



FILED
 Agenda ID # _____
 07-21-10
 11:03 AM

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Consider Smart Grid Technologies Pursuant to Federal Legislation and on the Commission's own Motion to Actively Guide Policy in California's Development of a Smart Grid System.	Rulemaking 08-12-009 (Filed December 18, 2008)
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CLAIM AND DECISION ON REQUEST FOR INTERVENOR COMPENSATION

Claimant: Utility Consumers' Action Network	For contribution to D. 10-06-047		
Claimed (\$): \$46,340.34	Awarded (\$):		
Assigned Commissioner: Nancy Ryan	Assigned ALJ: Timothy Sullivan		
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/			
Date:	July 21, 2010	Printed Name:	Michael Shames

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

A. Brief Description of Decision: Adopts rules for utilities deploying Smart Grid

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 (§ 1804(a)):		
1. Date of Prehearing Conference:	N/A	

2. Other Specified Date for NOI:		
3. Date NOI Filed:	March 8, 2010	
4. Was the notice of intent timely filed?		
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	08-12-009	
6. Date of ALJ ruling:	March 28, 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)):		
9. Based on ALJ ruling issued in proceeding number:	N/A	
10. Date of ALJ ruling:	N/A	
11. Based on another CPUC determination (specify):	D. 10-03-020	
12. Has the claimant demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision	D. 09-09-036	
14. Date of Issuance of Final Decision:	June 28, 2010	
15. File date of compensation request:	July 21, 2010	
16. Was the request for compensation timely?		

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

#	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 final or record.)

Contribution	Citation to Decision or Record	Showing Accepted by CPUC
<p>UCAN offered comments in its opening comments on privacy matters. (Comments, p. 36-42)</p>	<p>D.10-06-047, p. 10 “ Although there is a widespread consensus that consumer privacy is important and requires protection and there are numerous principles on which there is major agreement, developing a full host of regulatory requirements and protections cannot be done in this decision. There are, however, some elements of security and privacy that should be addressed in deployment plans, and this decision will provide guidance on these matters. After the adoption of this decision, this proceeding will focus on information access and privacy protections needed to implement access to price and consumption data.”</p>	
<p>UCAN argues that a deployment plan may be a useful guide, but not a document that controls utility investments. UCAN posits:... that a Smart Grid deployment plan should serve as a blueprint for a utilities' Smart Grid deployment. It need not be a procurement plan, as per Section 454.5, but they can be if the utility so desires. First, and foremost, it should clearly state the objectives that the utility seeks to achieve. Secondly, it must keep an eye squarely focused upon cost-effectiveness of the measures taken to achieve those objectives. Finally, it should be a living, breathing blueprint that is routinely, if not annually, revised based upon emerging technologies,</p>	<p>D.10-06-047, p. 19 D. p. 21-22 “arguments of commenters confirm our tentative conclusion that the best uses of the deployment plans is to set a baseline indicating the current deployment of Smart Grid technologies and as a document for guiding future Smart Grid investments. We also conclude that deployment plans are not a substitute for a Commission</p>	

