



FILED

07-18-12

10:13 AM

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

1

Application of Pacific Gas and Electric Company (U39M) for Approval of Modifications to its SmartMeter Program and Increased Revenue Requirements to Recover the Costs of the Modifications.	A.11-03-014
And Related Matters.	A.11-03-015 A.11-07-020

**INTERVENOR COMPENSATION CLAIM OF UTILITY CONSUMERS ACTION NETWORK
AND DECISION ON INTERVENOR COMPENSATION CLAIM OF UTILITY CONSUMERS' ACTION NETWORK**

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Claimant: Utility Consumers' Action Network	For contribution to D.12-04-019
Claimed (\$): \$30,645.20	Awarded (\$):
Assigned Commissioner: Peevey	Assigned ALJ: Yip-Kikugawa
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: 7/18/2012	Printed Name: Kim Malcolm

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

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A. Brief Description of Decision:	Decision modifying Decision 07-04-043 and adopting an opt-out program for San Diego Gas & Electric Company
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B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

	Claimant	CPUC Verified
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Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
4	1. Date of Prehearing Conference:	May 6, 2011
	2. Other Specified Date for NOI:	
	3. Date NOI Filed:	June 1, 2011
	4. Was the NOI timely filed?	
Showing of customer or customer-related status (§ 1802(b)):		
5	5. Based on ALJ ruling issued in proceeding number:	
	6. Date of ALJ ruling:	
	7. Based on another CPUC determination (specify):	
	8. Has the Claimant demonstrated customer or customer-related status?	
Showing of “significant financial hardship” (§ 1802(g)):		
6	9. Based on ALJ ruling issued in proceeding number:	D.10-05-013
	10. Date of ALJ ruling:	May 10, 2010
	11. Based on another CPUC determination (specify):	
	12. Has the Claimant demonstrated significant financial hardship?	
Timely request for compensation (§ 1804(c)):		
7	13. Identify Final Decision:	D.12-04-019
	14. Date of Issuance of Final Order or Decision:	April 24, 2012
	15. File date of compensation request:	July 18, 2012
	16. Was the request for compensation timely?	

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

#	Claimant	CPUC	Comment
8	UCAN		See UCAN’s Motion to Late-File Intervenor Compensation Request for Contributions to Decision 12-04-019.

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 the record.)

9	Contribution	Specific References to Claimant’s Presentations and to Decision	Showing Accepted by CPUC

<p>Intervenor Utility Consumers’ Action Network (“UCAN”) files this Application for Modification of Decision 07-04-043 pursuant to Rules 2.1 and 16.4 of the Commission’s Rules of Practice and Procedure. Decision 07-04-043 approved a settlement between San Diego Gas & Electric Company (“SDG&E”), the Division of Ratepayer Advocates (“DRA”) and UCAN allowing \$572 million in funding for SDG&E’s proposed Advanced Metering Infrastructure (“AMI”) Project. UCAN requests that the Commission modify Decision 07-04-043 to compel SDG&E to develop a proposal or proposals by which residential SDG&E customers may choose to opt-out of the mandatory use of smart meters at their residences.</p> <p>UCAN Application at p. 1</p>	<p>This decision grants the request of the Utility Consumers’ Action Network to modify Decision (D.) 07-04-043, which adopted San Diego Gas & Electric Company’s (SDG&E) Advanced Metering Infrastructure Project. D.07-04-043 is modified to include an option for residential customers who do not wish to have a wireless smart meter installed at their location. The opt-out option shall be an analog electric and/or gas meter.</p> <p>D.12-04-019 at p. 2</p>	
<p>It would appear that SDG&E opposes the offering of an analog meter to customers. (Proposal, p. 16) SDG&E cites a concern that customers with analog meters will attempt to by-pass future mandatory tariffs. UCAN does not agree. In fact, recently PG&E acknowledged that its customers deserve the choice of an analog meter. (A. 11-03-014; PG&E Comments on Proposed Decision of Commissioner Peevey, December 19, 2011, p. 1) UCAN agrees that the choice of an analog meter will be desired by many customers and should be accommodated at the current time. UCAN also concurs that a digital meter with no radio installed is an appropriate option to offer customers.</p> <p>UCAN Comments on SDG&E Proposal at p. 2</p>	<p>UCAN agrees with SDG&E that a digital meter with no radio installed is an appropriate option to offer residential customers. However, it believes that an analog meter opt-out option could be accommodated at this time. UCAN maintains that SDG&E’s concerns about customers using analog meters to avoid mandatory tariffs are premature, as there are currently no mandatory real-time pricing tariffs in place. Additionally, it states that in the future, the opt-out fees could be adjusted to discourage customers from selecting the option to avoid these tariffs. UCAN further states that if an analog option is adopted for PG&E customers, that option should also be available for SDG&E customers.</p> <p>D. 12-04-012 at p. 8-9</p>	
<p>SDG&E’s concerns about customers using analog meters to avoid mandatory tariffs are premature and ill-conceived. First, there are currently no mandatory real-time pricing tariffs that are planned for implementation. Second, the additional costs of this opt-out program would likely eclipse any costs imposed by a mandatory real-time pricing regime. Moreover, the opt-out tariffs can be adjusted so as discourage customers from using the analog</p>	<p>Nonetheless, as noted by UCAN, there are currently no mandatory time of use (TOU) tariffs for residential customers. As such, we agree that an analog meter opt-out option could be accommodated at this time.</p> <p>D. 12-04-012 at p. 15-16</p>	

