

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



FILED
02/20/18
02:46 PM

February 20, 2018

Agenda ID #16318
Adjudicatory

TO PARTIES OF RECORD IN CASE 12-09-002:

This is the proposed decision of the Administrative Law Judge Division. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's March 22, 2018, Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties of record may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

/s/ ANNE E. SIMON

Anne E. Simon
Acting Chief Administrative Law Judge

AES:jt2

Attachment

4. Was the NOI timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	C.12-09-002	Verified
6. Date of ALJ ruling:	September 25, 2013	Verified
7. Based on another CPUC determination (specify):		
8. Has the Claimant demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	C.12-09-002	Verified
10. Date of ALJ ruling:	September 25, 2013	Verified
11. Based on another CPUC determination (specify):		
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.14-12-090 D.13-10-058	Verified
14. Date of Issuance of Final Order or Decision:	D.14-12-090 issued December 18, 2014 D-13-10-058 issued November 1, 2013	Verified
15. File date of compensation request:	January 9, 2015	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Claimant	CPUC	Comment
13	X		Although Proceeding C.12-09-002 was closed by D.13-10-058 on November 1, 2013, it was re-opened pursuant to an Application for Rehearing submitted by SCE on December 2, 2013. The ATC responded on December 16, 2013. SCE’s Application for Rehearing addressed the Sporex issue regarding which the ATC believes it made a substantial contribution in D.13-10-058. Given the possibility that the ATC would be required to expend additional effort in proceeding C.12-09-002 as a result of SCE’s Application for Rehearing, the ATC deferred submittal of this Intervenor Compensation Claim until after SCE’s Application for Rehearing was resolved by the Commission, consistent with Commission Rule 17.3, which states: “If an application for rehearing challenges a decision on an issue on which the intervenor believes it made a substantial contribution, the request for an award of compensation may be filed within 60 days of the issuance of the decision denying rehearing on that issue, the order or decision that resolves that issue after rehearing, or the decision closing the proceeding”. The Commission Decision resolving SCE’s rehearing

			request was issued on December 18, 2014 as D-14-12-090.
16	X		Proceeding C.12-09-002 was closed on December 18, 2014 following the Commission’s issuance of D.14-12-090 resolving SCE’s Application for Rehearing of D.13-10-058. Acton now timely submits this Intervenor Compensation request within 60 days of the date that the Commission issued D.14-12-090 which finally closed Proceeding C.12-09-002. This submittal is timely because it complies with Commission Rule 17.3, which states: “If an application for rehearing challenges a decision on an issue on which the intervenor believes it made a substantial contribution, the request for an award of compensation may be filed within 60 days of the issuance of the decision denying rehearing on that issue, the order or decision that resolves that issue after rehearing, or the decision closing the proceeding”. (See also page 14 of the Commission’s “Intervenor Compensation Program Guide and Instructions” dated December, 2013.)

PART II: SUBSTANTIAL CONTRIBUTION

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).

Contribution	Specific References to Claimant’s Presentations and to Decision	Showing Accepted by CPUC
<p>1. The Commission granted the relief requested by the ATC in C-12-09-002 by determining that mitigation measure AMP NOI-1 imposed by the TRTP EIR requires SCE to obtain a variance before operating outside the hours established by the County Noise Ordinance. In D.13-10-058, the Commission states: “Before undertaking any construction activities that will result in construction-related noise during times and days when Los Angeles County prohibits such noise, SCE must obtain a variance from the County” and “measure APM NOI-1 is unambiguous, it requires SCE to comply with local noise ordinances” and “Therefore, we reiterate, if SCE needs to engage in TRTP construction in Los Angeles County during prohibited hours, it must apply for a variance”</p> <p>Not only did the Commission reject</p>	<p>The ATC requested that the Commission find SCE’s operations outside of the hours authorized by the County Code without a variance to be a violation of the noise mitigation measures imposed by the TRTP EIR. [Amended Complaint pg. 19 Item H].</p> <p>D.13-10-058 Page 22</p> <p>D.13-10-058 Page 38</p> <p>D.13-10-058 Page 38</p>	<p>Yes; however some hours were un-productive and spent on legal arguments that were factually unsupported. “As a matter of law, therefore, we find that all of the allegations in Section 2.1 of the amended complaint (discussing helicopter usage) must be dismissed.”²</p>

² See D.13-10-058 at 15.

