



**FILED**

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

Order Instituting Rulemaking Concerning  
Energy Efficiency Rolling Portfolios, Policies,  
Programs, Evaluation, and Related Issues

Rulemaking 13-11-005

**ADMINISTRATIVE LAW JUDGE'S RULING GRANTING CHARLES  
GOLDMAN'S SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP AND  
MOTION FOR LEAVE TO FILE CONFIDENTIAL PERSONAL INFORMATION  
UNDER SEAL**

<b>Customer:</b> Charles Goldman	
<b>Assigned Commissioner:</b> Liane Randolph	<b>Administrative Law Judges:</b> Julie Fitch and Valerie Kao

**PART I: PROCEDURAL ISSUES**  
**(Completed by the party intending to claim intervenor compensation)**

<b>A. Status as “customer” (see Pub. Util. Code § 1802(b))<sup>1</sup> The party claims “customer” status because the party is (check one):</b>	<b>Applies (check)</b>
<b>1. A Category 1 customer</b> is an actual customer whose self-interest in the proceeding arises primarily from his/her role as a customer of the utility and, at the same time, the customer must represent the broader interests of at least some other customers. See, for example, D.08-07-019 at 5-10).	<input checked="" type="checkbox"/>
<b>2. A Category 2 customer</b> is a representative who has been authorized by actual customers to represent them. Category 2 involves a more formal arrangement where a customer or a group of customers selects a more skilled person to represent the customer’s views in a proceeding. A customer or group of customers may also form or authorize a group to represent them, and the group, in turn, may authorize a representative such as an attorney to represent the group.	<input type="checkbox"/>
<b>3. A Category 3 customer</b> is a formally organized group authorized, by its articles of incorporation or bylaws to represent the interests of residential customers or small commercial customers receiving bundled electric service from an electrical corporation (§1802(b)(1)(C)). Certain environmental groups that represent residential customers with concerns for the environment may also qualify as Category 3 customers, even if the above requirement is not specifically met in the articles or bylaws. See D.98-04-059, footnote at 30.	<input type="checkbox"/>
<b>4. The party’s detailed explanation of the selected customer category.</b>  <u>The party’s explanation of its status as a Category 1 customer.</u> A party seeking status as a Category 1 customer must describe the party’s own interest in the proceeding and show how the customer’s participation goes beyond just his/her own self-interest and will benefit other customers. Supporting documents must include a copy of the utility’s bill.  <u>The party’s explanation of its status as a Category 2 customer.</u> A party seeking status as a Category 2 customer must identify the residential customer(s) being represented and provide authorization from at least one customer.  <u>The party’s explanation of its status as a Category 3 customer.</u> If the party represents residential and small commercial customers receiving bundled electric service from an electrical corporation, it must include in the Notice of Intent either the percentage of group members that are residential ratepayers or the percentage of the members who are receiving bundled electric service from an electrical corporation. Supporting documentation for this customer category must include	

<sup>1</sup> All statutory references are to California Public Utilities Code unless indicated otherwise.

<p>current copies of the articles of incorporation or bylaws. If current copies of the articles and bylaws have already been filed with the Commission, only a specific reference (the proceeding's docket number and the date of filing) to such filings needs to be made.</p> <p>I have checked Category 1 as my basis for requesting intervenor compensation. I have been a residential customer of PG&amp;E for more than 45 years. I am thus concerned about the impact of the costs of and savings from energy efficiency programs on my utility bill. I also live in and own a townhouse that includes other buildings with 160 other units; the buildings are similarly designed. Thus, I am concerned about my immediate neighbors in my townhouse association that could take advantage of efficiency programs that target multi-family housing. In my capacity as a staff scientist at Lawrence Berkeley National Laboratory, I have worked extensively with residential consumer advocate organizations in many states on such topics as energy efficiency program planning, design, implementation and evaluation, utility resource planning, demand response, and grid modernization. Because of this background, I believe that I have the technical expertise to represent the interests of residential customers in California that will be impacted by the efficiency programs that will be selected by the utilities in the new procurement processes that are being developed in California. For example, residential customers may be impacted by the types of program offerings that are selected, by the efficiency technologies that are included in programs, by the budgets for these programs, how the third party administrators are compensated and rewarded for performance, etc. Thus, it is helpful to have someone on the Procurement Review Group like myself that has experience designing and reviewing competitive bidding processes for energy efficiency across the U.S., is knowledgeable about energy efficiency services providers/firms, and who is interested in ensuring that innovative, cost-effective efficiency programs result from this new competitive bidding processes.</p>	
<p><b>Do you have any direct economic interest in outcomes of the proceeding?</b> <sup>2</sup></p> <p>If "Yes", explain:</p>	<p><input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p>
<p><b>B. Conflict of Interest (§ 1802.3)</b></p>	<p><b>Check</b></p>
<p>1. Is the customer a representative of a group representing the interests of small commercial customers who receive bundled electric service from an electrical corporation?</p>	<p><input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No</p>
<p>2. If the answer to the above question is "Yes", does the customer have a conflict arising from prior representation before the Commission?</p>	<p><input type="checkbox"/> Yes  <input type="checkbox"/> No</p>
<p><b>C. Timely Filing of Notice of Intent to Claim Intervenor Compensation (NOI) (§ 1804(a)(1)):</b></p>	
<p>1. Is the party's NOI filed within 30 days after a Prehearing Conference?  Date of Prehearing Conference: 12/7/2018</p>	<p><input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p>

