

Decision 18-08-011 August 9, 2018

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

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2017.

Application 15-09-001

**DECISION GRANTING COMPENSATION TO SMALL BUSINESS UTILITY ADVOCATES FOR SUBSTANTIAL CONTRIBUTION TO DECISION 17-05-013**

<b>Intervenor: Small Business Utility Advocates</b>	<b>For contribution to Decision (D.) 17-05-013</b>
<b>Claimed: \$89,910.75</b>	<b>Awarded: \$87,600.25</b>
<b>Assigned Commissioner: Michael Picker</b>	<b>Assigned ALJ: Stephen C. Roscow</b>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	Decision (D.) 17-05-013 authorizes Pacific Gas & Electric Company's (PG&E) revenue requirement increase for 2017-2019. The decision approves test year revenue requirements increases of \$88 million (for a 1.1% increase) and authorizes attrition rate adjustments of 5.5% for 2018 and 4.3% for 2019. Additionally, D.17-05-013 adopts a comprehensive Settlement Agreement between all active parties, including Small Business Utility Advocates (SBUA), and the decision also resolves two remaining contested issues. Overall, the Commission finds that D. 17-05-013 and the comprehensive Settlement Agreement entered into by the parties is reasonable, consistent with the law, and in the public interest.
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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:	October 29, 2015	Verified

2. Other specified date for NOI:	N/A	
3. Date NOI filed:	November 23, 2015	November 30, 2015
4. Was the NOI timely filed?		Yes
<b>Showing of eligible customer status (§ 1802(b) or eligible local government entity status (§§ 1802(d), 1802.4):</b>		
5. Based on ALJ ruling issued in proceeding number:	A.16-09-001	Verified
6. Date of ALJ ruling:	December 23, 2016	October 27, 2017
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
<b>Showing of “significant financial hardship” (§1802(h) or §1803.1(b))</b>		
9. Based on ALJ ruling issued in proceeding number:	A.16-09-001	Verified
10. Date of ALJ ruling:	December 23, 2016	October 27, 2017
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.17-05-013	Verified
14. Date of issuance of Final Order or Decision:	May 18, 2017	Verified
15. File date of compensation request:	June 17, 2017	July 17, 2017
16. Was the request for compensation timely?		Yes

**C. Additional Comments on Part I:**

#	Intervenor’s Comment(s)	CPUC Discussion
# 6, 10	On December 23, 2016, the Commission ruled in A.16-09-001 that SBUA’ satisfies the eligibility requirements under Public Utilities Code section 1804(a) and directed SBUA to complete its annual showing of financial hardship with additional information. <i>See</i> Administrative Law Judge’s Ruling on Small Business	Verified. On October 27, 2017, ALJ Roscow and ALJ Wildgrube issued a ruling on Small Business Utility Advocates’ Amended Notice of Intent that SBUA has shown a significant financial hardship.

	Utility Advocates Showing of Significant Financial Hardship, ALJs Stephen C. Roscow and Eric Wildgrube, Dec. 23, 2016. SBUA complied with this ruling and submitted an amended NOI with the requested additional information to the Commission in A.16-09-001 on January 23, 2017.	
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## PART II: SUBSTANTIAL CONTRIBUTION

### A. Did the Intervenor substantially contribute to the final decision (see § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059).

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p><b>1. Comprehensive Settlement Agreement and SBUA-PG&amp;E Memorandum of Understanding</b></p> <p>SBUA was an active party in the comprehensive Settlement Agreement and related thereto separately negotiated an agreement between PG&amp;E and SBUA as a Memorandum of Understanding ("MOU"). On September 1, 2015, after extensive negotiations on small business matters related to this GRC, SBUA and PG&amp;E jointly submitted the MOU as part of Exhibit PG&amp;E-6. The MOU advances numerous issues of importance to SBUA's constituency, such as spending, customer service and outreach, tracking systems, high-bill notifications, economic development incentives, and promoting contracting opportunities for small businesses. The Commission's adoption of the Settlement Agreement and endorsement of the SBUA-PG&amp;E MOU in D.17-05-013 secures these favorable benefits for small businesses.</p>	<p><u>References to Final Decision:</u></p> <p>D.17-05-013 ("Final Decision"), pp. 4-5 (endorsing SBUA-PG&amp;E MOU and adopting the Settlement Agreement as "reasonable, consistent with the law, and in the public interest,"), p. 45 (SBUA's position advocating to adopt the MOU and allocate sufficient funding for its provisions).</p> <p>Final Decision, pp. 161-162 (discussing benefits of SBUA-PG&amp;E MOU for small businesses, and approving "Section 3.2.4.5 of the Settlement Agreement provid[ing] that this MOU is adopted").</p> <p>Final Decision, p. 162 (adopting Section 3.1.5 of Settlement Agreement to fully fund the work described under the SBUA-PG&amp;E MOU, notwithstanding the \$4 million reduction for Customer Account Services in MWC IV).</p> <p>Order, Paragraph 4, p. 236</p>	<p>Verified</p> <p>Verified, D.17-05-013 at 42.</p> <p>Verified</p> <p>Verified</p>

