Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Implement the California Renewables Portfolio Standard Program.	Rulemaking 04-04-026 (Filed April 22, 2004)

OPINION GRANTING INTERVENOR COMPENSATION TO GREEN POWER INSTITUTE AND THE UTILITY REFORM NETWORK FOR SUBSTANTIAL CONTRIBUTIONS TO DECISIONS IN THIS PROCEEDING AND DENYING COMPENSATION TO AGLET CONSUMER ALLIANCE

This decision awards $169,216.25 to the Green Power Institute (Green Power), and $97,900.01 to The Utility Reform Network (TURN) in compensation for their substantial contributions to Decision (D.) 04-06-014, D.04-06-015, D.04-07-029, D.05-05-011, D.05-07-039, D.05-10-014, D.05-11-025, D.05-12-042, D.06-01-046, and to the procurement review groups established by D.02-08-071.

Each award is smaller than requested. Green Power's original request of $204,542.00 is reduced to conform to our policies on attorney fee levels and reasonable hours. TURN's original request of $116,767.51 is reduced to reflect its somewhat limited contributions to D.05-11-025 and D.05-05-011.

This order also denies compensation to Aglet Consumer Alliance (Aglet) for its claimed work on D.06-03-016 for which it sought $3,298.39. We find that

Aglet did not make substantial contributions to the order.[1] This proceeding is closed.

1. Background

The Commission opened Rulemaking (R.) 04-04-026 to implement Senate Bill 1078, which created the California Renewables Portfolio Standard (RPS) program.[2] We began our implementation of the RPS program with D.03-06-071, in R.01-10-024. We continued our work on implementation in this docket, in which we issued 13 decisions prior to D.06-05-039, our decision closing this proceeding.

This is the Commission's third intervenor compensation award to Green Power in this proceeding.[3] Here, Green Power seeks compensation for contributions to four decisions: D.05-07-039, D.05-10-014, D.05-11-025, and D.05-12-042.

This is the first compensation decision issued in this proceeding for TURN. TURN seeks compensation for contributions to nine decisions in this proceeding,

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[1] Aglet's original request was for $18,772.77, which sought funding for work in this docket plus $15,474.38 for work in Pacific Gas and Electric Company's (PG&E) procurement review group. Because this work was not associated with this docket, Aglet agreed informally to file for this claim in another docket. We therefore do not address this portion of the claim in this decision.

[2] The current RPS legislation is found at Pub. Util. Code §§ 399.11-399.17. All further references to sections are to the Public Utilities Code, unless otherwise indicated.

[3] The two previous awards totaled approximately $130,000.

as well as for RPS-related work on procurement review groups (PRGs)[4] for the state's three large electric utilities.[5]

We briefly describe each of the orders for which compensation is sought by TURN, noting those for which Green Power or Aglet also seeks compensation:

D.04-06-014 – adopted standard contract terms and conditions for participants in the RPS program;

D.04-06-015 – adopted a methodology for determining the market price referent (MPR), as required by § 399.15(c);

D.04-07-029 – adopted criteria for the selection of least-cost and best-fit resources;

D.05-05-011 – adopted principles for participation of renewable distributed generation in the RPS program;

D.05-07-039 – adopted annual RPS procurement plans for 2005 (Green Power also);

D.05-10-014 – approved a long term procurement plan for each large utility (Green Power also);

D.05-11-025 – adopted principles for RPS participation of energy service providers (ESPs), community choice aggregators (CCAs), small utilities and multi-jurisdictional utilities (Green Power also);

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[4] We set forth the parameters for PRGs in D.02-08-071. We provided for intervenor compensation for the service of nonmarket participants on PRGs in D.02-10-062.

[5] PG&E; San Diego Gas & Electric Company (SDG&E); and Southern California Edison Company (SCE).

D.05-12-042 – adopted a more refined methodology for the MPR (Green Power also);

D.06-01-046 – denied SCE's application for rehearing of D.05-07-039 with respect to the use of power from Calpine's Geysers facility for RPS compliance.

D.06-03-016 – denied PG&E's application for rehearing of D.05-11-025 (Aglet).