<sup>2</sup> See Rule 17.1(e).

2. Is the party's NOI filed at another time (for example, because no Prehearing Conference was held, the proceeding will take less than 30 days, the schedule did not reasonably allow parties to identify issues within the timeframe normally permitted, or new issues have emerged)?	<input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No
2a. The party's description of the reasons for filing its NOI at this other time:	
2b. The party's information on the proceeding number, date, and decision number for any Commission decision, Commissioner ruling, Administrative Law Judge's ruling, or other document authorizing the filing of NOI at that other time: YES	
Application 17-01-013 and R 13-11-005 ALJ Ruling Setting Date for New or Revised Notices of Intent to request intervenor compensation for work related to Procurement Review Group (filed 12/7/2018)	

**PART II: SCOPE OF ANTICIPATED PARTICIPATION**  
**(Completed by the party intending to claim intervenor compensation)**

<b>A. Planned Participation (§ 1804(a)(2)(A)):</b>
<p><b>The party's statement of the issues on which it plans to participate:</b> Charles Goldman will participate actively as a member of the PG&amp;E and SCE Energy Efficiency Procurement Review Group on issues related to third party solicitations for different types of energy efficiency programs that target various end use markets. Per the CPUC decision 18-01-004, as a member of these PRGs, I plan to review the draft Request for Abstracts (RFA), review RFA bids and short-list, review draft RFP, review RFP bid scoring and selection criteria, review RFP shortlist and selected contractor, and review evaluations conducted by the Independent Evaluator. Given my interest as a residential customer and my expertise in energy efficiency procurement in California and other states, I hope to provide a perspective on successful procurement processes that garner broad participation from services provides, lead to competitive bids, and support innovative program design and delivery strategies. As a residential customer, Goldman has an interest in the utility industry's delivery of cost-effective and innovative energy efficiency programs that serve all customers, particularly residential customers.</p> <p><b>The party's explanation of how it plans to avoid duplication of effort with other parties:</b> The PRG has developed a handbook of practices that include and describe the scope of activities of the PRG, roles and responsibilities of the Program Administrators (the utilities) and the Independent Evaluators. As a member of the PRG, I will work with my colleagues on the PRG to perform our function(s) in an efficient manner in order to minimize duplication.</p> <p><b>The party's description of the nature and extent of the party's planned participation in this proceeding (to the extent that it is possible to describe on the date this NOI is filed).</b> Per the CPUC decision 18-01-004, as a member of the PRG, I plan to review the draft Request for Abstracts (RFA), review RFA bids and short-list, review draft RFP, review RFP bid scoring and selection criteria, review RFP shortlist and selected contractor, and review evaluations conducted by the Independent Evaluator.</p>

