

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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Order Instituting Rulemaking on the Commission's Own Motion to address the issue of customers' electric and natural gas service disconnection.	Rulemaking 10-02-005 (filed February 4, 2010)
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**INTERVENOR COMPENSATION CLAIM OF THE NATIONAL CONSUMER LAW CENTER
AND DECISION ON INTERVENOR COMPENSATION CLAIM OF THE NATIONAL CONSUMER LAW CENTER**

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Claimant: National Consumer Law Center	For contribution to D. 12-03-054 and D. 11-12-028
Claimed (\$): 52,924.98	Awarded (\$):
Assigned Commissioner: Commissioner Mike Florio	Assigned ALJ: ALJ Maryam Ebke
I hereby certify that the information I have set forth in Parts I, II, and III of this Claim is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this Claim has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).	
Signature:	/s/ Darlene R. Wong
Date: 5/18/2012	Printed Name: Darlene R. Wong

PART I: PROCEDURAL ISSUES (to be completed by Claimant except where indicated)

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A. Brief Description of Decision:	<p>The decision at D.12-03-054 finds that the disconnection problem continues to warrant the Commission's attention and concern. The Commission ordered, among other things that:</p> <ul style="list-style-type: none"> (1) The utilities shall offer the option of live CARE enrollment and this protection is permanent; (2) PG&E and SCE utility representatives shall perform on-site visits within 48 hours of, or at the time of remote disconnection, to protect vulnerable or sensitive customers; (3) The requirement of a site-visit before remote disconnection is a permanent provision; (4) Customers who have filed bankruptcy should not be categorized as customers involved in fraud or
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	<p>bad check writing who are excepted from applicable deposit waivers;</p> <p>(5) Continuation of the in-field payment collection requirement of D.10-07-048, which does not require a cash deposit;</p> <p>(6) Utilities should allow customer choice in billing date, to the extent billing systems allow;</p> <p>(7) Benchmarks coupled with disconnection practice requirements were established to serve as incentives for lowering disconnections for each utility; and</p> <p>(8) Utilities must continue to inform customers, with arrearages that place them at risk of disconnection, of a right to a bill payment plan of at least three months.</p>
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B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

	Claimant	CPUC Verified	
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):			
4	1. Date of Prehearing Conference:	N/A	
	2. Other Specified Date for NOI:	3/8/2010	
	3. Date NOI Filed:	3/5/2010	
	4. Was the NOI timely filed?		
Showing of customer or customer-related status (§ 1802(b)):			
5	5. Based on ALJ ruling issued in proceeding number:	R.10-02-005	
	6. Date of ALJ ruling:	April 1, 2010	
	7. Based on another CPUC determination (specify):		
	8. Has the Claimant demonstrated customer or customer-related status?		
Showing of "significant financial hardship" (§ 1802(g)):			
6	9. Based on ALJ ruling issued in proceeding number:	R.10-02-005	
	10. Date of ALJ ruling:	April 1, 2010	
	11. Based on another CPUC determination (specify):		
12.	12. Has the Claimant demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):			

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13. Identify Final Decision:	D.12-03-054	
14. Date of Issuance of Final Order or Decision:	March 22, 2012	
15. File date of compensation request:	May 18, 2012	
16. Was the request for compensation timely?		

C. Additional Comments on Part I (use line reference # as appropriate):

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#	Claimant	CPUC	Comment

PART II: SUBSTANTIAL CONTRIBUTION (to be completed by Claimant except where indicated)

A. In the fields below, describe in a concise manner Claimant’s contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059). (For each contribution, support with specific reference to the record.)

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Contribution	Specific References to Claimant’s Presentations and to Decision ¹	Showing Accepted by CPUC
1. NCLC demonstrated that measures to reduce disconnections should be aimed at presenting at-risk customers with all available options to prevent disconnection.	D. 12-03-054 at 14 (key to reducing disconnections is to ensure at-risk customers have full information and opportunity to act preventatively) NCLC 2011 Comments at 5-9 (maximizing at-risk customer ability pay with combination of all available assistance programs is key to reducing disconnections)	
2. NCLC demonstrated that the affordability gap in California is real and requires continuing the Commission’s intervention beyond the interim measures adopted in D.10-07-048.	D.12-03-054 at 14 (finding disconnection problem continues to warrant Commission’s attention and concern), 16 (agreeing that “the affordability gap is a very significant underlying cause of higher rates of CARE	

¹ The National Consumer Law Center (“NCLC”) Comments referenced in this filing are those from Phase II of this proceeding. They are: (1) Comments filed on September 15, 2010 (“NCLC 2010 Comments”); (2) Reply Comments filed on September 24, 2010 (“NCLC 2010 Reply Comments”); (3) Comments filed on May 20, 2011 (“NCLC 2011 Comments”); (4) Reply Comments filed on May 31, 2011 (“NCLC 2011 Reply Comments”); (5) Comments of the Utility Reform Network, the Center for Accessible Technology, the Greenlining Institute, and the NCLC filed on January 30, 2012 (“Consumer Group 2012 Comments”); and (6) Reply Comments filed February 6, 2012 (“NCLC 2012 Reply Comments”).