2. Requirements for Awards of Compensation

The intervenor compensation program, enacted in §§ 1801-1812, requires California jurisdictional utilities to pay the reasonable costs of an intervenor's participation if the intervenor makes a substantial contribution to the Commission's proceedings. The statute provides that the utility may adjust its rates to collect the amount awarded from its ratepayers.

All of the following procedures and criteria must be satisfied for an intervenor to obtain a compensation award:

1. The intervenor must satisfy certain procedural requirements including the filing of a sufficient notice of intent (NOI) to claim compensation within 30 days of the prehearing conference (PHC) (or in special circumstances, at other appropriate times that we specify). (§ 1804(a).)
2. The intervenor must be a customer or a participant representing consumers, customers, or subscribers of a utility subject to our jurisdiction. (§ 1802(b).)
3. The intervenor should file and serve a request for a compensation award within 60 days of our final order or decision in a hearing or proceeding. (§ 1804(c).)
4. The intervenor must demonstrate "significant financial hardship." (§§ 1802(g), 1804(b)(1).)
5. The intervenor's presentation must have made a "substantial contribution" to the proceeding, through the adoption, in whole or in part, of the intervenor's contention or

recommendations by a Commission order or decision. (§§ 1802(i), 1803(a).)

6. The claimed fees and costs are reasonable (§ 1801), necessary for and related to the substantial contribution (D.98-04-059), comparable to the market rates paid to others with comparable training and experience (§ 1806), and productive (D.98-04-059).

For discussion here, the procedural issues in Items 1-4 above are combined, followed by separate discussions on Items 5-6.

3. Procedural Issues

The first PHC in this matter was held on May 5, 2004. TURN and Green Power timely filed NOIs on June 4, 2004. A fourth PHC was held on December 14, 2005. Aglet timely filed its NOI on January 12, 2006. Each of these intervenors asserted financial hardship in their NOIs.

Section 1802(b)(1) defines a "customer" as: (A) a participant representing consumers, customers or subscribers of a utility; (B) a representative who has been authorized by a customer; or (C) a representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential or small business customers.

In this case, we find that each of these intervenors requesting compensation is a customer as defined in § 1802(b)(1)(C). We also find TURN and Green Power meet the financial hardship conditions pursuant to § 1802(g). We find that Aglet meets the financial hardship condition pursuant to § 1804(b)(1), as it established a rebuttable presumption of eligibility because it met this condition in another proceeding within one year of the commencement of this proceeding (Administrative Law Judge (ALJ) Ruling dated April 15, 2004 in Application 04-01-009).

TURN filed its request for compensation on April 3, 2006, within 60 days of the issuance of D.06-01-046, the last decision for which it seeks compensation. Green Power filed its request for compensation on February 16, 2006, within 60 days of D.05-12-042 being issued, the last decision for which it seeks compensation. Aglet filed its request for compensation on May 2, 2006, within 60 days of the issuance of D.06-03-016. No party filed in opposition to these requests. In view of the above, we find that TURN, Green Power and Aglet have satisfied all the procedural requirements necessary to make a request for compensation.

4. Substantial Contribution

In evaluating whether a customer made a substantial contribution to a proceeding, we look at several things. First, we consider whether the ALJ or Commission adopted one or more of the factual or legal contentions, or specific policy or procedural recommendations put forward by the customer. (See § 1802(i).) Second, if the customer's contentions or recommendations paralleled those of another party, we consider whether the customer's participation materially supplemented, complemented, or contributed to the presentation of the other party or to the development of a fuller record that assisted the Commission in making its decision. (See §§ 1802(i) and 1802.5.) As described in § 1802(i), the assessment of whether the customer made a substantial contribution requires the exercise of judgment. If the Commission does not adopt any of the customer's recommendations, it may still award compensation if the customer's participation substantially contributed to the decision or order in other ways.

A discussion of the contributions of each intervenor follows.