<p>SBUA advocated in the proceeding for the Commission to adopt the MOU and allocate sufficient funding for its provisions. In this regard, SBUA submitted expert testimony to support its positions and actively participated in broader negotiations among the settling parties. SBUA's participation in the Settlement Agreement was necessary and productive in advancing SBUA's positions. In addition, during all-party settlement negotiations, the Parties agreed to modify the MOU to protect full funding for the work described therein, notwithstanding the \$4 million reduction for Customer Account Services in MWC IV elsewhere in the Settlement Agreement. The MOU and its modifications are reflected in the final Settlement Agreement.</p>	<p>(adopting Settlement Agreement, which includes provisions incorporating SBUA-PG&amp;E MOU).</p> <p><u>References to Claimant's Presentations:</u></p> <p>PG&amp;E Application (A.15-09-001), Exh. (PG&amp;E-6), Ch. 2, Att. A ("SBUA-PG&amp;E MOU").</p> <p>SBUA Opening Testimony, served on April 29, 2016.</p> <p>Joint Comparison Exh. (PG&amp;E-37), pp. 2-509 (setting forth SBUA positions relative to funding categories MWC FK), 2-515 (setting forth SBUA positions relative to funding categories MWC IV).</p> <p>Joint Motion of Settling Parties for Adoption of Settlement Agreement (August 3, 2016).</p> <p><i>See also</i> Opening Comments on the Proposed Decision of ALJ Roscow of Settling Parties Concerning the Standard for Evaluating Settlements (March 20, 2017); Notice to Accept Alternative Terms to the August 3, 2016 Settlement Agreement of Settling Parties (May 26, 2017).</p>	<p>Verified, D.17-05-013 at 246.</p> <p>Verified</p> <p>Verified</p> <p>Verified</p> <p>Verified</p> <p>Verified</p>
<p><b>2. Customer Service and Outreach to Small Businesses</b></p> <p>Under the agreed MOU, as modified by the Settlement Agreement, PG&amp;E has committed to dedicate \$8.08 million annually, or a total of \$24.2 million for the 2017 GRC Period, to provide outreach and support that will assist small businesses. These</p>	<p>SBUA-PG&amp;E MOU, Sections 2.1 (Spending Target), 2.1.2 (New Small Business Organization), 2.1.4 (Webpage and Technology Resources), and 2.1.4.2 (Improved Communications, i.e., high-bill notifications).</p> <p>Final Decision, pp. 161-162 (adopting Settlement Agreement</p>	<p>Verified</p> <p>Verified</p>