	<p>disconnections”) and 53 (Finding of Fact No. 6 noting difficult economic conditions and continued financial hardship in this time)</p> <p>NCLC 2011 Comments at 3-4 (explaining affordability gap), 5-9 (arguing for need for additional, new customer assistance programs beyond CARE)</p>	
<p>3. NCLC demonstrated that live CSR enrollments of customers is necessary because it provides a customer benefit not available through automated enrollment</p>	<p>D.12-03-054 at 21-22 (ordering PG&E to have CSRs offer option of live CARE enrollment), 50 (Finding of Fact No. 6), 56 (Ordering Paragraph No. 2i)</p> <p>NCLC 2011 Reply Comments at 1 (PG&E’s automated enrollment is inconsistent with expectation that CSRs offer all available customer assistance programs), 2 (some customers may not be able to successfully enroll via auto-enrollment)</p>	
<p>4. NCLC demonstrated that in-person visits before remote disconnection are not cost-prohibitive.</p>	<p>D.12-03-054 at 29-30 (possible to take advantage of remote disconnection cost savings at the same time as requiring site visits for vulnerable or sensitive customers before remote disconnection)</p> <p>NCLC 2012 Reply Comments at 4 (disconnection performed after a site visit can still be done remotely)</p> <p>Consumer Group 2012 Comments at 8 (citing NCLC Phase II Comments on cost); See Attachment 2 (NCLC Timeslips dated 1/20/2012, 1/25/2012, 1/27/2012, 1/28/2012, 1/30/2012 and coded REM)</p> <p>NCLC 2011 Reply Comments at 3-4 (explaining that in-person site visit before remote disconnection would not add to current costs)</p>	

	<p>NCLC 2010 Reply Comments at 4-5 (even with cost of a site visit before disconnection to sensitive customers, overall savings is likely due to size of larger customer base that will generate remote disconnection and reconnection savings)</p> <p>NCLC 2010 Comments at 7-8 (current practice of another utility of identifying specific, vulnerable customers groups for special protection implies cost effectiveness)</p>	
<p>5. NCLC demonstrated that an in-person site visit within the 48 hours prior to remote disconnection should be required</p>	<p>D.12-03-054 at 29 (requiring on-site visits by utility representatives to protect vulnerable or sensitive customers within 48 hours or at time of disconnection)</p> <p>NCLC 2011 Reply Comments at 3-4 (recommending 48 hour in-person notice)</p> <p>NCLC 2011 Comments at 10 (in-person contact within 48 hours before disconnection should be adopted)</p>	
<p>6. NCLC demonstrated that the definition of “Sensitive Customers” should include the seriously ill and those for whom disconnection presents a life-threatening condition.</p>	<p>D.12-03-054 at 30 (expanding definition of vulnerable customers to those who certify they have a serious illness or life-threatening condition upon disconnection).</p> <p>NCLC 2012 Reply Comments at 1-4. Consumer Group 2012 Comments at 8 (citing to NCLC Phase II Comments regarding health and safety risks of disconnection); <i>See</i> Attachment 2 (NCLC 2012 timeslips dated 1/20, 1/25, 1/27, 1/28, 1/30 and coded REM)</p> <p>NCLC 2011 Comments at 10 (recommending no remote disconnection for vulnerable groups including seriously ill or those whose condition could become life-</p>	

	<p>threatening)</p> <p>NCLC 2010 Comments at 5-7 (describing examples of special protections in Massachusetts, Hawaii, Arizona, and California for vulnerable populations of the elderly, disabled, and households where a fulltime resident has a serious illness)</p>	
<p>7. NCLC demonstrated that the in-person site visit before remote disconnection should be extended beyond Medical Baseline and Life Support customers to also include other Sensitive Customers.</p>	<p>D.12-03-054 at 51 (Finding of Fact No. 10: not every disabled individual is enrolled in Medical Baseline), 53 (Conclusion of Law No. 5), 55 (Ordering Paragraph No. 2b)</p> <p>NCLC 2012 Reply Comments at 1-4</p>	
<p>8. NCLC demonstrated that “self-certification” by customers of serious illness and life-threatening conditions could be adopted as a process.</p>	<p>D.12-03-054 at 30 (customers may “self-certify” illness or life-threatening condition) and 53 (Conclusion of Law No. 5)</p> <p>NCLC 2011 Comments at 10 (recommending no remote disconnection for “self-identified” vulnerable groups, including the seriously ill or those with a life-threatening condition upon disconnection)</p>	
<p>9. NCLC demonstrated that minimum standards should be adopted for remote disconnections.</p>	<p>D.12-03-054 at 30-31 (utilities should evaluate whether it is appropriate to broaden remote disconnection in-person visit beyond minimum requirements of this Order)</p> <p>Consumer Group 2012 Comments at 8-9 (urging adoption of updated uniform disconnection protocol under Section 394.4(b) because a change in disconnection technology should not penalize customers with lesser protection than experienced under a manual disconnection protocol); <i>See</i> Attachment 2 (NCLC 2012 Timeslips dated 1/20, 1/25, 1/27, 1/28, 1/30 and coded REM)</p>	

	NCLC 2011 Comments at 9-10 (remote disconnection customers should receive no less protection than manually disconnected customers)	
10. NCLC demonstrated that gas service should not be remotely disconnected	D.12-03-054 at 31 NCLC 2011 Comments at 10 (recommending no remote disconnection of gas service)	
11. NCLC demonstrated that the in-person visit from a field representative for vulnerable customers before remote disconnection should be permanent (i.e., not contingent on meeting benchmarks).	D.12-03-054 at 40 (pre-disconnection site visit by field representative for vulnerable customers will be exception to benchmark plan's sunset provision) Consumer Group 2012 Comments at 11 (Proposed Decision's discussion on benchmarks should be clarified to ensure vulnerable customers always receive a site visit before remote disconnection); <i>See</i> Attachment 2 (NCLC Timeslips dated 1/25/2012, 1/28/2012, and 1/31/2012, coded BENCH)	
12. NCLC demonstrated that the live enrollment option for CARE should be permanent (i.e., not contingent on meeting benchmarks)	D.12-03-054 at 40-41 (live enrollment in CARE program will be in effect permanently) and 52 (Conclusion of Law No. 3) Consumer Group 2012 Comments at 10-11 (PD decision on benchmarks should be clarified to ensure that live discussion with CSR is always available); <i>See</i> Attachment 2 (NCLC Timeslips dated 1/25/2012, 1/28/2012, and 1/31/2012, coded BENCH) NCLC 2011 Reply Comments at 1-2 (live CSRs can offer assistance not available through automated enrollment)	
13. NCLC demonstrated that bankruptcy	D.12-03-54 at 45-46 (concurring with	