4.1. Green Power

Green Power states its contributions to D.05-07-039 include its recommendations regarding utility reporting requirements, and to hold the utilities to a requirement that RPS procurement be measured according to actual deliveries, not contracts for future deliveries. It states D.05-10-014 adopted Green Power's recommendations with regard to information disclosures and an acknowledgement of risk associated with future RPS contract failures. Green Power states that D.05-11-025 agreed with its legal assessment of the Commission's jurisdiction to set conditions on the RPS participation of ESPs and CCAs, and to consider the use of unbundled renewable energy credits (RECs) for RPS compliance. It states that D.05-12-042 accepted Green Power's view that the Commission should base determination of the MPR on actual or modeled marketplace behavior, and utilized its contributions to the development of a gas pricing methodology and several other technical elements of price modeling.

Green Power provided essential analysis of many issues in this proceeding, with consistently high quality work. We find that Green Power made substantial contributions to the orders for which it seeks compensation.

4.2. TURN

TURN states it has participated extensively in this proceeding and contributed to the nine decisions for which it seeks compensation as follows:

D.04-06-014 – adopted a proposal created by the collaboration of seven intervenor groups and included two of TURN's proposed changes to the draft decision concerning the eligibility of geothermal projects for RPS credits and the ability of the utilities to "bank" renewable energy in excess of targets;

D.04-06-015 – adopted a number of TURN's proposals made jointly with SDG&E, and several made in common with a number of other parties with respect to the basic methodology for the MPR;

D.04-07-029 – adopted several of TURN's proposals, including a joint proposal with Independent Energy Producers Association regarding a discrepancy between the timing of energy payment awards and power purchase contacts, the use of certain protocols for estimating above market costs, bid attributes and time-differentiated payments by PG&E, among other things;

D.05-05-011 – did not adopt TURN's proposal to provide the utilities with ownership of all RECs from renewable distributed generation but recognized the legitimacy of TURN's position and indicated that further consideration of renewable distributed generation would be undertaken;

D.05-07-039 – adopted several of TURN's proposals with regard to annual RPS procurement plans, including those that would require the utilities to expand their delivery points for energy and to reject SCE's inclusion of all of its energy purchases from the Geysers facility toward incremental procurement targets;

D.05-10-014 – adopted certain TURN proposals with regard to each utility's long term procurement plan, including one that the utilities should apply safety margins to procurement targets;

D.05-11-025 – adopted some of TURN's positions with regard to RPS requirements for CCAs, ESPs and small and multi-jurisdictional utilities, but rejected most of TURN's proposals with regard to the use of RECs ;

D.05-12-042 – adopted several of TURN's recommendations with regard to refining the methodology for the MPR;

D.06-01-046 – adopted TURN's position in opposition to SCE's application for rehearing of D.05-07-039, which found that SCE had improperly included certain output from the Geysers facility as incremental procurement.

PRGs – TURN states it has participated extensively in efforts to create and implement the large utilities' competitive solicitations for renewable resources.

We agree that TURN made a substantial contribution to all decisions for which it requests compensation in this proceeding. In some cases, TURN's participation was essential to the outcome of a decision, as in D.05-07-039, where TURN identified a problem with SCE's reporting of its RPS procurement from the Geysers facility. We also commend TURN for working with SDG&E to fashion a comprehensive proposal for resolution of issues addressed in D.04-06-015. TURN did not prevail in the resolution of issues addressed in D.05-05-011 and D.05-11-025 and the Commission did not otherwise rely on TURN's information or analysis in reaching its conclusions in those decisions. We therefore discount the hours claimed in those proceedings by 50%, which we find reasonable under the circumstances.

4.3. Aglet

Aglet states it contributed to D.06-03-016, which resolved PG&E's application for rehearing of D.05-11-025. Aglet explains the order adopted the common position of Aglet and PG&E that the record did not demonstrate that ESPs face more market price pressure than the large utilities. Aglet states it argued successfully that ESPs are not similarly situated to the large utilities. Aglet states it was the only intervenor to file a reply to PG&E's application for rehearing.

We have applied a liberal standard in determining whether an intervenor contributed to a Commission decision. For example, we do not require that a

party's position be adopted or for its efforts to be unique among intervenors to the proceeding. On the other hand, an intervenor must have made a material contribution to our exploration of the issues in order to qualify for compensation. Aglet did not make such a contribution to D.06-03-016. Aglet intervened in this proceeding after the close of the record that was the subject of D.06-03-016. It therefore had no role in the development of the underlying record and, arguably, had no standing to file a reply to PG&E's application for rehearing. Further, Aglet's pleading provided no new analysis or legal argument.