<p>provisions are designed to ensure that ratepayer funds in significant amounts will be dedicated to serve small businesses.</p> <p>In addition, in the MOU, PG&amp;E agreed to a number of specific customer outreach and service initiatives for small businesses: <u>First</u>, PG&amp;E agreed to establish a new small business organization with dedicated account managers to connect small business customers to PG&amp;E tools, resources, programs, services, and integrated demand-side management offerings. SBUA's objective with this provision is to enhance PG&amp;E's communicating with and support for small commercial customers.</p> <p><u>Second</u>, PG&amp;E agreed to create a new dedicated webpage for small business customers with a centralized location for information, links, and resources. This webpage will include, for example, the following topics and areas tailored for small businesses: (i) energy efficiency; (ii) energy audits; (iii) distributed generation; (iv) contracting opportunities with PG&amp;E; (v) environmental sustainability; (vi) a list of dates and locations of upcoming small business conferences and programs by PG&amp;E; (vii) resources related to Economic Development; (viii) information regarding the White House Initiative for small business; (ix) small business electricity rate information including Time of Use and Critical Peak Pricing; and (x) demand-side management programs for small businesses. SBUA's objective with these provisions is to</p>	<p>with MOU modifications to secure full funding with \$8.08 million for work described in MOU).</p> <p>SBUA Opening Testimony, pp. 7-16 (Providing Adequate Services for Small Commercial Customers).</p> <p>Joint Comparison Exh. (PG&amp;E-37), p. 2-515 (setting forth SBUA positions relative to funding categories MWC IV).</p>	<p>Verified</p> <p>Verified</p>
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<p>help small businesses easily discovery and engage with PG&amp;E services and opportunities.</p> <p><u>Finally</u>, PG&amp;E has committed to enhancing its high-bill notification system for small businesses. This functionally has been of high importance to small business ratepayers.</p>		
<p><b>3. Contracting Opportunities for Small Businesses</b></p> <p>SBUA advocated for increased direct contracting opportunities for small businesses with PG&amp;E. In the agreed upon MOU, PG&amp;E commits to institutionalize several obligations from the parties 2014 GRC settlement, including (i) assigning one full time employee for the 2017 GRC period to support and focus on educating the small business community on Supply Chain Responsibility, (2) hosting at least one annual workshop each calendar year during the 2017 GRC Period to discuss barriers for small businesses engaging in contracting opportunities, and (iii) implementing the White House SupplierPay pledge to facilitate payments to small contractors. SBUA submits that these are valuable activities for small businesses.</p>	<p>SBUA-PG&amp;E MOU, Sections 5.1 (Supply Chain Sustainability), 5.2 (White House Initiative), and 5.3 (Contracts with Small Businesses).</p> <p>SBUA Opening Testimony, pp. 17-18 (Contracting Opportunities for Small Businesses), 19 (White House Initiative).</p> <p>Final Decision, pp. 161-162 (adopting Settlement Agreement with SBUA-PG&amp;E MOU).</p>	<p>Verified</p> <p>Verified</p> <p>Verified</p>
<p><b>4. Other Issues</b></p> <p>SBUA and PG&amp;E interfaced on several other issues in settlement discussions, including matters such as economic development initiatives for small businesses, the parties' meet and confer obligations, and the necessity of tracking small business customers.</p>	<p>SBUA-PG&amp;E MOU, Sections 3.1-3.3 (Economic Development), 4.1 (Tracking Systems for Small Businesses), 5.3 (testimony on small business activities in GRC 2020), and 6.1 (Ongoing Meetings).</p> <p>SBUA Opening Testimony, pp. 16-17 (Economic Development).</p>	<p>Verified</p> <p>Verified</p>

<p>In the adopted MOU, PG&amp;E agrees to provide information to recipient organizations of Economic Development funds to educate them on how best to assist small businesses. In addition, PG&amp;E agrees to meet and confer with SBUA no later than six (6) months after a final decision on the 2017 GRC to consider the viability of creating a new economic development rate for small businesses.</p> <p>SBUA and PG&amp;E further committed to semi-annual meetings to discuss (i) how PG&amp;E will continue supporting small businesses to compete for contracting opportunities and (2) if PG&amp;E's identification and tracking process can be improved upon to better serve the needs of small business customers.</p> <p>In addition, PG&amp;E agrees to dedicate a section of testimony in the 2020 GRC specifically to its continued work supporting the small business community as a whole.</p>	<p>Joint Comparison Exh. (PG&amp;E-37), pp. 2-509 (setting forth SBUA positions relative to funding categories MWC FK and economic development).</p> <p>Final Decision, pp. 161-162 (adopting Settlement Agreement with SBUA-PG&amp;E MOU).</p>	<p>Verified</p> <p>Verified</p>
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**B. Duplication of Effort (§ 1801.3(f) and § 1802.5):**

	<b>Intervenor's Assertion</b>	<b>CPUC Discussion</b>
<b>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?</b>	Yes	Yes
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes	Yes
<b>c. If so, provide name of other parties:</b> ORA, TURN, NDC		Verified
<b>d. Intervenor's claim of non-duplication:</b>		Verified