<p>customers should not be discriminated against in application of waiver of deposit provisions</p>	<p>NCLC that customers who have filed bankruptcy should not be categorized as customers involved in fraud or bad check writing who are excepted from applicable deposit waivers), 52 & 54 (Finding of Fact No. 22 & Conclusion of Law No. 9) and 57 (Ordering Paragraph 3 excludes bankruptcy customers from groups excepted from waiver of deposit requirement)</p> <p>NCLC 2010 Reply Comments at 3-4 (distinguishing those in bankruptcy from those involved in fraud or bad check writing and explaining federal prohibition against discrimination against bankruptcy customers)</p>	
<p>14. NCLC demonstrated that a field representative must be able to provide means to collect on a bill during in-person visit prior to disconnection</p>	<p>D.12-03-054 at 48-49 (continuing in-field payment collection requirement of D.10-07-048), 55 (Ordering Paragraph Nos. 2d, 2e, & 2h)</p> <p>NCLC 2011 Comments at 11 (on-site visit should be by representative trained to take payment)</p>	
<p>15. NCLC demonstrated that a choice-in-billing-date option should be offered, even if on a limited basis.</p>	<p>D.12-03-054 at 36 (urging utilities to allow customer choice in billing date, to the extent billing systems allow), 59 (Ordering Paragraph No. 6(b))</p> <p>NCLC 2011 Reply Comments at 4-5 (PG&E should offer choice in billing date, within operational capacity to at-risk customers)</p> <p>NCLC 2011 Comments at 11-13 (citing to models in Oregon, Arizona, Wisconsin and Pennsylvania to support recommendation for choice in billing date pilot program)</p> <p>NCLC 2010 Reply Comments at 1-2 (PG&E presently accommodates customer</p>	

	<p>requests for choice in billing date when operational capacity is not exceeded), 3 (recommending a pilot program for a portion of PG&E and SCE’s service territories).</p> <p>NCLC 2010 Comments at 2-4 (describing choice of billing date models in Louisiana and Oregon)</p>	
<p>16. NCLC contributed to the Commission’s enjoining SCE from beginning remote disconnections under its own protocol. NCLC first identified the issue as a cause of customer confusion while these proceedings are ongoing and collaborated with the Consumer Group so that a motion would be filed, accordingly.</p>	<p>D.11-12-028 at 4-5 (affirming Oct. 14, 2011 ruling to temporarily suspend SCE’s implementation of remote disconnection without first conducting a field visit).</p> <p>See Attachment 2, NCLC’s Timeslip entries dated 8/19/2011, 8/24/2011, & 9/2/2011 and coded REM.</p>	

B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

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	Claimant	CPUC Verified
<p>a. Was the Division of Ratepayer Advocates (DRA) a party to the proceeding?</p>	Yes	
<p>b. Were there other parties to the proceeding with positions similar to yours?</p>	Yes	
<p>c. If so, provide name of other parties: Center for Accessible Technology, The Greenlining Institute, and The Utility Reform Network (collectively with NCLC, “Consumer Group”) were parties that shared positions similar to NCLC’s positions.</p> <p>Other parties to the proceeding were Pacific Gas and Electric Company (“PG&E”), San Diego Gas and Electric Company (SDG&E), Southern California Gas Company (“SoCalGas”), Southern California Edison Company (“SCE”). SDG&E and SoCalGas settled their issues in Phase I of this proceeding. PG&E and SCE were active in Phase II of this proceeding that is covered by the instant filing, but their positions were generally not similar to those of NCLC.</p>		
<p>d. Describe how you coordinated with DRA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:</p>		

Throughout these proceedings, NCLC has remained engaged and cooperative with DRA and the Consumer Group. NCLC collaborated closely with DRA and the Consumer Group to avoid duplication of effort. The Consumer Group maintained a line of communication with DRA, and negotiated with the utilities at times individually, through DRA, and as a group as necessary. NCLC cooperated in planning joint strategy with DRA and the Consumer Group on settlement negotiations, the filing of comments, and submitting other pleadings and petitions to the Commission.

The Consumer Group made formal and informal assignments of lead roles for particular issues. For example, in preparing Consumer Group 2012 Comments (filed Jan. 30, 2012), NCLC took the lead on drafting the sections of the Joint Comments that addressed (1) a remote disconnections protocol, (2) benchmarks, and (3) clarification that the obligations of requiring live CSR contact and an in-person visit before remote disconnection are independent of whether benchmarks are met.

Similarly, duplication of efforts was avoided by the Consumer Group agreeing to individually focus on particular issues in 2012 Reply Comments. While members of the Consumer Group generally agreed on positions, duplication of efforts was avoided because the NCLC 2012 Reply Comments focused only on extending to additional sensitive customers the protection of a site visit before remote disconnection, while CforAT, Greenlining and TURN each focused on their individually assigned issues of notice, filed collection, benchmarks and costs.

Additionally, although NCLC lacked resources to file a motion, NCLC shared with the Consumer Group the gathering of information, communication, and strategy in identifying an issue as possible grounds for Consumer Groups to contest – *i.e.*, SCE’s planned roll-out of remote disconnections under its own protocol while these proceedings were ongoing. Consumer Group discussions led to the filing of TURN’s September 29, 2011 motion and Responses by Greenlining and DRA in support. The Commission issued a ruling granting the motion and enjoining SCE from conducting remote disconnections without a site visit

NCLC drew upon its unique experience and expertise as a national consumer organization while cooperating with the Consumer Group. In these proceedings, NCLC has taken the lead on the issues of models/best practices from other states, remote disconnections, payment arrangements, extreme weather protections, and protection against discrimination for consumers in bankruptcy. NCLC has also contributed its resources in this proceeding to make substantial contributions regarding data reporting, customer outreach, and the counterproductive effect of assessing monetary penalties through late payment fees and imposing credit deposit requirements against already payment-troubled customers. NCLC provided some analysis on other issues as well.