We do not wish to discourage Aglet from participating in this or any other proceeding. On the other hand, in determining how to spend ratepayer funds, we must be convinced that an intervenor's contributions provided some insight, analysis or information that would not otherwise be available for our consideration as part of the decision-making process. Aglet's contributions to D.06-03-016 do not meet that standard. We therefore deny Aglet's request for intervenor compensation.

5. Reasonableness of Requested Compensation

After we have determined the scope of a customer's substantial contribution, we look at whether the compensation requested is reasonable. Below we review the reasonableness of the requests of Green Power and TURN. Aglet's request is not considered here as we find it did not make a substantial contribution to the decision for which it has claimed compensation.

Green Power requests $204,542 for its participation in this proceeding[6]

Advocate	Year	Hours	Rate	Amount
Dr. Gregory Morris, expert	2004 2005 2005 (int comp)	102 496 46	$210.00 $240.00 $120.00	$21,420.00 $119,040.00 $5,520.00
Jon Welner, attorney	2004/ 2005 2005 (int comp)	6.25 38.75 11	$415.00 $415.00 $207.50	$2,593.75 $16,081.25 $2,282.50
Research Associate	2005	7	$30.00	$210.00
Jodi Smith, attorney	2004 2005 2005 (int comp)	6 92.25 9.75	$335.00 $335.00 $167.50	$2,010.00 $30,903.75 $1,633.12
Michael Sharpless, paralegal	2005	7	$220.00	$1,540.00
Peter Weiner, attorney	2005	.50	$530.00	$265.00
		Expenses		$905.00
		TOTAL REQUEST		$204,405.00

TURN requests $116,767.51 for its participation in this proceeding, as follows:

Advocate	Year	Hours	Rate	Amount
Marcel Hawiger, attorney	2004	2.25	$270.00	$607.50
Matthew Freedman, attorney	2004 2005 2006	121.25 208 17	$250.00 $270.00 $135.00	$30,312.50 $56,160.00 $2,295.00
Nina Suetake, attorney	2004/ 2005	46.25	$190.00	$8,787.50
Kevin Woodruff, expert	2004/ 2005	33	$200.00	$6,600.00
Bill Marcus, expert	2004 2005	27.91 8.83	$195.00 $210.00	$5,442.45 $1,854.30
Michael Florio, attorney	2004/ 2005	5.75	$470.00	$2,702.50
		Subtotal		$114,761.75
		Expenses		$2,005.76
		TOTAL REQUEST		$116,767.51

[6] Green Power's calculations in the request are incorrect in several instances. Its total request would have been $204,405. Our award today applies the correct calculations.

In general, the components of this request must constitute reasonable fees and costs of the customer's preparation for and participation in a proceeding that resulted in a substantial contribution. The issues we consider to determine reasonableness are discussed below.

5.1. Hours and Costs Related to and Necessary for Substantial Contribution

We first assess whether the hours claimed for the customer's efforts that resulted in substantial contributions to Commission decisions are reasonable by determining to what degree the hours and costs are related to the work performed and necessary for the substantial contribution.

5.1.1. Green Power

Green Power documented its claimed hours by presenting a daily breakdown of the hours of its attorneys and experts, accompanied by a brief description of each activity. Reviewing Green Power's documentation, we find its claims are reasonable. The 68 hours Green Power claims for preparing the intervenor compensation request, however, are excessive. We therefore cut the hours claimed for Morris for this activity to 20 from 46.

5.1.2. TURN

TURN documented its claimed hours by presenting a daily breakdown of the hours of its attorneys and experts, accompanied by a brief description of each activity. TURN represents that it coordinated its efforts with other intervenors to minimize duplication of effort. The hourly breakdown reasonably supports the claim for total hours. As stated previously, we adjust TURN's claim for work undertaken on D.05-05-011 and D.05-11-025 because its contributions were limited. For D.05-05-011, we reduce 3.5 hours for Freedman.

For D.05-11-025, we reduce 65.5 hours for Freedman, 1.75 hours for Florio, and 3 hours for Woodruff.