	review of specific infrastructure investments that will take place just prior to the time of deployment”	
UCAN suggests that a deployment plan baseline should include the “Scorecard and Decision-maker’s Checklist” in the absence of interoperability standards. UCAN argues that “until official standards are adopted [the Scorecard and Decision-makers Checklist] are the best measurement for ensuring the utilities are adopting technology that is interoperable.”	D.10-06-047, pp. 37-38 Decision, p. 40 “ Parties are in near total agreement that a baseline, or inventory, of current Smart Grid infrastructure investments is necessary to enable the Commission to understand where the utilities are today and can be used to gauge how much “smarter” the grid is in the future. The Commission agrees that a baseline should be undertaken by the utilities and included in their deployment plan filings, due by July 1, 2011.”	
UCAN also comments on the importance of cyber security and argues that “[t]he risk of interrupted energy service has the potential of being much more devastating to a consumer than the dropped calls that occur in the cellular communications network.”	D.10-06-047, p. 53 Decision, p. 58 “ Like many commenters, we conclude that the developing NIST framework will address many of the security issues that are arising”	
UCAN supports the use of metrics as an important way to measure “the achievement of deployment plan objectives.” UCAN states that the Commission “should focus on results and net benefits more than build metrics.” UCAN is concerned that the proposed metrics may not yield valuable information regarding Smart Grid investments and Commission review of those investments. UCAN argues that if the metrics are too specific, the utility may attempt to build out to those metrics and miss potentially other, more cost-effective technologies that when combined with other technologies may provide more benefits to ratepayers. Additionally, UCAN cautions that any metrics adopted up front “may be premature until more is known about technology change and commercial viability.” UCAN also provides specific edits to the proposed metrics.	D.10-06-047, pp. 80-81 Decision, p. 84-85 “ The Commission agrees with parties that metrics should be adopted for inclusion in the Smart Grid Deployment Plans and subsequent utility reports because they will provide the Commission with a means to assess the state of the electric grid..... Therefore, the Commission declines to adopt the limited set of metrics proposed by the utilities.”	

<p>In its opening comments, UCAN discussed the importance of utilities incorporating commonly accepted consumer principles into their deployment plans in order to comply with § 8360(j).</p>	<p>The decision does not explicitly address this issue. It does address UCAN’s comments on the PD by stating: “ The Commission will review the entire Smart Grid Deployment Plan and the specific Smart Grid investments proposed in subsequent Commission proceedings, and these comprehensive reviews will enable the Commission to assure that the Smart Grid meets the requirements of § 8360(j).” Decision, p. 113. From this comment, UCAN believes that the Commission has committed to adhere to § 8360(j), which, we have argued, requires adherence to consumer protection.</p>	
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was DRA a party to the proceeding? (Y/N)	Y	
b. Were there other parties to the proceeding? (Y/N)	Y	
c. If so, provide name of other parties: A remarkably large and diverse set of stakeholders commented in this proceeding.		
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: The nature of the proceeding was such that parties didn’t work in coalitions. UCAN’s points were developed independently with a focus upon UCAN’s in-house and retained experts on Smart Grid deployment. There was relatively little duplication of UCAN’s testimony with that of DRA.		

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

#	Claimant	CPUC	Comment

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

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

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
<p>UCAN's participation in this case provided important factual bases for the Commission's final decision. As cited above, the Commission referenced the UCAN comments in its decision regarding metrics, price and usage data and privacy matters.</p> <p>Pursuant to Commission rules, UCAN has provided the time sheets with costs allocated among the issues addressed by UCAN: 1) Metrics 2) Pricing and Usage Data 3) Privacy and 4) Market Barriers/Consumer principles.</p> <p>Pursuant to Rule 1804(a)(2)(B) UCAN includes its showing of significant financial hardship here in its compensation request. UCAN asserts in its NOI that the economic interest of the individual members of the organization is small in comparison to the costs of effective participation in the proceeding. In these consolidated proceedings, UCAN's costs substantially outweighed the benefits to the individual members it represents. UCAN's participation in this proceeding concerned issues of metrics, price and usage data, privacy and market barriers which while beneficial only has a minimal financial impact on its individual members. Accordingly, these economic interests are small relative to the costs of participation. It is unlikely that UCAN's members will see financial benefits that exceed the costs of UCAN's intervention.</p> <p>Additionally, in an effort to economize UCAN had Mike Scott prepare and draft much of the legal documentation behind the consumer principles as his claimed hourly rate is significantly lower than Michael Shames' claimed hourly rate thereby reducing UCAN's overall claimed costs.</p> <p>For these reasons, we request that the Commission find that UCAN is a customer as defined in Public Utilities Code Section 1802(b) and has made the requisite showing of significant financial hardship, and is determined to be eligible to claim intervenor compensation in this proceeding.</p>	