<p>SBUA’s advocacy differed from that of other ratepayer advocates in that SBUA is unique with a focus <i>exclusively</i> on the interests of small business community. In negotiating the SBUA-PG&amp;E Memorandum of Understanding, SBUA sought to focus on the unique concerns of small commercial customers as a group as opposed to other customer classes.</p> <p>Early in the proceeding, for example, on December 15 and 17, 2016, SBUA reached out to ORA and TURN, respectively, to invite comment on and ensure any necessary coordination of efforts related to the SBUA-PG&amp;E MOU. SBUA reviewed testimony of NDC, which has a subset of small business interests, and found SBUA’s MOU addressed largely separate and distinct issues from the subsets of minority and low-income customers that NDC represents.</p> <p>In this case, SBUA took all reasonable steps to coordinate its efforts with other parties and keep unnecessary duplication to a minimum.</p>	
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### **PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

<b>a. Intervenor’s claim of cost reasonableness:</b>	<b><u>CPUC Discussion</u></b>
<p>SBUA intervened in this proceeding to protect and advance the interests of small commercial customers. The Commission approved the all-party Settlement Agreement and endorsed the SBUA-PG&amp;E Memorandum of Understanding, which included numerous provisions (as discussed above) that benefit small businesses. SBUA participation in the proceeding involved negotiating extensively with PG&amp;E to enter into the MOU, submitting testimony and analysis to support SBUA’s position, and actively engaging in all-party settlement negotiations, including with negotiations and modifications relative to the MOU. SBUA’s request for intervenor compensation seeks an award of \$89,910.75 dollars, including expenses and all other fees and costs, which is reasonable in light of the benefits achieved through SBUA’s participation in the proceeding.</p> <p>The SBUA-PG&amp;E MOU and Settlement Agreement reach a reasonable compromise among PG&amp;E, SBUA, and the other settling parties. The MOU has both quantitative and qualitative benefits for small businesses although precise dollar values are difficult to attribute. As a result of SBUA’s work PG&amp;E will among other things: ensure revenue expenditures of \$24 million over the course of the 2017 GRC for MWC IV with commitments to outreach and engage with small business customers; form a new small business organization dedicated to assisting small businesses in PG&amp;E’s territory; create a new webpage with enhanced</p>	<p>Verified</p>



<p>website support for small businesses; enhance high-bill notifications to assist small commercial customers with managing energy expenditures; dedicate resources to create contracting opportunities for small businesses; target economic development funds with consideration of how to assist small businesses; and explore creating an economic development rate for small commercial customers. Although not all of these benefits are quantifiable, the adoption of the MOU will help benefit and protect an important customer class and is in the public interest.</p> <p>In sum, the Commission should conclude that SBUA's overall request is reasonable and SBUA's participation was productive and outweighed the cost of participation.</p>	
<p><b>b. Reasonableness of hours claimed:</b></p> <p>SBUA's attorney James Birkelund devoted approximately 132.9 hours to this proceeding, or a total of about 3-4 weeks' worth of time; SBUA's expert Michael Brown devoted approximately 111.2 hours to this proceeding, or a total of a little under 3 weeks of time; and SBUA's Assistant Executive Director Brittney Marra devoted approximately 15.2 hours to this proceeding. SBUA and PG&amp;E entered into early settlement negotiations that resulted in the SBUA-PG&amp;E MOU and SBUA further engaged in and joined the all-party Settlement Agreement, foreclosing the need to cross-examine any witnesses. The proceeding therefore required a significant number of hours devoted to settlement/MOU negotiations, which addressed SBUA's major issues of concern. These amounts of time spent are reasonable for a complex rate case resulting in an increased revenue award of approximately \$88 million in the test year alone.</p> <p>SBUA's attorney James Birkelund served as the lead attorney for SBUA in this proceeding, including by negotiating and finalizing settlement/MOU positions. In this capacity, he played a wide-ranging role and was responsible for researching, analyzing, and drafting various SBUA positions and issues for the MOU and SBUA's supporting expert testimony. Mr. Birkelund took the lead for SBUA in settlement discussions with PG&amp;E and negotiated terms on behalf of small business interests. SBUA seeks compensation for 132.9 of his hours, which is reasonable request given the high demand on legal services to participate in a complex GRC, as here.</p> <p>SBUA's expert Michael Brown provided critical input to the settlement/MOU discussions as an expert and developed testimony to support SBUA's positions in the proceeding. He therefore played a significant role in identifying and promoting small commercial customer interests. SBUA seeks compensation for approximately 114 of his hours.</p>	<p>With reductions made in this decision, the claim is reasonable.</p>