<b>B. The party's itemized estimate of the compensation that the party expects to request, based on the anticipated duration of the proceeding (§ 1804(a)(2)(A)):</b>				
<b>Item</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Total \$</b>	<b>#</b>
<b>ATTORNEY, EXPERT, AND ADVOCATE FEES</b>				
Charles Goldman	~300-500	\$200/hour	60,000-100,000	
<b>Subtotal: \$</b>				
<b>OTHER FEES</b>				
[Person 1]				
<b>Subtotal: \$</b>				
<b>COSTS</b>				
[Item 1]				
<b>Subtotal: \$</b>				
<b>TOTAL ESTIMATE: \$60,000-100,000</b>				
<p><b>Estimated Budget by Issues:</b> Because this procurement process is new for California, it is not really possible to estimate budget by issue. It will depend on the effectiveness of the RFA process, how many RFPs the utility decides to issue, and what issues arise in the bid scoring, and contractor selection process.</p> <p>I can provide a rough estimate of my time that may be spent on the major tasks broken down by task</p> <p>Review Draft Request for Abstracts (RFA) (15%)</p> <p>Review RFA bids and short list (15%)</p> <p>Review draft RFPs, bid scoring and selection criteria and process (30%)</p> <p>Review RFP shortlist of bidders and selected contractors (35%)</p> <p>Review evaluations conducted by Independent Evaluator (5%)</p> <p>The rates requested for Goldman (\$200/hour) are very reasonable given that he has ~35 years experience as a technical expert on energy efficiency based on his position as a staff scientist at Lawrence Berkeley National Laboratory. The rates requested are consistent with D.07-01-009 (which established rate ranges for experts based on years of experience, with D.08-04-010 (which provides considerations for establishing rates for new representatives, and with the most recent ALJ-Resolution.</p>				

**PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**  
**(Completed by party intending to claim intervenor compensation)**

<b>A. The party claims that participation or intervention in this proceeding without an award of fees or costs imposes a significant financial hardship, on the following basis:</b>	<b>Applies (check)</b>
1. The customer cannot afford, without undue hardship, to pay the costs of effective participation, including advocate's fees, expert witness fees, and other reasonable costs of participation. (§ 1802(h))	<input checked="checked" type="checkbox"/>

2. In the case of a group or organization, the economic interest of the Individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding. (§ 1802(h))	<input type="checkbox"/>
3. The eligible local government entities' participation or intervention without an award of fees or costs imposes a significant financial hardship. (§ 1803.1(b).)	<input type="checkbox"/>
4. A § 1802(h) or § 1803.1(b) finding of significant financial hardship in another proceeding, made within one year prior to the commencement of this proceeding, created a rebuttable presumption in this proceeding (§ 1804(b)(1)).	<input type="checkbox"/>
Commission's finding of significant financial hardship made in proceeding number:	
Date of Administrative Law Judge's Ruling (or CPUC Decision) in which the finding of significant financial hardship was made:	
<b>B. The party's explanation of the factual basis for its claim of "significant financial hardship" (§ 1802(h) or § 1803.1(b)) (necessary documentation, if warranted, is attached to the NOI:</b>	
<p>The expected time commitment for PRG members is likely to be relatively high, given that this is a new process for California and the expectation of PRG members is that they will stay on the PRG until mid-2020 (at a minimum) in order to see many RFP solicitation processes through to contract negotiation and signing. As an individual residential customer with technical expertise on energy efficiency program design and procurement, I am prepared to participate actively in the PRG (which will involve a significant time commitment) but need to be compensated for my time. It is not really feasible for me to donate my time to the PRG for this activity. I will submit personal financial information to support this claim.</p> <p>The utilities have asked PRG members to commit through 2019 and to mid-2020 for solicitations that we are involved in during 2019. I have tried to estimate hours of participation for the next 12-18 months so that I focus on high priority issues and solicitations that may or will impact residential customers directly or indirectly.</p>	

**PART IV: ATTACHMENTS DOCUMENTING SPECIFIC  
ASSERTIONS MADE IN THIS NOTICE**

**(The party intending to claim intervenor compensation identifies and attaches documents)**

Attachment No.	Description
1	Certificate of Service
2	PG&E Utility Bill
3	Charles Goldman Resume
4	Confidential Information submitted under seal