<p>meter option as a cost-avoidance strategy.</p> <p>UCAN Comments on SDG&E Proposal at p. 2</p>		
<p>UCAN does object to SDG&E’s proposal to offer a wired smart meter to customers. It should be rejected at the current time as overly expensive and a bad choice for customers. When Itron develops a system by which snap reads can be offered then such an option might be a viable one to offer customers. But during the interim period, UCAN recommends offering only the two options: analog and digital meters. The Wired Option proposed by SDG&E should be rejected.</p> <p>UCAN Comments on SDG&E Proposal at p. 3-4</p>	<p>UCAN opposes the wired smart meter opt-out option, as it considers such an option to be overly expensive and a bad choice for customers.</p> <p>D. 12-04-012 at p. 9</p>	
<p>UCAN’s experts were unable to determine the reasonableness of the costs estimated by SDG&E. As presented by SDG&E, UCAN’s experts could not determine whether or how the estimates were overstated. And because of the very estimated nature of the costs, rather than spend much resources drilling down into SDG&E’s estimates, UCAN supports a cost-recovery mechanism that does not require pre-approval of opt-out related costs incurred by SDG&E.</p> <p>UCAN Comments on SDG&E Proposal at p. 7</p>	<p>However, as evidenced by the cost adjustments made in response to UCAN and DRA’s comments, we agree with UCAN and DRA that further consideration of SDG&E’s cost estimates is warranted. Consequently, the costs associated with offering the analog opt-out option shall be considered in a separate phase of this proceeding. Further, this phase shall consider whether to allow the opt-out option to be exercised by local communities and governments and, if so, whether the costs for a community exercising the opt-out option would differ from an individual customer exercising the opt-out option.</p> <p>D. 12-04-012 at p. 17-18</p>	
<p>While UCAN concurs with the creation of the balancing accounts, it does not agree that all customers should be assessed the costs contained in these balancing accounts. UCAN joins with DRA and TURN in holding customers who opt-out mostly accountable for the costs of that choice. Other residential customers should not subsidize the cost of this opt-out election by a select group of customers.</p> <p>UCAN Comments on SDG&E Proposal at p. 8-9</p>	<p>Therefore, any customer electing the opt-out option is electing to not have the standard meter. As such, costs associated with providing an opt-out option should be the responsibility of those customers opting-out.</p> <p>D. 12-04-012 at p. 18</p>	

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

10		Claimant	CPUC Verified
	a. Was the Division of Ratepayer Advocates (DRA) a party to the proceeding?	Yes	
	b. Were there other parties to the proceeding with positions similar to yours?	Yes	
	c. If so, provide name of other parties: Division of Ratepayer Advocates (DRA), the Utility Reform Network (TURN).		
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: UCAN worked with DRA and TURN via teleconference and electronic correspondence to develop a coordinated strategy and ensure that the parties did not engage in duplicative work.			