B. Specific Claim:

CLAIMED						CPUC AWARD			
ATTORNEY AND ADVOCATE FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$

Michael Shames	2010	51.60 Attachment 1	330	D. 10-05-013	\$22,704.00				
Mike Scott	2010	28.5 Attachment 2	155	D. 10-05-013	\$ 4,417.50				
Subtotal:					\$27,121.50	Subtotal:			
EXPERT FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
David Croyle	2010	53.5 Attachment 3	225	D. 10-03-020	\$12,037.50				
Beth Givens	2010	20.8 Attachment 4	200	D.03-07-014 D.04-12-054	\$4,160.00				
Subtotal:					\$16,197.50	Subtotal:			
OTHER FEES									
Describe here what OTHER HOURLY FEES you are claiming (paralegal, travel, etc.):									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Travel-Shames	2010	12.8	165	D. 10-05-013	\$1518.00				
Subtotal:					Travel days identified in Attachment 1	Subtotal:			
INTERVENOR COMPENSATION CLAIM PREPARATION **									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Michael Shames	2010	6.0	\$165	(1/2 of 2010 claimed rate)	\$990.00				
Subtotal:					\$990.00	Subtotal:			
COSTS									
#	Item	Detail			Amount	Amount			
1	Travel Costs	See Attachment 5(itemization and travel receipts)			\$513.34				
Subtotal:					\$513.34	Subtotal:			
TOTAL REQUEST \$:					\$46,340.34	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.									

**Reasonable claim preparation time typically compensated at 1/2 of preparer's normal hourly rate.

D. Attachments or Comments Documenting Specific Claim (Claimant completes; attachments not attached to final Decision):

Attachment or Comment #	Description/Comment
	Certificate of Service
1	Michael Shames' hours
2	Mike Scott's hours
3	David Croyle's hours
4	Beth Givens' hours
5	Travel Costs & Receipts

E. CPUC Disallowances & Adjustments (CPUC completes):

#	Reason
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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 (Y/N)?

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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)) (Y/N)?

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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 claimed fees and costs [, as adjusted herein,] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. 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. 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/these] proceeding[s] [is/are] closed.
5. This decision is effective today.

Dated _____, at San Francisco, California.

Certificate of Service by Customer

I hereby certify that I have this day served a copy of the foregoing **CLAIM AND ORDER ON REQUEST FOR INTERVENOR COMPENSATION** by (check as appropriate):

- hand delivery;
- first-class mail; and/or
- electronic mail

to the following persons appearing on the official Service List for A. 08-11-014:

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Executed this 21st day of July 2010, at San Diego, California.

/s/

Laura Impastato
3100 5th Ave., Suite B
San Diego, CA 92103

Attachment 1:

**Attorney Hours of
Michael Shames**

Issue Codes
 General Preparation, Discovery &
 Briefing
GP
 Price and Usage Data
P/D
 Metrics
Met

Smart Grid OIR R. 08-12-009

Date	Description	Hours	GP	P/D	Met	Privacy
2/9/2010	Review scoping memo	2.50	2.50			
2/10/2010	T/Conf w/ D. Croyle re: comments and procedure	0.30	0.30			
	Research sources of info for smart grid comments	1.30	1.30			
2/11/2010	Draft outline of comments	2.00	2.00			
	T/Conf w/ Croyle re: comments	0.40	0.40		0.40	
3/1/2010	Draft outline of comments	2.50	2.00			
3/2/2010	Write opening comments. Mtg. w/ staff	6.00	0.50	3.00	2.50	
3/3/2010	Write opening comments. Send revisions to Croyle.	5.50			5.50	
3/4/2010	Write opening comments. T/Conf w/ Croyle re: edits. Review PRC comments.	8.00	3.00	2.00	0.50	2.50
3/5/2010	Complete and file opening comments	5.50	1.50	3.00	1.00	
3/12/2010	Review comments from other parties	4.50	4.50			
3/14/2010	Review comments from other parties	3.00	3.00			
3/15/2010	Review comments from other parties	4.00	4.00			
3/16/2010	O-W trip to S.F. (6.8 hrs)	na				
3/17/2010	Attend workshops	7.00	7.00			
3/18/2010	Attend workshops	7.00	7.00			
3/19/2010	Attend workshops	3.00	3.00			
	O-W trip to S.D. (6.0 hrs)	na				
6/2/2010	Review PD	4.30	4.30			
6/9/2010	Finalize PD comments	2.00	2.00			
7/20/2010	Draft comp request	na				
TOTAL		68.80	48.30	8.00	9.90	2.50

