

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking on the Commission’s Own Motion to address the issue of customers’ electric and natural gas service disconnection.	R.10-02-005 (Filed February 4, 2010)
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**INTERVENOR COMPENSATION CLAIM OF The Greenlining Institute  
AND DECISION ON INTERVENOR COMPENSATION CLAIM OF The  
Greenlining Institute**

<b>Intervenor: The Greenlining Institute</b>	<b>For contribution to Decision (D.) 14-06-036</b>	
<b>Claimed: \$ 10,201.50</b>	<b>Awarded: \$</b>	
<b>Assigned Commissioner: Florio</b>	<b>Assigned ALJ: Ebke</b>	
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).		
<b>Signature:</b>		/s/ Stephanie Chen
<b>Date:</b> 8/28/14	<b>Printed Name:</b>	Stephanie Chen

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

<b>A. Brief description of Decision:</b>	This decision approves the Residential Settlement Agreement submitted on April 1, 2014, by the Office of Ratepayer Advocates, The Utility Reform Network, The Greenlining Institute, Center for Accessible Technology, Pacific Gas and Electric Company, Southern California Edison, San Diego Gas & Electric Company, and Southern California Gas Company, collectively, the Settling Parties.
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:**

	<b>Intervenor</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference (PHC):	n/a	
2. Other specified date for NOI:	3/5/2010	

3. Date NOI filed:	3/5/2010	
4. Was the NOI timely filed?		
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	R.10-02-005	
6. Date of ALJ ruling:	March 29, 2010	
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	R.10-02-005	
10. Date of ALJ ruling:	3/29/2010	
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.14-06-036	
14. Date of issuance of Final Order or Decision:	06/30/2014	
15. File date of compensation request:	8/28/14	
16. Was the request for compensation timely?		

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

#	Intervenor’s Comment(s)	CPUC Discussion

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

**A. Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a), and D.98-04-059). (For each contribution, support with specific reference to the record.)**

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
1. Greenlining, along with TURN, CforAT, and ORA reached a settlement agreement with PG&E, SCE, SDG&E,	See Settlement Agreement adopted in D.12-03-054 and compare with Greenlining litigation positions on:	