C. Additional Comments on Part II (use line reference # or letter as appropriate):

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#	Claimant	CPUC	Comment

PART III: REASONABLENESS OF REQUESTED COMPENSATION (to be completed by Claimant except where indicated)

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

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a. Concise explanation as to how the cost of Claimant's participation bears a reasonable relationship with benefits realized through participation (include references to record, where appropriate)

CPUC Verified

This has been a very complicated docket with numerous parties negotiating their respective positions in Settlement, alongside their submissions of written comments and reply comments. NCLC was efficient with its case management. While it was necessary to stay abreast of the developments of all issues in order to determine if low-income consumer interests were being harmed, NCLC's primary focus was on national models/best practices, and issues of remote disconnections, payment plans, data collection/reporting requirements, extreme weather and bankruptcy consumer protection issues.

The benefits of NCLC's participation as one of the Consumer Group parties has been realized in this proceeding where NCLC's knowledge of best practice consumer protections in other jurisdictions and related research were called upon, and used in developing arguments that contributed to the Commission's ultimate decision(s). For remote disconnections, greater protections have been established as "sensitive customers" have been enlarged beyond Medical Baseline and Life Support customers to include those who are seriously ill and/or those for who would suffer a life-threatening condition upon disconnection. Also, an in-person visit in the 48 hours prior to remote disconnection is required for these vulnerable customer groups. Regarding payment plans, NCLC's comments regarding choice-in-billing date contributed to the Commission's declaration that utilities should offer this option within their operational capacity. For consumers in bankruptcy, NCLC's arguments contributed to the Commission's determination that bankruptcy customers should not be automatically excluded from waivers of re-establishment of deposit requirements, because bankruptcy customers are not the same as those who commit fraud.

NCLC's requests rates in this proceeding that are conservative and requests a conservative rate for its lead attorney, Darlene R. Wong. Attorney Wong's experience includes practicing from 2001 to 2009 as a consumer advocate at the Pennsylvania Office of Consumer Advocate which focused exclusively on regulatory utility matters. From 2009 to the present, as a member of NCLC's energy and utilities group, she has continued to focus the vast majority of her time on utility issues, both at state and national levels.

While it is difficult to assign a precise dollar value to the benefit to ratepayers from NCLC's participation, NCLC's efforts have contributed to additional Phase II consumer protections that did not exist before this proceeding, as described above. These provisions should help customers make payments and avoid economic costs and inconveniences of disconnection. Additionally as described above, care has been taken to share resources with other Consumer Groups in assignment of issues and participating in joint filings, thus avoiding duplication.

NCLC participated in meetings by teleconference, which also reduced participation costs that otherwise would have been incurred by travel.	
<p>b. Reasonableness of Hours Claimed.</p> <p>NCLC has documented in great detail the hours claimed in this filing and has drawn clear connections between the expenditure of its resources to the positive outcomes for consumers in this case. The time and effort NCLC has expended has directly resulted in a Commission Order with provisions that provide substantial benefits to customers that did not exist before NCLC's investment of time and resources in this case. Additionally, NCLC has voluntarily reduced the number of hours invested in this proceeding for which it is claiming compensation, by reducing the hours spent preparing this claim and excluding hours related to time coded as COST and SET, as explained in Attachment 5 (NCLC Time Allocation by Issue).</p>	
<p>c. Allocation of Hours by Issue</p> <p>See Attachment 5 (NCLC Time Allocation by Issue)</p>	

B. Specific Claim:

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CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours ²	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Darlene Wong	2010	27.75	\$300	D.11-10-042	8325.00			
Darlene Wong	2011	87.75	\$315	D.11-10-042, together with NCLC's first request of a 5% "step increase" (in the "8-12" years of experience compensation range) authorized by D.07-01-009 and ALJ-267. See Attachment	27641.25			

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² NCLC has voluntarily reduced Attorney Wong's hours by excluding all time coded as COST and SET with the result as follows: In 2010, a reduction of 1.0 hours for COST and 0.25 hours for SET; in 2011 a reduction of 8.75 hours for SET; in 2012, a reduction of 1.5 hours for SET. This accounts for all COST and SET time on NCLC's Timeslips.

				4 (Basis of Request for NCLC's Hourly Rates)					
Darlene Wong	2012	43	\$315	D.11-10-042, together with NCLC's first request of a 5% "step increase" (in the "8-12" years of experience compensation range) authorized by D.07-01-009 and ALJ-267. See Attachment 4 (Basis of Request for NCLC's Hourly Rates)	13545.00				
John Howat	2010	1.5	\$235	D.09-05-017	352.50				
John Howat	2011	1.5	\$235	D.09-05-017	352.50				
John Howat	2012	3.5	\$235	D.09-05-017	822.50				
Subtotal:					51,038.75	Subtotal:			
OTHER FEES									
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):									
	Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
15	[Person 1]			\$					
	[Person 2]								
	Subtotal:					0	Subtotal:		
INTERVENOR COMPENSATION CLAIM PREPARATION **									
	Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
16	Darlene Wong	2012	11.75	\$157.5	½ requested regular hourly rate. See Attachment 4.	1850.625			
	[Preparer 2]								
	Subtotal:					1,850.63	Subtotal:		
COSTS									
	#	Item	Detail			Amount	Amount		
17	1	Conference Call	NCLC hosted a 1.5 hour conference call on January 17, 2012 with			35.60			

		Consumer Groups to discuss issue-drafting assignments and coordinating efforts for Joint Comments in response to the Proposed Decision. See NCLC Timeslip dated 1/17/2012, coded COORD.		
		Subtotal:	35.60	Subtotal:
		TOTAL REQUEST \$:	52,924.98	TOTAL AWARD \$:

When entering items, type over bracketed text; add additional rows as necessary.

*If hourly rate based on CPUC decision, provide decision number; otherwise, attach rationale.