<p>SCE’s claim (that the Commission cannot require SCE to obtain a variance because such a requirement is an unlawful delegation by the Commission of its exclusive jurisdiction over TRTP Project construction), the Commission embraced the ATC’s position that SCE is required to obtain a variance prior to operating outside permitted hours. Specifically, the Commission concluded that: “MMP measure APM NOI-1 requires SCE to comply with local noise ordinances and going forward, SCE must verify with the County which section of the Los Angeles County Noise Ordinance applies to TRTP construction and must obtain a variance to work outside the periods where the County prohibits construction-related noise”.</p> <p>The Commission agreed with the ATC that a variance is required before SCE operates outside the hours permitted by ordinance, and ordered SCE to “obtain a variance from the County of Los Angeles (County) prior to undertaking construction in the future during times and days when the County prohibits such work”.</p> <p>The ATC’s efforts in this proceeding were undertaken to protect Acton residents from SCE’s unauthorized construction practices. These efforts were commenced in the public’s interest and will benefit the public at large by ensuring that, in future, SCE will comply with Mitigation Measure NOI-1 adopted by D.09-12-044. In pursuing this element of the complaint, the ATC did not seek, nor did it receive, a “personal remedy”.</p>	<p>D.13-10-058 Pages 37- 38</p> <p>D.13-10-058 Conclusion of Law 11.</p> <p>D.13-10-058 Ordering Paragraph 4</p>	
<p>2. The Commission granted the relief requested by the ATC in C.12-09-002 by ordering SCE to contact the California Department of Transportation regarding the non-conforming billboard that is addressed in Ordering Paragraph 7 of D.09-12-044. Specifically, the</p>	<p>The ATC requested that the Commission order SCE to notify CalTrans that it does not consent to the placement of a non-conforming billboard in SCE ROW [Amended Complaint Pg 20 Item K].</p>	<p>No. The Commission ruled that “Acton has not supplied the specificity or legal analysis which permits review or assessment” of this</p>

<p>Commission’s order states: “If the Acton Town Council (Acton) provides Southern California Edison Company (SCE) with citations to the California statutes by which, according to Acton, SCE may request the California Department of Transportation (CalTrans) to withdraw any existing permits for the non-conforming billboard mentioned in Decision 09-12-044, Ordering Paragraph 7, or with contact information for knowledgeable personnel at CalTrans, SCE must follow up in an appropriate manner.”</p> <p>The ATC demonstrated that, despite multiple requests from the ATC, SCE had not taken any meaningful steps to comply with OP 7 of D.09-12-044 by working with the Acton Town Council to affect removal of the non-conforming billboard.</p> <p>If the ATC had not pursued this element of the complaint, SCE would still be sidestepping its obligation to comply with Ordering Paragraph 7 of D09-12-044. The ATC’s efforts in C.12-09-002 regarding this issue were undertaken in the public’s interest and will benefit the public at large by ensuring that structures within SCE rights of way properly conform with applicable zoning standards, and by ensuring that SCE properly implements Ordering Paragraph 7 of D.09-12-044. In pursuing this element of the complaint, the ATC did not seek, nor did it receive, a “personal remedy” that could or would benefit any member of the ATC itself.</p>	<p>D.13-10-058 Ordering Paragraph 5</p> <p>See page 16 of the Amended Complaint. The ATC’s position was confirmed when SCE averred it had merely contacted the billboard owner and had taken no further action. [SCE Motion filed June 12, 2013 page 7]</p>	<p>issue. (See Decision Granting, In Part, Motion to Dismiss and Resolving Amended Complaint as Matter of Law, November 1, 2013, at 34).</p>
<p>3. The Commission granted the ATC’s requested relief by finding that SCE violated mitigation measure B-1c (adopted by D.09-12-044) because it did not apply Sporax outside U.S. Forest Service Lands. The Commission concluded “MMP measure B-1c is unequivocal; Sporax must be applied, Project-wide, on both USFS and non-USFS lands to all conifers and</p>	<p>The relief requested by the ATC was that the Commission find SCE had violated TRTP EIR resource protection provisions when it failed to apply Sporax along the entire TRTP route [Amended Complaint Item E].</p> <p>D.13-10-058 Conclusion of Law 15</p>	<p>Yes.</p>