<p>Mr. Birkelund and Mr. Brown avoided unnecessary duplication and worked together efficiently. Both were involved in researching and analyzing small business issues, bringing their own knowledge and expertise, and on some occasions both had to participate in the same settlement meetings, as the meetings covered multiple issues and topics. By comparison, PG&amp;E often has 4 or more people to cover various topics in MOU/settlement discussions.</p> <p>SBUA's Assistant Executive Director Brittney Marra is responsible for outreach and communication with SBUA's members and the small business community. She played an important role in supporting SBUAs positions and expert testimony related to services and outreach for small businesses. SBUA seeks compensation for 15.2 of her hours.</p> <p>The hours requested above are reasonable in the context of the level of effort required to participate in a general rate case and reach a settlement. The time spent in settlement/MOU discussions was ultimately more beneficial than protracted litigation engagement, which would have entailed significantly more hours.</p>	
<p><b>c. Allocation of hours by issue:</b></p> <p>SBUA has assigned the following issue codes:</p> <ul style="list-style-type: none"> <li>A. Customer Service and Outreach to Small Businesses – 118 hours or 45%</li> <li>B. Contracting Opportunities for Small Businesses – 32.9 hours or 12%</li> <li>C. Other Issues (economic development, tracking of small business customers) – 51.9 hours or 20%</li> <li>D. Settlement – 41.6 hours or 16%</li> <li>E. General (coordination, procedural issues) – 18.4 hours or 7%</li> </ul> <p>SBUA asserts that the categories above are well defined to allow SBUA to accurately assign hours to various tasks in its time entries. Should the Commission wish to see different information on this point or some other breakdown of SBUA's hourly work, SBUA requests that we be so informed and provided an opportunity supplement this request accordingly.</p> <p>SBUA submits that all of the hours claimed were reasonably and efficiently expended and should be fully compensated. SBUA also is submitting 19.4 hours for preparing this compensation request and the NOI. This is comparable to the total hours the Commission has compensated for other groups with similar levels of involvement. <i>See, e.g.,</i> D.14-01-002 (22 hours approved for intervenor time on compensation in SC&amp;E GRC).</p>	Verified

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
James Birkelund	2015	54.2	\$435	D.15-12-042, escalated by a 5% step increase ( <i>see</i> Comment 1 below)	\$23,577	54.2	\$435 <sup>1</sup>	\$23,577.00
James Birkelund	2016	72.8	\$440	As above escalated by a 1.28% COLA per Resolution ALJ-329	\$32,032	72.8	\$440 <sup>2</sup>	\$32,032.00
James Birkelund	2017	5.9	\$440	As above.	\$2,596	5.9	\$450 <sup>3</sup>	\$2,655.00
Michael Brown	2015	72	\$200	D.15-12-042	\$14,400	33.5 <sup>[A,B]</sup>	\$200	\$6,700.00
Michael Brown	2016	34.7	\$205	D.15-12-042 plus 1.28% COLA	\$7,113.50	62.7 <sup>[A,B,C]</sup>	\$205 <sup>4</sup>	\$12,853.50
Amy Macaux	2015	4	\$120	D.15-12-042	\$480	4	\$120	\$480.00
Amy Macaux	2016	1.3	\$130	D.15-12-042 plus 1.28% COLA and 5% step increase ( <i>see</i> Comment 2 below)	\$169	1.3	\$130 <sup>5</sup>	\$169.00

<sup>1</sup> Application of first five percent step increase for attorneys with 13+ years of experience.

<sup>2</sup> Application of Res. ALJ-329 – 1.28% Cost of Living Adjustment for 2016.

<sup>3</sup> Application of Res. ALJ-345 – 2.14% Cost of Living Adjustment for 2017.

<sup>4</sup> Application of Res. ALJ-329 – 1.28% Cost of Living Adjustment for 2016.

<sup>5</sup> Application of first five percent step increase and Res. ALJ-329 – 1.28% Cost of Living Adjustment for 2016.