## ADMINISTRATIVE LAW JUDGE RULING

<p><b>1. The Notice of Intent to Claim Intervenor Compensation (NOI) filed by Charles Goldman has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above), subject to providing additional information, as set forth.</b></p> <p>Charles Goldman asserts that he is eligible to claim intervenor compensation pursuant to Section 1802(b)(1)(A) as an individual utility customer whose self-interest in the proceeding arises primarily from his role as a customer of the utility but who participates as a self-appointed representative of other similarly situated utility customers.</p> <p>The NOI explains that it is not financially feasible for Charles Goldman to donate his time to participate in this proceeding. The NOI provides a copy of Charles Goldman's residential utility bill and documents Charles Goldman's income. These documents demonstrate that Charles Goldman "cannot afford, without undue hardship, to pay the costs of effective participation, including advocate's fees, expert witness fees, and other reasonable costs of participation" (Section 1802(h)). Thus, the showing provided in the NOI satisfies the significant financial hardship test of Section 1802(h) for an individual utility customer participating in our proceeding pursuant to Section 1802(b)(1)(A).</p> <p>To further verify his eligibility, Charles Goldman will need to clarify a relationship between his current work, if any, and his participation in this proceeding, by answering the following questions:</p> <ol style="list-style-type: none"> <li>1. In what capacity is Charles Goldman currently employed?</li> <li>2. Has Charles Goldman's participation in this proceeding been directed in any way by his employer?</li> <li>3. Has Charles Goldman's participation in this proceeding been a part of his job duties at his place of the employment?</li> <li>4. Has Charles Goldman's participation in this proceeding been separate and independent from his employment?</li> </ol> <p>A statement answering the above questions can be provided at the time compensation is sought as part of Part I(C) of the intervenor compensation claim form<sup>3</sup> filed pursuant to Section 1804 (c).</p>	<input checked="" type="checkbox"/>
<p><b>2. Charles Goldman's Motion for Leave to File Confidential Personal Financial Information Under Seal is granted.</b></p>	<input checked="" type="checkbox"/>

<sup>3</sup> A standardized form for the intervenor compensation claim can be found on the Intervenor Compensation Program's webpage at <http://cpuc.ca.gov/icom/>.

On January 3, 2019, Charles Goldman filed personal financial information, concurrent with a motion to file this information under seal, in order to demonstrate that he is eligible to claim intervenor compensation under Section 1801 et seq. No response to the motion was filed. This ruling finds that Charles Goldman's personal financial information is confidential in nature. Making it generally available for public inspection would unnecessarily intrude on his privacy.

For the preceding reasons, Charles Goldman's motion is granted. The personal financial information that Charles Goldman has filed shall remain under seal and shall not be made accessible to anyone other than Commission staff, the assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then designated as the Law and Motion Judge. Any parties outside the Commission who have a legitimate reason to review Charles Goldman's personal financial information shall do so by obtaining it from Charles Goldman through the use of an appropriate nondisclosure agreement or, if an agreement cannot be reached, by filing a motion at the Commission to obtain access to the information under the terms of an appropriate nondisclosure agreement.

**3. The Administrative Law Judge provides the following additional guidance:**

Each intervenor will have the burden to demonstrate the reasonableness of the hours and costs it may ultimately claim for compensation and to demonstrate that its efforts were not unreasonably duplicative of internal efforts or the work of other parties. Part of the burden is that each intervenor must demonstrate that it has taken all reasonable steps to coordinate its participation with that of other similarly-interested parties. Each intervenor is responsible to understand the types of activities that are eligible for compensation and other policies regarding intervenor compensation, and to coordinate with other parties to minimize duplication of effort. Each intervenor prior to receiving an award of compensation, must comply with Pub. Util. Code §§ 1801-1812 and the Commission's regulations, which are to be "administered in a manner that encourages the effective and efficient participation of all groups that have a stake in the public utility regulation process," and "that avoids unproductive or unnecessary participation that duplicated the participation of similar interests otherwise adequately represented or participation that is not necessary for a fair determination of the proceeding."

In addition, the reasonableness of the hourly rates requested by all intervenors, must be addressed in each filed claim for an award of compensation, should a substantial contribution be made. Finally, Rule 17.1(c) requires that all intervenors maintain and submit daily records of time and costs spent on each issue by participant on each issue for which an intervenor intends to request compensation.





**IT IS RULED** that:

1. Charles Goldman is preliminarily determined to be eligible for intervenor compensation in this proceeding, subject to providing additional clarifying information in an intervenor compensation claim, as set forth. This finding of significant financial hardship in no way ensures compensation.	<input checked="" type="checkbox"/>
2. Charles Goldman's motion to file personal financial information under seal is granted as set forth.	<input checked="" type="checkbox"/>
3. Additional guidance is provided to Charles Goldman, as set forth.	<input checked="" type="checkbox"/>

Dated April 5, 2019, at San Francisco, California.

/s/ JULIE FITCH  
Julie Fitch  
Administrative Law Judge