<p>and SCG to maintain most of the credit, collection, disconnection policies adopted in D.12-03-054 and D.10-12-054. The settlement also includes additional customer service and communications practices and policies to address issues articulated in, or related to, this rulemaking.</p> <p>The Settlement:</p> <ul style="list-style-type: none"> <li>- Continues the requirement to provide in-person field visits prior to, or at the time of, disconnection for special needs profiled customers, including Medical Baseline, Life Support, and customers who self certify that they have a serious illness or condition that could become life threatening if service is disconnected. Customers will not be charged a fee for the visit. The settlement continues current utility practices for collecting customer payments during the field visit.</li> <li>- Continues required practices for effective communications, including the requirement that PG&amp;E and SCE provide information in the five most common non-English languages in their service territory along with the Final Call Notice. The settlement continues requirements for SDG&amp;E and SCG to make live 48-hour notice calls, repeat</li> </ul>	<ul style="list-style-type: none"> <li>- In person field visits (Reply Comments of Greenlining on the Order Instituting Rulemaking, 4/2/10, p. 16; Opening Comments of the Greenlining Institute on the Proposed Decision of Commissioner Grueneich, 7/7/10, pp. 8-9; Reply Comments of the Greenlining Institute on the PD of Commissioner Grueneich, 7/12/10, pp. 4-5.)</li> <li>- Communication practices for disconnection notices (Joint Opening Comments of the Greenlining Institute and Disability Rights Advocates on the Order Instituting Rulemaking, 3/12/10, pp. 2-8; Reply Comments of Greenlining on the Order Instituting Rulemaking, 4/2/10, pp. 7-10; Opening Comments on the ALJ's Ruling, 9/15/10, pp. 4-5.)</li> <li>- CARE enrollment over the phone with a live customer service representative (Opening Comments on the ALJ's Ruling Providing Opportunity for Comments on Phase II Issues, 5/20/11, pp. 5-7; Reply Comments on the ALJ's Ruling Providing Opportunity for Comments on Phase II Issues, 5/31/11, p. 3.)</li> <li>- Payment plans (Reply Comments of Greenlining on the Order Instituting Rulemaking, 4/2/10, pp. 3-5; Opening Comments of the Greenlining Institute on the Proposed Decision of Commissioner Grueneich, 7/7/10, pp. 2-4; Reply Comments of the Greenlining Institute on the PD of Commissioner Grueneich, 7/12/10, pp. 2-3.)</li> <li>- Re-establishment of credit deposits (Reply Comments of Greenlining on the Order Instituting Rulemaking,</li> </ul>	
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<p>calls and text messages, and outbound calls to CARE customers who are falling behind on their bills.</p> <ul style="list-style-type: none"><li>- Continues the requirement that all utilities continue to enroll eligible customers in CARE over the phone, with a live agent. Directs that this practice be included in the IOUs next program cycle applications.</li><li>- Provides for a series of payment plan pilots, which differ between the IOUs, all designed to help customers in arrears bring their accounts back into good standing, and to help determine the best models for payment plan offerings in the future.</li><li>- Provides that the IOUs and parties will work together to collect data relevant to evaluating the pilots' success. The IOUs will provide that data to the parties and together the settling parties will evaluate the pilots' success, based on how well they reduced pay plan defaults and/or overall outstanding arrearages.</li><li>- Continues the calculation of re-establishment of credit deposits as twice the average bill, rather than twice the highest bill. Provides that CARE and FERA customers can amortize their deposit amount over three or six months, depending on the</li></ul>	<p>4/2/10, pp. 5-6; Opening Comments of the Greenlining Institute on the Proposed Decision of Commissioner Grueneich, 7/7/10, pp. 4-6; Reply Comments of the Greenlining Institute on the PD of Commissioner Grueneich, 7/12/10, pp. 3-4.)</p>	
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<p>amount. Continues the IOUs' agreement not to charge late-payment or slow-payment deposits.</p> <ul style="list-style-type: none"> <li>- Provides for quarterly reporting of data collected monthly, on all data points currently being collected with the exception of those related to benchmarks.</li> <li>- Provides that the settling parties will meet semi-annually over the term of the agreement to discuss the status and any unforeseen consequences, positive or negative, of the measures adopted in the agreement. The IOUs agree to inform the parties of any changes to credit and collection policies they anticipate bringing before the Commission. Plans for a meeting in 4<sup>th</sup> quarter of 2015 to discuss post 2016 treatment of the settlement terms.</li> </ul> <p>Greenlining participated actively in all settlement negotiations, as reflected in our recorded time documents attached below. The Commission should find that D.14-06-036 and the settlement it adopted reflect Greenlining's substantial contribution.</p>		
2.		
3.		
4.		

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

	Intervenor's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding? <sup>1</sup>	Yes	
b. Were there other parties to the proceeding with positions similar to yours?	Yes	
c. If so, provide name of other parties: The Utility Reform Network, Disability Rights Advocates/Center for Accessible Technology, National Consumer Law Center.		
d. Intervenor's claim of non-duplication: On all matters in this phase of the proceeding, Greenlining worked collaboratively with the settling parties, to ensure that the interests of our constituency were well represented and that the final agreement reflects a sound compromise for Greenlining as well as the other parties. Among the settling parties, tasks were assigned and volunteered for in a manner that eliminated duplication and maximized efficiency.		

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

#	Intervenor's Comment	CPUC Discussion
2.A	Greenlining did participate in the jointly-filed Reply to the Response of the National Consumer Law Center to the Joint Motion for Adoption of the Settlement (4/25/14) and the Comments on the Proposed Decision of Commissioner Florio (6/16/14). However, Greenlining's lead attorney on the proceeding has since left the organization, and did not record time spent on these filings before leaving. As such, Greenlining will not be claiming compensation for any time spent on those filings.	

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

<sup>1</sup> The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.