5.2. Market Rate Standard

We next take into consideration whether the claimed fees and costs are comparable to the market rates paid to experts and advocates having comparable training and experience and offering similar services.

5.2.1. Green Power

Green Power seeks hourly rates for its attorneys and experts as follows:

Morris: Green Power seeks $210 for policy expert Morris in 2004, an amount that has already been approved by the Commission in D.05-01-053. Green Power seeks an increase to $240 for work Morris performed in 2005. Green Power states this increase is reasonable based on the additional experience Morris obtained in the intervening two years. D.05-11-031 determined that intervenor rates would not be increased from 2004 to 2005 except under unusual and specified circumstances. Green Power has not made a convincing case that Morris' rate for 2005 should be increased from 2004 and we adopt the $210 rate here for 2004 and 2005.

Weiner: Green Power seeks $530 an hour for attorney Weiner's work in 2005, explaining that Weiner has 35 years of experience in environmental litigation, leads the environmental practice at the Paul Hastings law firm, and has represented renewable energy generators and other clients before regulatory agencies. Green Power states this rate is within the range of fees paid by utilities, as described in D.05-11-031, and that Weiner is clearly a leader in his area of legal expertise. This rate is substantially higher than the rate for any other attorney practicing before this Commission, a fact we must consider in setting his rate.

Attorney Florio of TURN is one of the most experienced and knowledgeable intervenor regularly appearing before the Commission, with more than 25 years of regulatory experience, and experience as a member of the board of the California Independent System Operator, among other things. We have previously approved a rate of $470 an hour for Florio for work in 2004 and 2005. We find it is reasonable to pay Weiner the same rate in recognition of his experience and knowledge, and adopt a rate of $470 here for his 2005 work.

Welner: Green Power seeks $415 an hour for attorney Welner, who has practiced energy and regulatory law for 11 years as a member of the Paul Hastings law firm. Green Power does not justify this rate, which is considerably higher than those we pay to other attorneys with comparable experience. For example, attorney Hawiger of TURN was compensated at a rate of $270 for work conducted in 2004 and 2005; and TURN attorney Christine Mailloux compensated in those years at an hourly rate of $325. (See, for example, D.06-04-029.) Both of these TURN attorneys have practiced relevant law for 12 years and both have practiced before this Commission for several years. We find it reasonable to set Welner's rate at $270 an hour for 2004 and 2005.

Smith: Green Power seeks $335 an hour for attorney Smith for work in 2004 and 2005. Smith has been a member of the bar since 1998 and worked as an environmental consultant prior to that time. The rate Green Power seeks is considerably higher than we have awarded other intervenor attorneys with comparable experience. For example, we have compensated attorney Freedman of TURN, who graduated from law school in l999, at an hourly rate of $250 for work conducted in 2004. Freedman has appeared in complex Commission proceedings for several years while Smith has not previously appeared before

this Commission. Accordingly, it is reasonable to set Smith's rate for 2004 and 2005 at $250 an hour.

Sharpless: Green Power seeks $220 an hour for Sharpless, a paralegal at Paul Hastings, for work performed in 2005. The Commission has recently set paralegal rates at $110 an hour for Noelle Abastillas, a paralegal at Greenlining Institute for work completed in 2005 (D.06-04-021). Although we have paid higher rates for paralegals, those rates were for professionals with considerably more work experience. (See, for example, D.06-04-018.) The rate of $110 for 2005 work reasonably reflects Sharpless' experience and we adopt it here. We also adopt the rate of $30 requested by Green Power for the seven hours of work performed by its research associate in 2005.

5.2.2. TURN

For its attorneys, TURN seeks $470 an hour for Florio's work in 2004 and 2005; $270 an hour for Hawiger's work in 2004; $250 for Freedman's work in 2004; $270 for Freedman's work in 2005-2006; and $190 for Suetake's work in 2004 and 2005. TURN seeks $200 for expert Woodruff's work in 2004 and 2005, and for expert Marcus TURN seeks $195 an hour for 2004 and $210 for 2005.

All of the requested rates for TURN have been previously approved and we adopt them here. (See D.04-12-033, D.05-03-016, D.05-05-046, D.06-04-012, and D.06-04-029.)

