D.07-12-051 as described herein.
3. DisabRA requested hourly rates for its representatives that are reasonable when compared to the market rates for persons with similar training and experience.
4. DisabRA requested expenses that are unreasonable, unjustified, improper, and/or not commensurate with the work performed, and therefore the award was reduced accordingly.
5. DisabRA's award reflects all reductions and adjustments as discussed in this decision.
6. The total of the reasonable compensation for DisabRA is \$26,486.12.
7. Greenlining has satisfied all the procedural requirements necessary to claim compensation in this proceeding.

8. Greenlining made a substantial contribution to the underlying proceeding leading to D.07-12-051 as described herein.

9. Greenlining requested hourly rates for certain of its representatives that are not reasonable when compared to the market rates for persons with similar training and experience; thus, we adopted reasonable hourly rates where appropriate.

10. Greenlining requested expenses that are unreasonable, unjustified, improper, and/or not commensurate with the work performed, and therefore the award was reduced accordingly.

11. Greenlining's award reflects all reductions and adjustments as discussed in this decision.

12. The total of the reasonable compensation for Greenlining is \$106,724.25.

13. A W.I.S.H. has satisfied all the procedural requirements necessary to claim compensation in this proceeding.

14. A W.I.S.H. made a substantial contribution to the underlying proceeding leading to D.07-12-051 as described herein.

15. A W.I.S.H. requested hourly rates for certain of its representatives that are not reasonable when compared to the market rates for persons with similar training and experience; thus, we adopted reasonable hourly rates where appropriate.

16. A W.I.S.H. requested expenses that are unreasonable, unjustified, improper, and/or not commensurate with the work performed, and therefore the award was reduced accordingly.

17. A W.I.S.H.'s award reflects reduction and adjustments as discussed in this decision.

18. The total of the reasonable compensation for A W.I.S.H. is \$118,691.14.

19. The appendix to this decision summarizes today's award.

Conclusions of Law

1. DisabRA has fulfilled the requirements of §§ 1801-1812, which govern awards of intervenor compensation, and is entitled to intervenor compensation for its claimed expenses, as adjusted herein, incurred in making substantial contributions to D.07-12-051.

2. DisabRA should be awarded \$26,486.12 for its contribution to D.07-12-051.

3. Greenlining has fulfilled the requirements of §§ 1801-1812, which govern awards of intervenor compensation, and is entitled to intervenor compensation for its claimed expenses, as adjusted herein, incurred in making substantial contributions to D.07-12-051.

4. Greenlining should be awarded \$106,724.25 for its contribution to D.07-12-051.

5. A W.I.S.H. has fulfilled the requirements of §§ 1801-1812, which govern awards of intervenor compensation, and is entitled to intervenor compensation for its claimed expenses, as adjusted herein, incurred in making substantial contributions to D.07-12-051.

6. A W.I.S.H. should be awarded \$118,691.14 for its contribution to D.07-12-51.

7. This order should be effective today so that DisabRA, Greenlining, and A W.I.S.H. may be compensated without further delay.

O R D E R

IT IS ORDERED that:

1. Disability Rights Advocates (DisabRA) is awarded \$26,486.12, Greenlining Institute (Greenlining) is awarded \$106,724.25 and A World Institute for a

Sustainable Humanity (A W.I.S.H.) is awarded \$118,691.14, as their respective compensation for substantial contributions to Decision 07-12-051.

Within 30 days of the effective date of this decision, Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), Southern California Gas Company (SoCalGas), and Southern California Edison Company (SCE) shall pay DisabRA, Greenlining and A W.I.S.H. their respective shares of the award. We direct PG&E, SDG&E, SoCalGas, and SCE to allocate payment responsibility among themselves, based on their California-jurisdictional gas and electric revenues for the 2007 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning May 7, 2008, the 75th day after DisabRA and Greenlining filed their compensation requests, and May 5, 2008, the 75th day after A W.I.S.H. filed its compensation request and continuing until full payment of the award is made to each.

2. Rulemaking 07-01-042 and Application 07-05-010 are closed.

This order is effective today.

Dated March 26, 2009, at San Francisco, California.

MICHAEL R. PEEVEY

President

DIAN M. GRUENEICH

JOHN A. BOHN

RACHELLE B. CHONG

TIMOTHY ALAN SIMON

Commissioners

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:	D0903042	Modifies Decision? No
Contribution Decision(s):	D0712051	
Proceeding(s):	OIR070142, A0705010	
Author:	ALJ Kim	
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company, Southern California Edison Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Disability Rights Advocates	2/22/08	\$30,069.12	\$26,486.12		Excessive hours; disallowed expense
Greenlining Institute	2/22/08	\$137,475.00	\$106,724.25		Excessive hourly rates; inefficiency; math error; and lack of documentation
A World Institute for a Sustainable Humanity	2/19/08	\$155,560.09	\$118,691.14		Excessive hourly rates; disallowed expense; inefficiency

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Melissa	Kasnitz	Attorney	Disability Rights Advocates	2007	\$390	\$390
Mary-Lee	Kimber	Attorney	Disability Rights Advocates	2007	\$190	\$190
Paralegal/ Law Clerk	--	--	Disability Rights Advocates	2007	\$100	\$100
Robert	Gnaizda	Policy Expert	Greenlining Institute	2007	\$520	\$520
Thalia	Gonzalez	Attorney	Greenlining Institute	2007	\$195	\$195
Jesse	Raskin	Law Clerk/Paralegal	Greenlining Institute	2007	\$190	\$100
Mark	Rutledge	Attorney	Greenlining Institute	2007	\$110	\$110
Bobak	Roshan	Law Clerk/Paralegal	Greenlining Institute	2007	\$180	\$100
Farida	Ali	Law Clerk/Paralegal	Greenlining Institute	2007	\$150	\$100
Susan	Brown	Attorney	A World Institute for a Sustainable Humanity	2007	\$400	\$400
Michael	Karp	Policy Expert	A World Institute for a Sustainable Humanity	2007	\$290	\$200
Chuck	Eberdt	Policy Expert	A World Institute for a Sustainable Humanity	2007	\$150	\$150

(END OF APPENDIX)