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

<b>a. Intervenor's claim of cost reasonableness:</b>	<b>CPUC Discussion</b>
<p>In this proceeding, Greenlining's advocacy resulted in significant incremental savings for low income consumers at risk of disconnection – the very customers who need that savings the most. In-person field visits for medically vulnerable customers will potentially save lives, as well as thousands of dollars in potential medical bills if a condition is exacerbated by disconnection. Allowing customers to pay their bills at the time of the field visit can prevent disconnection and would save the customer from incurring a re-establishment of credit deposit that could amount to hundreds of dollars in addition to their monthly bills.</p> <p>The provisions providing notice in-language on where to get help when facing disconnection could potentially save limited English-proficient customers hundreds of dollars by connecting them to funds that can help them pay what they owe, as well as potentially preventing disconnection and avoiding a re-establishment of credit deposit. The same is true for the provisions requiring IOU-initiated contact with customers who are at risk of falling behind on their bills.</p> <p>The settlement eliminates the practice of late-payment or slow-payment deposits, as well as the practice of calculating the re-establishment of credit deposit as twice the highest monthly bill. This will save at-risk customers potentially hundreds of dollars and help them stay on top of what they owe. Payment plan provisions will provide affordable relief to thousands of customers who have fallen behind, and help them avoid incurring a deposit.</p> <p>All told, given the still-too-high number of customers who face disconnection every year, these provisions will save customers hundreds of thousands, potentially millions of dollars, when added together. In light of this substantial aggregate savings, Greenlining's costs are very reasonable.</p>	
<p><b>b. Reasonableness of hours claimed:</b></p> <p>The fact that the settlement built on practices established in prior decisions made the process quite streamlined and efficient for all parties, including Greenlining. Given the scope of issues covered, Greenlining submits that the small amount of time it spent representing its constituency in negotiations is quite reasonable.</p>	
<p><b>c. Allocation of hours by issue:</b></p> <p>A. Settlement Negotiations = 95.9%</p> <p>B. General/Procedural = 4.1%</p>	

**B. Specific Claim:\***

CLAIMED						CPUCA WARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Enrique Gallardo	2013	11.6	\$390	D.14-02-036	\$4,524			

Enrique Gallardo	2014	12.9	\$400	See Comment 2	\$5,160			
[Expert 1]								
[Expert 2]								
[Advocate 1]								
[Advocate 2]								
<b>Subtotal: \$ 9,684</b>						<b>Subtotal: \$</b>		
<b>OTHER FEES</b>								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
<b>Item</b>	<b>Year</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Basis for Rate*</b>	<b>Total \$</b>	<b>Hours</b>	<b>Rate</b>	<b>Total \$</b>
[Person 1]								
[Person 2]								
<b>Subtotal: \$</b>						<b>Subtotal: \$</b>		
<b>INTERVENOR COMPENSATION CLAIM PREPARATION **</b>								
<b>Item</b>	<b>Year</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Basis for Rate*</b>	<b>Total \$</b>	<b>Hours</b>	<b>Rate</b>	<b>Total \$</b>
Stephanie Chen	2014	4.5	\$115	See Comment 2	\$517.50			
[Preparer 2]								
<b>Subtotal: \$ 517.50</b>						<b>Subtotal: \$</b>		
<b>COSTS</b>								
<b>#</b>	<b>Item</b>	<b>Detail</b>			<b>Amount</b>	<b>Amount</b>		
<b>TOTAL REQUEST: \$ 10,201.50</b>						<b>TOTAL AWARD: \$</b>		
<p>**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. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate</p>								
<b>ATTORNEY INFORMATION</b>								



Attorney	Date Admitted to CA BAR <sup>2</sup>	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Enrique Gallardo	12/9/1997	191670	No
Stephanie Chen	8/23/2010	270917	No

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

Attachment or Comment #	Description/Comment
1	<b>Time Recording for the Greenlining Institute's Attorneys</b>
2	<b>Certificate of Service</b>
3	The last Commission approved rate for Enrique Gallardo was \$390, for work done in 2013. To date, the Commission has not issued a Resolution setting intervenor rates for 2014. However, assuming that the 2014 Resolution would grant a 2% COLA, as the 2013 Resolution did, it would result in a 2014 rate of \$400 for Mr. Gallardo (when rounded to the nearest \$5 increment). Greenlining submits that this is a reasonable rate to approve for Mr. Gallardo's work in 2014.
4	The last Commission approved rate for Stephanie Chen was \$220 for work done in 2012 (D.13-10-033). Resolution ALJ-287 ordered a 2% Cost of Living Adjustment (COLA) for 2013 rates, which would set the rate for Ms. Chen's work in 2013 at \$225 (when rounded to the nearest \$5 increment). To date, the Commission has not issued a Resolution setting intervenor rates for 2014. However, assuming that the 2014 Resolution would grant a 2% COLA, as the 2013 Resolution did, it would result in a 2014 rate of \$230 for Ms. Chen. Greenlining argues that this is a reasonable rate to approve for Ms. Chen's work in 2014.