Attachment 2

**Attorney Hours of
Mike Scott**

Issue Codes
GP General Preparation
Cons Consumer Principles
Inter Interoperability

Smart Grid OIR R. 08-12-009

Date	Description	Hours	GP	Cons	Inter
3/1/2010	Review February 8 Scoping Memo	1.50	1.50		
3/1/2010	Analysis & Legal Drafting Comments re: Interoperability Standards	3.20			3.20
3/2/2010	Analysis & Legal Drafting Comments re: performance standard and Consumer Protection	2.80		2.8	
3/2/2010	Meeting w/ M. Shames re: Consumer Protection Section	0.70		0.7	
3/3/2010	Analysis & Legal Drafting Comments re: Consumer Protection Principles and Metrics	4.30		4.3	
	Legal Drafting: Motion for Party Status	1.20	1.20		
3/4/2010	Analysis & Legal Drafting Comments re: Interoperability, Performance Standards, and Consumer Protections	3.50			3.50
3/5/2010	Legal Drafting: Notice to claim Intervenor Compensation	1.00	1.00		
5/26/2010	Analysis & Review Commissioner Ryan's Proposed Decision	2.90	2.90		
6/8/2010	Analysis & Legal Drafting: Comments on Commissioner Ryan's Proposed Decision re: Recommended Changes to include Consumer Protections	3.60	1.50	2.1	
6/9/2010	Analysis & Legal Drafting: Comments on Commissioner Ryan's Proposed Decision re: Recommended Changes to include Consumer Protections	3.80	1.80	2	
TOTAL HRS		28.50	9.90	11.9	6.70

ATTACHMENT 3
Hours of David Croyle

TH	18-Feb	2.0	Revise/edit outline of comments on Scoping Memo critical questions
F	19-Feb	3.0	Review relevant performance metrics and price/usage data access issues
			Evaluate metrics and data access concepts for
M	22-Feb	2.0	comment
			Evaluate metrics and data access concepts for
T	23-Feb	2.0	comment
TH	25-Feb	2.0	Writeup comments on Smart Grid deployment plan metrics
F	26-Feb	4.0	Writeup comments on Smart Grid price and usage data access
M	1-Mar	7.0	Writeup comments on Smart Grid deployment plan metrics
T	2-Mar	6.0	Writeup comments on Smart Grid price and usage data access
W	3-Mar	5.0	Edit and revise both draft sections of the comments documents
TH	4-Mar	0.5	Collaborate on edits to Metrics comments document.
Total			
Hrs.		53.5	

ATTACHMENT 4

Expert Hours of Beth Givens

Smart Grid OIR R. 08-12-009

Date	Description	Hours	Privacy
2/25/2010	Review PUC OIR. Research European practices	5.50	5.50
3/2/2010	Research Smart Grid privacy practices. Begin draft of comments	6.30	6.30
3/4/2010	Complete prelim draft. Send to Shames for review	4.00	4.00
3/5/2010	Review Shames modifications. Finalize comments.	5.00	5.00
TOTAL HRS		20.80	20.80

Attachment 5 Travel Costs

<u>Person</u>	<u>Date</u>	<u>Description</u>	<u>Quantity</u>	<u>Price</u>
Michael Shames	3/16/2010	Flight to OAK (RT)	1	\$240.40
	3/16/2010	BART	1	\$11.80
	3/16-19/2010	Parking	4	\$44.00
	3/16-19/2010	Hotel		\$217.14
<u>Total:</u>				\$513.34

Travel Receipts

1. Michael Shames 01/16/09 SAN to OAK

Receipt and Itinerary as of 03/08/10 5:57 PM

Confirmation Number
QWW9FK

Confirmation Date: 03/08/10
Received: MICHAEL SHAMES BY ICBM

Be prepared when you get there!
Consult [Travel Guide](#) for relevant tips from real travelers.