Brittney Marra	2015	1.5	\$155	See Comment 3 below	\$232.50	1.5	\$140	\$210.00
Brittney Marra	2016	13.7	\$155	As above.	\$2,123.50	13.7	\$140	\$1,918.00
Subtotal: \$82,723.50						Subtotal: \$80,594.50		
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 \$
James Birkelund	2015	10.9	\$217.50	Travel at 50% of 2015 rate above	\$2,370.50	10.9	\$217.50	\$2,370.75
Michael Brown	2016	9.0	\$102.50	Travel at 50% of 2016 rate above	\$922.50	9	\$102.50	\$922.50
Subtotal: \$3,293.25						Subtotal: \$3,293.25		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
James Birkelund	2015	4.4	\$217.50	50% of 2015 rate above	\$957	6.6 <sup>[D]</sup>	\$217.50	\$1,435.50
James Birkelund	2017	10.0	\$220	50% of 2017 rate	\$2,200	6.8 <sup>[D,E]</sup>	\$225	\$1,530.00
Michael Brown	2017	4	\$102.50	50% of 2017 rate	\$410	4	\$105 <sup>6</sup>	\$420.00
Amy Macaux	2015	1	\$60	50% of 2015 rate	\$60	1	\$60	\$60.00
Subtotal: \$3,627.00						Subtotal: \$3,445.50		
COSTS								

<sup>6</sup> Application of Res. ALJ-345 – 2.14% Cost of Living Adjustment for 2017.

#	Item	Detail	Amount	Amount
	Travel	Airfare costs only.	\$217	\$217.00
	Copy and Mailing	Expert costs for copying and mailing testimony.	\$50	\$50.00
Subtotal: \$267.00				Subtotal: \$267.00
TOTAL REQUEST: \$ 89,910.75				TOTAL AWARD: \$87,600.25
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. 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 are typically compensated at ½ of preparer’s normal hourly rate.</p>				
ATTORNEY INFORMATION				
Attorney	Date Admitted to CA BAR <sup>7</sup>	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation	
James M. Birkelund	March 2000	206328	No	

### C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
Comment 1 Hourly Rates for James Birkelund	<p>Mr. Birkelund's rate in D.15-12-042 was set at \$415 per hour. In addition, we are asking for a 5% step increase for Mr. Birkelund, resulting in a 2015 rate in this case of \$435 per hour (415*1.05, rounded to the nearest five, per D.13-05-009). Resolutions ALJ-303 and ALJ-329 both state: "It is reasonable to allow individuals an annual 'step increase' of 5%, twice within each experience level and capped at the maximum rate for that level, as authorized by D.07-01-009." Mr. Birkelund who is in the 13+ years of experience bracket has not yet received a step increase in this experience level.</p> <p>The increase in Mr. Birkelund's 2016-2017 rate is due to the Commission approved Cost-of-Living Adjustment (COLA) of 1.28% in 2016 as adopted by Resolution ALJ-329. The Commission issued Resolution ALJ-329 on May 20, 2016. Abiding by the Resolution, Mr. Birkelund's 2016 hourly rate has been raised from \$435 to \$440</p>

<sup>7</sup> This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

	per hour to reflect the 1.28% COLA for intervenor hourly rates. The Commission has not yet adopted a COLA for 2017, and SBUA requests that any such COLA be applied to all time keepers.
Comment 2 Hourly Rates for Amy Macaux	Ms. <sup>8</sup> Macaux's rate was set in D.15-12-042 at \$120 per hour. The increase in Ms. Macaux's 2016 rate is due to the Commission approved COLA of 1.28% adopted by Resolution ALJ-329. In addition, we are asking for a 5% step increase for Ms. Macaux (her first step increase), resulting in a 2016 rate of \$130 per hour ( $120 \times 1.0128 \times 1.05$ , rounded to the nearest five, per D.13-05-009).
Comment 3 Hourly Rates for Brittney Marra	SBUA seeks a 2015 hourly rate of \$155 for Brittney Marra. She provided services as SBUA's Assistant Executive Director and in an advocate capacity for purposes of this proceeding, including with outreach to small businesses throughout PG&E territory, and her hours should be compensated accordingly. Ms. Marra's qualifications and background are included in Attachment 4.
Attachment 1	James Birkelund Time Sheets
Attachment 2	Michael Brown Time Sheets
Attachment 3	Amy Macaux Time Sheets
Attachment 4	Brittney Marra Background Experience and Time Sheets
Attachment 5	James Birkelund Expenses
Attachment 6	Expert Michael Brown Expenses