**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate.

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

18	Attachment or Comment #	Description/Comment																
	1	Certificate of Service																
	2	<p>Time Slips for NCLC's Attorneys and Expert Consultant</p> <p>The following is a key to the codes used in Attachments 2 and 5:</p> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">BANK/DEP</td> <td>Bankruptcy/Deposits - work related to bankruptcy, deposits, and other late payment penalties; application of protections and nondiscriminatory treatment of bankruptcy customers and other customers with arrearages of whom deposits or penalties are proposed to be assessed.</td> </tr> <tr> <td style="text-align: center;">BENCH</td> <td>Benchmarks - work related to creating an incentive in settlement for utilities to lower disconnection rate.</td> </tr> <tr> <td style="text-align: center;">COORD</td> <td>Coordination - work related to coordination with other parties; conference calls, emails and correspondence on joint strategy, joint filings, allocation of issues, etc.</td> </tr> <tr> <td style="text-align: center;">COST</td> <td>Cost recovery - work related to issue of recovery of costs associated with measures adopted in this proceeding to reduce disconnections.</td> </tr> <tr> <td style="text-align: center;">GP</td> <td>General Participation - work related to general participation/procedural/case management.</td> </tr> <tr> <td style="text-align: center;">MOD</td> <td>Models - work related to research and presenting existing models from other states on remote disconnections, payment plans, and other issues in this proceeding.</td> </tr> <tr> <td style="text-align: center;">OUT</td> <td>Outreach - work related to improving customer outreach and notice, particularly relating to remote disconnections and offering payment plans.</td> </tr> <tr> <td style="text-align: center;">PD</td> <td>Proposed Decision - work related to analysis, comments, coordination, and strategy pertaining to Proposed Decision's discussion of payment plans, deposits, outreach,</td> </tr> </table>	BANK/DEP	Bankruptcy/Deposits - work related to bankruptcy, deposits, and other late payment penalties; application of protections and nondiscriminatory treatment of bankruptcy customers and other customers with arrearages of whom deposits or penalties are proposed to be assessed.	BENCH	Benchmarks - work related to creating an incentive in settlement for utilities to lower disconnection rate.	COORD	Coordination - work related to coordination with other parties; conference calls, emails and correspondence on joint strategy, joint filings, allocation of issues, etc.	COST	Cost recovery - work related to issue of recovery of costs associated with measures adopted in this proceeding to reduce disconnections.	GP	General Participation - work related to general participation/procedural/case management.	MOD	Models - work related to research and presenting existing models from other states on remote disconnections, payment plans, and other issues in this proceeding.	OUT	Outreach - work related to improving customer outreach and notice, particularly relating to remote disconnections and offering payment plans.	PD	Proposed Decision - work related to analysis, comments, coordination, and strategy pertaining to Proposed Decision's discussion of payment plans, deposits, outreach,
BANK/DEP	Bankruptcy/Deposits - work related to bankruptcy, deposits, and other late payment penalties; application of protections and nondiscriminatory treatment of bankruptcy customers and other customers with arrearages of whom deposits or penalties are proposed to be assessed.																	
BENCH	Benchmarks - work related to creating an incentive in settlement for utilities to lower disconnection rate.																	
COORD	Coordination - work related to coordination with other parties; conference calls, emails and correspondence on joint strategy, joint filings, allocation of issues, etc.																	
COST	Cost recovery - work related to issue of recovery of costs associated with measures adopted in this proceeding to reduce disconnections.																	
GP	General Participation - work related to general participation/procedural/case management.																	
MOD	Models - work related to research and presenting existing models from other states on remote disconnections, payment plans, and other issues in this proceeding.																	
OUT	Outreach - work related to improving customer outreach and notice, particularly relating to remote disconnections and offering payment plans.																	
PD	Proposed Decision - work related to analysis, comments, coordination, and strategy pertaining to Proposed Decision's discussion of payment plans, deposits, outreach,																	

		remote disconnections, and data reporting when time spent was difficult to separate out into specific issue categories.	
	PP	Payment Plans - work related to advocacy for option of longer, renegotiated and/or more flexible payment plans that maximize customer ability to pay.	
	REM	Remote Disconnections - work related to establishing remote disconnection policies that include adequate consumer protection from premature or erroneous disconnection and ensure existing customer protections are not waived.	
	SET	Settlement - substantive work related to analysis, coordination, strategy, revisions and negotiations in settlement on issues such as payment plans, deposits, outreach, remote disconnections, and data reporting when exact time spent was difficult to separate out into specific issue categories. For these entries, estimated allocation of time spent on issues can be broken down as follows (rounded to the nearest whole percentage): BANK/DEP = 9%, COORD = 14%, DATA = 17%, MOD = 7%, OUT= 7%, PP = 26%, REM = 17%, WEA = 4%.	
	WEA	Weather - work related to establishing protections from disconnection during extreme weather.	
3	<p>Direct Expenses</p> <p>NCLC hosted a 1.5 hour conference call on January 17, 2012, with Consumer Groups, to discuss issue drafting assignments and coordinating efforts for Joint Comments in response to the Proposed Decision. <i>See</i> NCLC Timeslip dated 1/17/2012, coded COORD.</p>		
4	<p>Basis of Request for NCLC's Hourly Rates</p> <p>NCLC believes that it has provided sufficient support for the requested rate for Staff Attorney Darlene Wong and Senior Policy Analyst John Howat under the Commission's adopted practices. However, if the Commission has any questions or concerns about this request, NCLC respectfully requests that it be given an opportunity to answer any questions and provide further support to its claim.</p>		

5	NCLC Time Allocation by Issue <i>See description of Attachment 2 for applicable key to issue codes.</i>
6	Preparation of Compensation Claim
7	Verification

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

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#	Reason

PART IV: OPPOSITIONS AND COMMENTS

Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (see § 1804(c))

(CPUC completes the remainder of this form)

A. Opposition: Did any party oppose the Claim?	
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If so:

Party	Reason for Opposition	CPUC Disposition

B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(2)(6))?	
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If not:

Party	Comment	CPUC Disposition

FINDINGS OF FACT

1. Claimant [has/has not] made a substantial contribution to Decision (D.) _____.
2. The requested hourly rates for Claimant’s representatives [,as adjusted herein,] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses [,as adjusted herein,] are reasonable and commensurate with the work performed.
4. The total of reasonable contribution is \$_____.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, [satisfies/fails to satisfy] all requirements of Public Utilities Code §§ 1801-1812.