Passenger Information			
Passenger Name	Account Number	Ticket#	Expiration ¹
SHAMES/MICHAEL MICHAEL	00000019937282	5262186804157	03/08/11

¹ All travel involving funds from this Confirmation Number must be completed by the expiration date.

Itinerary		
Depart: SAN DIEGO CA to OAKLAND CA (Travel Time: 1 hrs 25 mins)		
Date	Flight	Routing Details
Tue Mar 16	# 0334	Depart SAN DIEGO CA (SAN) at 1:45 PM

Arrive in OAKLAND CA (OAK) at 3:10 PM

Return: OAKLAND CA to SAN DIEGO CA (*Travel Time: 1 hrs 25 mins*)

Date	Flight	Routing Details
Fri Mar 19	# 0697	Depart OAKLAND CA (OAK) at 1:40 PM Arrive in SAN DIEGO CA (SAN) at 3:05 PM

Cost and Payment Summary

Base Fare	\$203.72
+ Excise Taxes	\$15.28
Advertised Fare	\$219.00
+ Segment Fee	\$7.40
+ Passenger Facility Fee	\$9.00
+ Security Fee ¹	\$5.00
Total Payment:	\$240.40

¹Security Fee is the government-imposed September 11th Security Fee.

Current payment(s)
03/08/10 Amer Express XXXXXXXXXXXX1003 \$240.40

Fare Rule(s)

NON REFUNDABLE/ STANDBY REQ UPGRADE TO YL. All travel involving funds from this Confirmation Number must be completed by the expiration date. Any change to this itinerary may result in a fare increase.

Fare Calculation:

SAN WN OAK81.86OD7NR WN SAN121.86Q7NR 203.72 END ZPSANOAK XT5.00AY9.00XFSAN4.5OAK4.5

Important Checkin Requirement

Passengers who do not obtain a boarding pass and are not present and available for boarding in the departure gate area at least ten minutes prior to scheduled departure time may have their reserved space cancelled and will not be eligible for denied boarding compensation.

Southwest Airlines Co. Notice of Incorporated Terms

Air transportation by Southwest Airlines is subject to Southwest Airlines' Passenger Contract of Carriage, the terms of which are incorporated by reference.

[Notice of Incorporated Terms](#)

Additional Information for Travelers

[Online Checkin](#) | [Free Baggage Allowance](#) | [Checkin Requirements](#)
[Inflight Service](#) | [Travel Tools](#) | [Refund Information](#) | [Privacy Policy](#) | [Southwest Airlines Destinations](#)

We can [notify you of flight departure or arrival status via text messages](#) on your cell phone, pager, personal digital assistant (PDA), or e-mail account. Or, use our automated phone service by calling 1-888-SWA-TRIP.

YOUR HOTEL INFORMATION

Happy with your hotel? [Click here to extend your stay.](#)

Holiday Inn Civic Center 

Civic Center
50 Eighth Street
San Francisco, California 94103
415-626-6103

[See Hotel Website](#)
[View Map and Directions](#)

Amenities:        

Check-In Date:
Tue, Mar 16, 2010 / After 03:00 PM

Check-Out Date:
Fri, Mar 19, 2010 / 12:00 PM

RESERVATION AND BILLING INFORMATION

Reservation Information

Reservation Name: Michael Shames
Hotel Confirmation Number: 66689435
Hotel Request Number: 696-491-591-68

Payment Information

Billing Name: Michael Shames
Payment Method: Chase Visa (Visa ending in 5858)

Your Offer Price Per Room, Per Night:	\$60.00
Subtotal:	\$180.00
Taxes & Fees:	\$37.14
Total Charges*:	\$217.14

*Prices are in US dollars.