5.3. Productivity

D.98-04-059 directed customers to demonstrate productivity by assigning a reasonable dollar value to the benefits of their participation to ratepayers. The costs of a customer's participation should bear a reasonable relationship to the

benefits realized through their participation. This showing assists us in determining the overall reasonableness of the request.

As is often the case, it is difficult to determine a dollar value to the work undertaken by intervenors in this proceeding. Much of the work of the intervenors relates to long-term policy issues with the potential on involving millions of dollars of ratepayer savings. Clearly, however, both TURN and Green Power contributed materially to each of the orders for which they seek compensation and significantly advanced our thinking on the important legal, technical, and policy questions we addressed in those decisions. With the exceptions stated herein, we find that their work was productive.

5.4. Direct Expenses

The itemized direct expenses submitted by intervenors include costs for travel, photocopying, postage, telephone, Lexis services, and messenger services. Green Power requests $905.00, and TURN requests $2,005.76. We find these expenses reasonable.

6. Total Awards

As set forth in the tables below, we award intervenor compensation as follows:

Green Power

Advocate	Year	Hours	Rate	Amount
Morris	2004 2005 2005 (int comp)	102 496 20	$210.00 $210.00 $105.00	$21,420.00 $104,160.00 $2,100.00
Welner	2004/ 2005 2005 (int comp)	6.25 38.75 11	$270.00 $270.00 $135.00	$1,687.50 $10,462.50 $1,485.00
Research Associate	2005	7	$30.00	$210.00
Smith	2004/ 2005 2005 (int comp)	6 92.25 9.75	$250.00 $250.00 $125.00	$1,500.00 $23,062.50 $1,218.75
Sharpless	2005	7	$110.00	$770.00
Weiner	2005	.50	$470.00	$235.00
		Expenses		$905.00
		TOTAL AWARD		$169,216.25

TURN

Advocate	Year	Hours	Rate	Amount
Marcel Hawiger	2004	2.25	$270.00	$607.50
Matthew Freedman	2004 2005 2006	109.25 154.5 17	$250.00 $270.00 $135.00	$27,312.50 $41,715.00 $2,295.00
Nina Suetake	2004/ 2005	46.25	$190.00	$8,787.50
Kevin Woodruff	2004/ 2005	30	$200.00	$6,000.00
Bill Marcus	2004 2005	27.91 8.83	$195.00 $210.00	$5,442.45 $1,854.30
Michael Florio	2004/ 2005	4.00	$470.00	$1,880.00
		Subtotal		$95,894.25
		Expenses		$2,005.76
		TOTAL		$97,900.01

Consistent with previous Commission decisions, we order that interest be paid on the award amount (at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release H.15) commencing the

75th day after each intervenor filed its compensation request and continuing until full payment of the award is made.

We direct PG&E, SDG&E and SCE, the involved utilities, to allocate payment responsibility among themselves based on their California jurisdictional electric revenues for the 2005 calendar year, reflecting the year this proceeding was primarily litigated.

We remind all intervenors that Commission staff may audit records relevant to this award, and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Green Power and TURN's records should identify specific issues for which each requested compensation, the actual time spent by each employee or consultant, the applicable hourly rate, fees paid to consultants, and any other costs for which compensation was claimed.

7. Waiver of Comment Period

This is an intervenor compensation matter. Accordingly, as provided by Rule 14.6(c)(6) of the Commission's Rules of Practice and Procedure, we waive the otherwise applicable 30-day public review and comment period for this decision.

8. Assignment of Proceeding

Michael R. Peevey is the Assigned Commissioner and Anne E. Simon is the assigned ALJ in this proceeding.

Findings of Fact

1. Green Power, TURN, and Aglet have met all the procedural requirements necessary to claim compensation in this proceeding.

2. Green Power made substantial contributions to the decisions described herein.

3. TURN made substantial contributions to the decisions described herein.

4. Green Power and TURN requested hourly rates and related charges for their representatives that, as adjusted herein, are reasonable when compared to the market rates for persons with similar training and experience.