ORDER

1. Claimant is awarded \$_____.

2. Within 30 days of the effective date of this decision, _____ shall pay Claimant the total award. [for multiple utilities: “Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay Claimant their respective shares of the award, based on their California-jurisdictional [industry type, for example, electric] revenues for the ^ 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 _____, 200__, the 75th day after the filing of Claimant’s request, and continuing until full payment is made.
3. The comment period for today’s decision [is/is not] waived.
4. This decision is effective today.

Dated _____, at San Francisco, California.

Attachment 2
Timeslips for NCLC's Attorneys and Expert Consultant
(see Excel Spreadsheet, "NCLC Timeslips")

DATE	ATTORNEY/ EXPERT	TASK DESCRIPTION	HOURS	ISSUE/ACTIVITY
9/23/2010	DRW - Wong	draft Reply Comments on Phase 2 Scope: bankruptcy	2	BANK/DEP
9/24/2010	DRW - Wong	finalize Reply Comments on Phase 2 issues: bankruptcy	1	BANK/DEP
1/25/2012	DRW - Wong	Draft Comments on PD: benchmarks	0.50	BENCH
1/28/2012	DRW - Wong	Draft Comments on PD: benchmarks	1.00	BENCH
1/31/2012	DRW - Wong	Finalize comments on PD: benchmarks	0.50	BENCH
9/9/2010	DRW - Wong	review Greenlining letter on Phase 2 scoping memo, edit, sign-on	1	COORD
3/17/2011	DRW - Wong	coordinating conf. call to discuss DRA second Disconnection Report	1.00	COORD
5/6/2011	DRW - Wong	Conference call with Consumer Groups on Phase 2 Comments	0.75	COORD
5/6/2011	DRW - Wong	Prep for Conference call with Consumer Groups on Phase 2 Comments	0.25	COORD
5/16/2011	DRW - Wong	Share Comment Outline with Consumer Groups	0.50	COORD
1/17/2012	DRW - Wong	Host disconnections call with Consumer Groups	1.50	COORD
1/29/2012	DRW - Wong	Conference call with Consumer Groups on Comments on PD	0.50	COORD
2/23/2012	DRW - Wong	Teleconference with DRA, TURN, CforAT	0.50	COORD
2/28/2012	DRW - Wong	ex parte prep with Consumer Groups	1.00	COORD
2/29/2012	DRW - Wong	ex parte prep with Consumer groups	1.50	COORD
3/6/2012	DRW - Wong	ex parte prep with Cons. Groups	0.50	COORD
3/15/2012	DRW - Wong	ex parte scheduling	0.50	COORD
12/1/2010	DRW - Wong	Teleconf. WithDRA, TURN, DisabRA on allocation of	1.00	COST

		unused CARE funds		
8/27/2010	DRW - Wong	review ALJ ruling for Phase 2 Comments, email coordination with advocates	0.50	GP
9/13/2010	DRW - Wong	review and prep for Phase 2 Scoping Comments	1.75	GP
9/15/2010	DRW - Wong	review other parties' Phase 2 Scoping Comments	0.25	GP
9/16/2010	DRW - Wong	review other parties' Phase 2 Scoping Comments in preparing response	0.25	GP
9/30/2010	DRW - Wong	organize files	0.5	GP
9/30/2010	DRW - Wong	review Reply Comments on Phase 2	0.5	GP
5/5/2011	DRW - Wong	Review Order for Phase 2 Comments	3.00	GP
9/9/2011	DRW - Wong	Discuss how to add new party to settlement per CforAT request	0.25	GP
9/20/2011	DRW - Wong	Review proposal to add CforAT to Settlement	0.50	GP
9/20/2011	DRW - Wong	Review Sempra discovery discussing RSS rollout in context of upcoming CPUC order	0.50	GP
11/23/2011	DRW - Wong	Review CPUC Order extending Interim Order to 2012	0.50	GP
1/17/2012	DRW - Wong	Reivew monthly data reports	0.25	GP
1/19/2012	DRW - Wong	Review CforAT correspondence	0.50	GP
5/24/2012	DRW - Wong	Review parties Phase 2 comments	3.00	GP
5/6/2011	DRW - Wong	Research for monthly billing comments: other states	2.00	MOD
5/11/2011	DRW - Wong	Research for Phase 2 Comments: monthly billing in other states	5.50	MOD
5/11/2011	DRW - Wong	Research for Phase 2 Comments: sensitive customers/remote disconnections in other states	2.50	MOD
5/18/2011	DRW - Wong	Research choice of billing date models for Phase 2 draft comments	7.50	MOD
1/14/2011	DRW - Wong	review Sempra Settlement	0.50	OUT

		Implmentation Status Report and followup question re: notice		
5/24/2011	DRW - Wong	Review other parties' Phase 2 comments	0.25	OUT
5/26/2011	DRW - Wong	Outline reply comments (response to other parties' positions): automated enrollment	1.00	OUT
5/26/2011	DRW - Wong	Outline reply comments (response to other parties' positions): translated bills	0.25	OUT
5/26/2011	DRW - Wong	Prepare Reply Comment Outline: automated enrollment	1.50	OUT
5/27/2011	DRW - Wong	Draft Phase 2 Reply Comments: automated enrollment	4.50	OUT
5/31/2011	DRW - Wong	Edit Phase 2 draft Reply Comments: translated bills	1.00	OUT
5/31/2011	DRW - Wong	Edit Phase 2 draft Reply Comments: automated enrollment	1.00	OUT
11/15/2010	DRW - Wong	review Proposed Decision	0.25	PD
1/17/2012	DRW - Wong	Review PD	0.25	PD
1/19/2012	DRW - Wong	Review PD	0.50	PD
2/2/2012	DRW - Wong	Teleconference with DRA, TURN, CforAT on Reply Comments on PD	1.00	PD
2/27/2012	DRW - Wong	ex parte prep	2.50	PD
2/28/2012	DRW - Wong	internal strategy discussion for ex parte	1.50	PD
3/6/2012	DRW - Wong	ex parte with Cmmr. Peevey's office	1.00	PD
4/23/2012	DRW - Wong	ex parte with Jacqueline Clay in Cmmr. Sandoval's office	1.00	PD
9/14/2010	DRW - Wong	draft Phase 2 Scoping Comments: monthly billing date	3.75	PP
9/15/2010	DRW - Wong	draft and finalize Phase 2 Scoping Cmts: monthly billing date	3	PP
9/23/2010	DRW - Wong	draft Reply Comments on Phase 2 Scope: monthly billing date	2	PP
9/24/2010	DRW - Wong	finalize Reply Comments on	1	PP