**D. CPUC Disallowances and Adjustments (CPUC completes):**

Item	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)

<sup>2</sup> This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch> .

<b>A. Opposition: Did any party oppose the Claim?</b>	
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If so:

Party	Reason for Opposition	CPUC Discussion

<b>B. Comment Period: Was the 30-day comment period waived (<i>see Rule 14.6(c)(6)</i>)?</b>	
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If not:

Party	Comment	CPUC Discussion

**FINDINGS OF FACT**

1. Intervenor [has/has not] made a substantial contribution to D. \_\_\_\_\_.
2. The requested hourly rates for Intervenor’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 compensation is \$ \_\_\_\_\_.

**CONCLUSION OF LAW**

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

**ORDER**

1. Intervenor is awarded \$ \_\_\_\_\_.
2. Within 30 days of the effective date of this decision, \_\_\_\_\_ shall pay Intervenor the total award. [for multiple utilities: “Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay Intervenor 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 compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning [date], the 75<sup>th</sup> day after the filing of Intervenor’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 1****Time Recording for the Greenlining Institute's Attorneys****Hours of Enrique Gallardo, Legal Counsel in 2013**Issue Areas

A. Settlement Negotiations

A

B. General/Procedural

B

Date	Description	A	B	Total
9/8/2009	Conf Call w Intervenors, discuss extending protections		1	1
9/9/2009	Conf Call w IOUs, intervenors, discuss extending protections	1		1
9/19/2009	Review, edit draft Intervenor proposal	0.8		0.8
10/23/2009	Conf Call w Intervenors, establish settlement positions	1.3		1.3
10/30/2009	Meeting w IOUs, intervenors discuss settlement re protections	3		3
12/2/2009	Conf Call w Intervenors re settlement positions	1		1
12/3/2009	Review IOU Proposal	1.2		1.2
12/15/2009	Review Sempra Proposal	0.7		0.7
12/15/2009	Review PG&E Proposal	0.5		0.5
12/18/2009	Conf Call w Intervenors	1.1		1.1
<b>Issue Areas</b>		<b>A</b>	<b>B</b>	<b>Total</b>
<b>Total Hours for E. Gallardo, Legal Counsel in 2013</b>		<b>10.6</b>	<b>1</b>	<b>11.6</b>

**Hours of Enrique Gallardo, Legal Counsel in 2014**Issue Areas

A. Settlement Negotiations

A

B. General/Procedural

B

Date	Description	A	B	Total
1/21/2010	Review, edit Intervenor proposal	0.8		0.8
2/2/2010	Conf Call w Intervenors re settlement	1		1
2/3/2010	Review IOU Pay Plan proposal	1.2		1.2
2/6/2010	Conf Call w IOUs, Intervenors re settlement	1.1		1.1
2/9/2010	Meeting w IOUs, Intervenors re settlement	4.1		4.1
2/18/2010	Conf Call w Intervenors re settlement	1		1
3/3/2010	Review, edit Intervenor proposal	0.9		0.9
3/9/2010	Review IOU edits to proposal	0.6		0.6
3/27/2010	Review, edit draft Settlement Proposal,	1.3		1.3
3/27/2010	Review Petition for Modification, Motion	0.9		0.9
<b>Issue Areas</b>		<b>A</b>	<b>B</b>	<b>Total</b>
<b>Total Hours for E. Gallardo, Legal Counsel in 2014</b>		<b>12.9</b>	<b>0</b>	<b>12.9</b>

Revised May 2014

**Hours of Stephanie Chen, Energy & Telecommunications Policy Director, on  
Intervenor Compensation in 2014**

<b>Date</b>	<b>Description</b>	<b>Hours</b>
8/18/10	Drafting Intervenor Compensation Request	1.9
8/26/10	Drafting Intervenor Compensation Request	2.6
<b>Total Hours for S.Chen in 2014</b>		<b>4.5</b>