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

11	#	Claimant	CPUC	Comment

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

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

12	a. 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>SDG&E ratepayers have directly benefitted from UCAN’s participation. The primary goal of UCAN’s application – the expansion of ratepayer rights through the inclusion of a smart meter opt-out option – was adopted, as well as many of UCAN’s specific proposals. The moderate cost of UCAN’s participation in this proceeding is greatly outweighed by the value of the expanded ratepayer rights gained as a result of UCAN’s application and other participation.</p>	
	b. Reasonableness of Hours Claimed.	
	<p>Given the significant expansion of ratepayer rights and protections gained as a result of the Commission’s approval of UCAN’s AMI opt-out proposal, the</p>	

limited hours claimed by UCAN are reasonable.	
<p>c. Allocation of Hours by Issue</p> <p>Because of the focused and specific nature of the proceeding, UCAN has allocated hours by two issues:</p> <p style="margin-left: 40px;">A. General Preparation and Discovery B. AMI Opt Out</p>	

B. Specific Claim:

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CLAIMED						CPUC AWARD		
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ATTORNEY, EXPERT, AND ADVOCATE FEES

Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Michael Shames	2011	36	\$535	Comment 1	\$19,260			
Michael Shames	2012	14.4	\$535	Comment 1	\$7,704			
Jeff Nahigian	2012	3.5	\$190	D.10-07-040	\$665			
Subtotal:					\$27,629	Subtotal:		

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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 \$
Shames - Travel	2011	9.5 (50%)	\$535	Comment 1	\$2,541.25			
Subtotal:					\$2,541.25	Subtotal:		

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INTERVENOR COMPENSATION CLAIM PREPARATION **

Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
David Peffer	2012	4.75 (50%)	\$200	Comment 2	\$475.00			
Subtotal:					\$475.00	Subtotal:		

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COSTS

#	Item	Detail	Amount	Amount
1	Shames Travel 7/27/2011	See Comment 3	\$0	

Subtotal:	\$0	Subtotal:	
TOTAL REQUEST \$:	\$30,645.20	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.

**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate.

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

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Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	Hours for Michael Shames
Attachment 3	Hours for Consultant Jeff Nahigian
Attachment 4	Hours for David Peffer
Comment 1	UCAN has requested, and is currently awaiting approval of, a merit-based rate increase to \$535 an hour for Michael Shames in consolidated proceeding A.11-03-001, A.11-03-002, A.11-03-003.
Comment 2	UCAN has requested, and is currently awaiting approval of, an attorney rate of \$200 for David Peffer in consolidated proceeding A.11-03-001, A.11-03-002, and A.11-03-003.
Comment 3	Although Michael Shames traveled to San Francisco and participated in the workshop in this case on 7/27/2011, UCAN does not have access to Mr. Shames' travel receipts and as such requests only compensation for Mr. Shames travel time, not his travel costs.

D. CPUC Disallowances, Adjustments, and Comments (CPUC completes):

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#	Reason

PART IV: OPPOSITIONS AND COMMENTS
 Within 30 days after service of this Claim, Commission Staff
 or any other party may file a response to the Claim (see § 1804(c))

(CPUC completes the remainder of this form)

A. Opposition: Did any party oppose the Claim?	
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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))?	
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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 requested hourly rates for Claimant’s representatives [,as adjusted herein,] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses [,as adjusted herein,] are reasonable and commensurate with the work performed.
4. The total of reasonable 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. [for multiple utilities: “Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay Claimant their respective shares of the award, based on their California-jurisdictional [industry type, for example, electric] revenues for the ^ calendar year, to reflect the year in which the proceeding was primarily litigated.”] Payment of the award shall include 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 decision is effective today.

Dated _____, at San Francisco, California.