		Phase 2 issues: monthly billing date		
5/16/2011	DRW - Wong	Draft Phase 2 Comment Outline: choice in billing	3.50	PP
5/16/2011	DRW - Wong	Draft Phase 2 Comment Outline: maximizing affordability/flexibility	3.50	PP
5/17/2011	DRW - Wong	draft Phase 2 Opening Comments: choice in billing	1.00	PP
5/17/2011	DRW - Wong	draft Phase 2 Opening Comments: maximizing affordability/flexibility	3.00	PP
5/19/2011	DRW - Wong	Research and draft Phase 2 comments: choice in billing	6.00	PP
5/19/2011	DRW - Wong	Research and draft Phase 2 comments: maximizing affordability/flexibility	6.00	PP
5/20/2011	DRW - Wong	Draft Phase 2 Comments: choice in billing	5.00	PP
5/23/2011	DRW - Wong	Draft and finalize Phase 2 Comments: choice in billing	2.50	PP
5/23/2011	DRW - Wong	Draft and finalize Phase 2 Comments: maximizing affordability/flexibility	2.50	PP
5/26/2011	DRW - Wong	Outline reply comments (response to other parties' positions): choice in billing	0.25	PP
5/26/2011	DRW - Wong	Prepare Reply Comment Outline: choice in billing	1.50	PP
5/27/2011	DRW - Wong	Draft Phase 2 Reply Comments: choice in billing	2.00	PP
5/31/2011	DRW - Wong	Edit Phase 2 draft Reply Comments: choice in billing	1.00	PP
9/14/2010	DRW - Wong	draft Phase 2 Scoping Comments: sensitive customer def for remote disconnection	3.75	REM
9/15/2010	DRW - Wong	draft and finalize Phase 2 Scoping Cmts: sensitive customers/remote disconnect	3.25	REM
9/23/2010	DRW - Wong	draft Reply Comments on Phase 2 Scope: sensitive customers/remote disconnect	2	REM
9/24/2010	DRW - Wong	finalize Reply Comments on Phase 2 issues: sensitive customers/ remote	1	REM

		disconnect		
5/16/2011	DRW - Wong	Draft Phase 2 Comment Outline: remote disconnections	3.50	REM
5/17/2011	DRW - Wong	draft Phase 2 Opening Comments: remote disconnections	2.00	REM
5/20/2011	DRW - Wong	Draft Phase 2 Comments: remote disconnections	2.00	REM
5/23/2011	DRW - Wong	Draft and finalize Phase 2 Comments: remote disconnections	0.50	REM
5/24/2011	DRW - Wong	Prepare Reply Comment Outline: remote disconnections	0.25	REM
5/26/2011	DRW - Wong	Outline reply comments (response to other parties' positions): remote disconnections	0.50	REM
5/27/2011	DRW - Wong	Draft Phase 2 Reply Comments: remote disconnections	2.00	REM
5/28/2011	DRW - Wong	Draft Phase 2 Reply Comments: remote disconnections	0.25	REM
5/31/2011	DRW - Wong	Edit Phase 2 draft Reply Comments: remote disconnection	1.00	REM
8/18/2011	DRW - Wong	Followup to call with JH re: remote disconnections	0.25	REM
8/19/2011	DRW - Wong	Review Settlement and CPUC order for possible SCE violation of remote disconnections roll-out	0.25	REM
8/24/2011	DRW - Wong	Investigate SCE remote disconnections and possible request for enjoining	0.25	REM
9/2/2011	DRW - Wong	Discuss with Consumer Groups enjoining SCE from remote disconnection roll-out	1.00	REM
1/20/2012	DRW - Wong	Draft remote disconnections comments	3.00	REM
1/24/2012	DRW - Wong	Followup to settlement meeting re: remote disconnections notices and inadequate internet notice	1.50	REM

1/25/2012	DRW - Wong	Draft Comments on PD: remote disconnections	1.50	REM
1/27/2012	DRW - Wong	Draft Comments on PD: remote disconnections	4.00	REM
1/28/2012	DRW - Wong	Draft Comments on PD: remote disconnections	3.00	REM
1/30/2012	DRW - Wong	Revise comments on PD: remote disconnections	1.00	REM
1/31/2012	DRW - Wong	Finalize comments on PD: remote disconnections	0.50	REM
2/3/2012	DRW - Wong	Draft Reply Comments on PD: remote disconnections	5.00	REM
2/6/2012	DRW - Wong	Draft Reply Comments on PD: remote disconnections	3.00	REM
2/21/2012	DRW - Wong	Finalize Reply Comments on PD: remote disconnections	1.00	REM
12/28/2010	DRW - Wong	review CPUC final decision approving Settlement	0.25	SET
2/1/2011	DRW - Wong	reiview/discuss Sempra's email report on Settlement progress	5.50	SET
3/7/2011	DRW - Wong	Settlement Status call with settling parties	0.50	SET
3/16/2011	DRW - Wong	Followup to Settlement monitoring call	0.50	SET
8/18/2011	DRW - Wong	Settlement status conference all	2.00	SET
11/9/2011	DRW - Wong	Settlement status Conference call	0.25	SET
1/24/2012	DRW - Wong	OIR Settlement quarterly meeting	1.50	SET
5/26/2011	DRW - Wong	Outline reply comments (response to other parties' positions): avoiding seasonal peak	1.00	WEA
5/28/2011	DRW - Wong	Draft Phase 2 Reply Comments:avoiding seasonal peak	0.25	WEA
5/31/2011	DRW - Wong	Edit Phase 2 draft Reply Comments: avoiding seasonal peak	0.25	WEA
2/28/2012	JH - Howat	Response to PD: disconnections benchmarks	1.25	BENCH
5/23/2011	JH - Howat	Review other parties' Comments	0.50	GP
1/17/2012	JH - Howat	Reivew PD and outline for	1.00	PD