5. The total reasonable compensation for Green Power is $169,216.25.

6. The total reasonable compensation for TURN is $97,900.01.

7. Aglet did not make a substantial contribution to D.06-03-016.

8. The appendix to this opinion summarizes today's award.

Conclusions of Law

1. Green Power has fulfilled the requirements of Pub. Util. Code §§ 1801-1812, which govern awards of intervenor compensation, and is entitled to intervenor compensation for its claimed compensation, as set forth herein, incurred in making substantial contributions to the decisions described herein.

2. Green Power should be awarded $169,216.25 in compensation for its contributions, as described herein.

3. TURN has fulfilled the requirements of Pub. Util. Code §§ 1801-1812, which govern awards of intervenor compensation, and is entitled to intervenor compensation for its claimed compensation, as set forth herein, incurred in making substantial contributions to the decisions described herein.

4. TURN should be awarded $97,900.01 in compensation for its contributions, as described herein.

5. The request for compensation by Aglet should be denied, as Aglet did not make a substantial contribution to D.06-03-016.

6. Per Rule 77.7(f)(6), the comment period for this compensation decision may be waived.

7. This order should be effective today so that Green Power and TURN may be compensated without further delay.

8. This proceeding should be closed.

O R D E R

IT IS ORDERED that:

1. Green Power Institute (Green Power) is awarded $169,216.25 in compensation for its contribution to Decision (D.) 05-07-039, D.05-10-014, D.05-11-025, and D.05-12-042.

2. The Utility Reform Network (TURN) is awarded $97,900.01 in compensation for its contribution to D.04-06-014, D.04-06-015, D.04-07-029, D.05-05-011, D.05-07-039, D.05-10-014, D.05-11-025, D.05-12-042, D.06-01-046 and participation in procurement review groups established by D.02-08-071.

3. The request for intervenor compensation by Aglet Consumer Alliance for contributions to D.06-03-016 is denied.

4. Within 30 days of the effective date of this decision, the two awards described herein shall be paid by Southern California Edison Company, Pacific Gas and Electric Company, and San Diego Gas & Electric Company in proportions equal to their respective 2005 revenues from electricity services. 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 the 75th day after the respective filing dates of Green Power's and TURN's requests for compensation, and continuing until full payment is made.

5. The comment period for today's decision is waived.

6. Rulemaking 04-04-026 is closed.

This order is effective today.

Dated _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		**Modifies Decision?**
Contribution Decision(s):	D0406014, D0406015, D0407029, D0505011, D0507039, D0510014, D0511025, D0512042, D0601046	
Proceeding(s):	R0404026	
Author:	ALJ Simon	
Payer(s):	Southern California Edison Company, Pacific Gas and Electric Company, and San Diego Gas & Electric Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Utility Reform Network	4/3/06	$116,767.51	$97,900.01	No	50% discount for work on D0505011 and D0511025 for failure to prevail
Aglet Consumer Alliance	5/1/06	$3,298.39	$0.00		Failure to demonstrate substantial contribution
Green Power Institute	2/16/06	$204,405.00	$169,216.25	No	Attorney fees, excessive time for intervenor compensation pleading

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Gregory	Morris	Expert	Green Power Institute	$210 $240	2004 2005	$210 $210
Peter	Weiner	Attorney	Green Power Institute	$530	2005	$470
Jon	Welner	Attorney	Green Power Institute	$415 $415	2004 2005	$270 $270
Jodi	Smith	Attorney	Green Power Institute	$335 $335	2004 2005	$250 $250
Michael	Sharpless	Attorney	Green Power Institute	$220	2005	$110
	Research Associate		Green Power Institute	$30	2005	$30
Matthew	Freedman	Attorney	The Utility Reform Network	$250 $270 $270	2004 2005 2006	$250 $270 $270
Nina	Suetake	Attorney	The Utility Reform Network	$190	2004 2005	$190
Kevin	Woodruff	Consultant	The Utility Reform Network	$200	2004 2005	$200
William	Marcus	Consultant	The Utility Reform Network	$195 $210	2004 2005	$195 $210
Michael	Florio	Attorney	The Utility Reform Network	$470 $470	2004 2005	$470 $470
Marcel	Hawiger	Attorney	The Utility Reform Network	$270	2004	$270

(END OF APPENDIX)