#### D. CPUC Disallowances and Adjustments:

Item	Reason
Adoption of Brittney Marra Rate	<p>SBUA previously requested a rate of \$110 for work completed in 2014 by Ms. Marra in A.13-11-003. At that time the Commission determined her work did not contribute to the proceeding and was therefore non-compensable.</p> <p>Ms. Marra became Assistant Executive Director of SBUA in 2015, where she focuses on developing SBUA membership across California and engaging in outreach and education within the small business community. Her prior work experience as detailed in her resume summary includes 4 years in sales and marketing which has limited applicability to her current position.</p> <p>As no rate was adopted in D.16-05-051, we adopt an hourly rate of \$140 for Ms. Marra in 2015. This is consistent with experts that have 0-6 years' experience per Resolution ALJ-308, and reflective of her work.</p>
A	<p>SBUA claims 72 hours for work completed in 2015 and 34.7 hours for work completed in 2016 by Brown; however, the accompanying time sheets show the opposite. Brown's time sheets show 34.7 hours for work completed in 2015 and 72 hours for work completed in 2016. We adjust the hours to be consistent with the time sheets for</p>

<sup>8</sup> We correct Mr. Macaux to Ms. Macaux here and throughout the document as needed.

	Brown.
B	<p>The following hours did not substantially contribute to the Commission’s decision-making process and are not compensable:</p> <ul style="list-style-type: none"> <li>• 7/23/15 Brown – 1.1 hours “One Hour phone call with PG&amp;E negotiator regarding final term sheet and unresolved issues. I was passive on this call and was mostly listening in.”</li> <li>• 7/24/15 Brown – 0.1 hour “Looked at attorney’s white house initiative language. This wasn’t my issue”</li> <li>• 4/29/16 Brown – 3.1 hours “Revised testimony to improve readability. Did not conduct additional research or add new testimony. Made sure testimony closely matched expected [SIC] needs of ALJ”</li> </ul>
C	On April 11, 2016, Brown spent a total of 14.2 hours revising expert testimony based on ORA testimony, adding exhibits, and conducting research. We find this excessive and disallow 6.2 hours.
D	The Intervenor Compensation Claim Preparation portion of this claim states 4.4 hours for work completed in 2015 and 10.0 hours for work completed in 2017 by Birkelund. The time sheets reflect Birkelund spent 6.6 hours in 2015 and 7.8 hours in 2017 for claim preparation. We adjust the hours to be consistent with the time sheets for Birkelund.
E	We disallow one hour from Birkelund’s 2017 Intervenor Compensation Claim Preparation hours for inaccuracies between SBUA’s time sheets and SBUA’s claim as seen in Browns 2015 and 2016 expert fees and Birkelund’s Intervenor Compensation Claim Preparation hours.

#### **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))**

<b>A. Opposition: Did any party oppose the Claim?</b>	No
<b>B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?</b>	Yes

#### **FINDINGS OF FACT**

1. Small Business Utility Advocates has made a substantial contribution to D.17-05-013.
2. The requested hourly rates for Small Business Utility Advocates’ representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.

3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$87,600.25.

**CONCLUSION OF LAW**

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

**ORDER**

1. Small Business Utility Advocates shall be awarded \$87,600.25.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay Small Business Utility Advocates the total award. 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 September 30, 2017, the 75<sup>th</sup> day after the filing of Small Business Utility Advocates' request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated August 9, 2018, at San Francisco, California.

MICHAEL PICKER  
President  
CARLA J. PETERMAN  
LIANE M. RANDOLPH  
MARTHA GUZMAN ACEVES  
CLIFFORD RECHTSCHAFFEN  
Commissioners



**APPENDIX****Compensation Decision Summary Information**

Compensation Decision:	D1808011	Modifies Decision?	No
Contribution Decision:	D1705013		
Proceeding:	A1509001		
Author:	ALJ Roscow		
Payer:	Pacific Gas and Electric Company		

**Intervenor Information**

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Small Business Utility Advocates (SBUA)	7/17/17	\$89,910.75	\$87,600.25	N/A	See CPUC Disallowances and Adjustments, above.

**Advocate Information**

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
James	Birkelund	Attorney	SBUA	\$435	2015	\$435
James	Birkelund	Attorney	SBUA	\$440	2016	\$440
James	Birkelund	Attorney	SBUA	\$440	2017	\$450
Michael	Brown	Expert	SBUA	\$200	2015	\$200
Michael	Brown	Expert	SBUA	\$205	2016	\$205
Michael	Brown	Expert	SBUA	\$205	2017	\$210
Amy	Macaux	Paralegal	SBUA	\$120	2015	\$120
Amy	Macaux	Paralegal	SBUA	\$130	2016	\$130
Brittney	Marra	Advocate	SBUA	\$155	2015	\$140
Brittney	Marra	Advocate	SBUA	\$155	2016	\$140

**(END OF APPENDIX)**