		comments		
9/15/2010	JH - Howat	Phase II comment review/edit: monthly billing date	0.5	PP
9/24/2010	JH - Howat	review draft Reply Comments: monthly billing date	0.25	PP
9/15/2010	JH - Howat	Phase II comment review/edit: sensitive customer def for remote disconnection	0.5	REM
9/24/2010	JH - Howat	review draft Reply Comments: sensitive customers/ remote disconnect	0.25	REM
2/28/2012	JH - Howat	Response to PD: premise visits prior to remote disconnection	1.25	REM
9/26/2011	JH - Howat	Quarterly Sempra Settlement call - prepayment	1.00	SET
TOTAL			176.50	

**Attachment 3
Direct Expenses**

INVOICE

Pay to:

National Consumer Law Center
7 Winthrop Square, 4th FL
Boston, MA 02110
(617) 542-8010

Tax Id No: 042488502

DATE: 5/18/12

**INVOICE –
CPUCConfCall**

DESCRIPTION	AMOUNT
Conference Call	\$35.60
January 17, 2012	

Margaret Kohler
Director of Finance
National Consumer Law Center®
7 Winthrop Square, 4th Floor
Boston, MA 02110
(617) 542-8010
www.nclc.org

Attachment 4
Basis of Request for NCLC's Hourly Rates

Attorney Darlene R. Wong

In ALJ-267, the Commission found that “The 5% step increases authorized in Decision (d.) 07-01-009 shall continue in 2011, and in subsequent years. The step increases shall be administered as outlined in D.08-04-010.” In D.08-04-010, the Commission stated that “any request for a step increase be clearly and separately explained in the compensation request” and identify whether the request is for a first or second increase within the given level of experience.

NCLC seeks an hourly rate of \$315 for Attorney Wong's work in 2011 and 2012. This represents the hourly rate previously adopted for her work in 2010, adjusted by the 5% step increase authorized by ALJ-267 and D.08-04-010. In D.11-10-042, the Commission awarded Attorney Wong an initial hourly rate of \$300, at the low end of the range set for attorneys with 8-12 years of practice. This is the first step increase NCLC has sought for Attorney Wong within this experience level. She is a 2001 law school graduate and currently in her tenth year of both practice and continued focus on consumer protection within the specific area of public utilities regulation.

NCLC's showing in support of this requested increase is based upon TURN's showing in support of a first step increase for Attorney Goodson, which the Commission recently accepted in D.10-12-015, in this same docket. This requested step increase for Attorney Wong is reasonable and consistent with past showings for step increases that the Commission has approved, and with D.08-4-010. The reasonableness of NCLC's request is further supported the fact that NCLC's consumer law attorneys with 5-10 years of experience bill at a rate of \$350/hour for work performed in other forums.

NCLC believes that it has provided sufficient support for the requested rate for Attorney Wong's work performed in 2011 and 2012 under the Commission's adopted practices. However, if the Commission has any questions or concerns about this request, NCLC respectfully requests that it be given an opportunity to answer any questions and provide further support to its claim.

Senior Policy Analyst John Howat

NCLC requests that the Commission apply the 2009 hourly rate of \$235 for the work of John Howat performed as an expert in these proceedings in 2010. As no COLA has been approved for work before the Commission in 2010, 2011 or 2012, the rate requested is the same rate that the Commission approved for Mr. Howat's work by the Commission in D.09-05-017 (May 7, 2009).³

³ NCLC reserves the right to seek a higher billing rate for Mr. Howat's work in future requests for compensation.

Attachment 5
NCLC Time Allocations by Issue
(see Excel spreadsheet, "NCLC Time Allocation by Issue")

Attorney/ Analyst	BANK/DEP	BENCH	COORD	COST*	GP	MOD	OUT	PD	PP	REM	SET**	WEA	Attorney/ Analyst Subtotal	Attorney/ Analyst Subtotal Excluding COST & SET
<i>Darlene Wong</i>	3	2	9.5	1	12.25	17.5	10	8	47.5	47.25	10.5	1.5	170	158.5
<i>John Howat</i>		1.25			0.5			1	0.75	2	1		6.5	5.5
TOTAL HOURS	3	3.25	9.5	1	12.75	17.5	10	9	48.25	49.25	11.5	1.5	176.5	164
% TOTAL HOURS	1.70%	1.84%	5.38%	0.57%	7.22%	9.92%	5.67%	5.10%	27.34%	27.90%	6.52%	0.85%	100.00%	

* The code, "COST" refers to work related to general issues of cost recovery associated with measures adopted in this proceeding to reduce disconnections. Because NCLC's arguments on costs in Phase II focused more on costs specifically related to remote disconnection rather than costs in general, NCLC is voluntarily reducing its hours to exclude COST from this instant claim for compensation.

** The code, "SET" refers to Settlement. This is largely substantive work related to analysis, coordination, strategy, revisions and negotiations following settlement on issues such as payment plans, deposits, outreach, remote disconnections, data reporting when time spent was difficult to separate out into specific issue categories. NCLC was awarded its claimed SET costs without reduction in its previous claim for compensation in this proceeding at D.11-10-042; NCLC is voluntarily reducing its hours to exclude SET from this instant claim for compensation.

**Attachment 7:
Verification**

I, Darlene R. Wong, am a Staff Attorney at the National Consumer Law Center and am authorized to make this verification. The statements in the foregoing document are true to the best of my knowledge, except for those matters that are stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18th day of May 2012 in Boston, MA.

/s/ Darlene R. Wong

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