<p>hardwoods that are 3 inches DBH or greater. SCE’s arguments to the contrary lack all merit”.</p>		
<p>4. The Commission granted the relief requested by the ATC by determining that SCE must remedy its failure to comply with MMP measure B-1c by properly treating stumps along the TRTP route. Specifically, the Commission found: “Within 15 days of the effective date of today’s decision, SCE should submit directly to the Commission’s current CEQA Project Manager and serve on the service list for this proceeding, an effective plan to promptly remedy SCE’s failure to comply with MMP measure B-1c. This remedial plan should be science-based and should formulate a best practices solution to prevent the spread of annosus root disease, given the passage of time since the conifers or hardwoods were cut.”</p> <p>Additionally, the Commission ordered: “Within 15 days of the effective date of today’s decision, Southern California Edison Company (SCE) must submit to the Commission’s current California Environmental Quality Act Project Manager at the e-mail address provided in the body of this decision, and serve on the service list for this proceeding, an effective plan to promptly comply with measure B-1c”.</p> <p>If the ATC had not pursued this element of the complaint, SCE would still be avoiding its obligation to comply with MM B-1c along the entire length of the TRTP project, thereby risking the further spread of Annosus Root Disease throughout Los Angeles and Kern Counties. The ATC’s efforts in this proceeding were undertaken in the public’s interest and will benefit the public at large by ensuring that the spread of Annosus Root Disease resulting from TRTP construction activities is minimized to the greatest</p>	<p>The relief requested was that the Commission find that SCE must properly treat stumps along the entire TRTP route [Item E on page 19 of Amended Complaint].</p> <p>D.13-10-058 Finding of Fact 7</p> <p>D.13-10-058 Ordering Paragraph 3</p>	<p>Yes, but this contribution is similar to contribution 3 above.</p>

<p>extent possible. In pursuing this element of the complaint, the ATC did not seek, nor did it receive, a “personal remedy” that could or would benefit any member of the ATC itself.</p>		
<p>5. The Commission adopted the ATC’s position that the ATC had filed a timely NOI and was eligible to participate in the Commission’s Intervenor Compensation program (“ICOMP”) in proceeding C.1209002. In making this determination, the Commission rejected SCE’s repeated arguments that the ATC NOI was late-filed and that D.95-10-050 renders the ATC ineligible to participate in the ICOMP program.</p> <p>The Commission concurred with the ATC’s position that D.98-04-059 and more recent decisions in C.05-11-011, C.03-05-023, C.05-11-012 affirm that complainants are eligible to participate in the ICOMP program. Based on these arguments, the Commission concluded that the ATC was an eligible intervenor and that its NOI was timely. The ATC expended considerable time and effort to establish its eligibility to participate in the ICOMP program and refute SCE’s insubstantial arguments to the contrary, and the Commission ultimately agreed with the ATC’s position and rejected SCE’s argument.</p>	<p>Ruling Issued September 25, 2013 (pages 8-10).</p> <p>SCE response filed July 29, 2013 SCE response filed Sept. 4, 2013</p> <p>ATC Reply filed Sept. 16, 2013 Part I of ATC Amended NOI filed Aug. 21 2013</p> <p>Ruling Issued Sept. 25, 2013</p>	<p>Yes, but such hours did not contribute to D.13-10-058 and D.14-12-090. We re-categorize these hours as intervenor compensation claim preparation.</p>

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

	Claimant	CPUC Verified
<p>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?³</p>	No	Verified
<p>b. Were there other parties to the proceeding with positions similar to yours?</p>	No	Verified
<p>c. If so, provide name of other parties:</p>		
<p>d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or</p>		Verified

³ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

<p>contributed to that of another party:</p> <p>SCE was the only other party to Proceeding C.12-09-002, and it opposed virtually every issue raised by the Acton Town Council. For this reason, there was little opportunity for the Acton Town Council to supplement, complement, or contribute to SCE’s participation in the proceeding.</p>	
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C. Additional Comments on Part II:

#	Claimant	CPUC	Comment
A	X		<p>In a ruling issued September 25, 2013 in C.1209002, ALJ Vieth cautioned the ATC that, in any filing for intervenor compensation made in proceeding C.12-09-002, it “... must show that any issue on which it claims to have made a substantial contribution did not seek or result in personal remedy” citing <i>Grinstead v PG&E</i> [D.95-10-050, 1995 Cal. PUC LEXIS 906]. The ATC makes this showing here.</p> <p>The matters that were raised in C.12-09-002, resolved by D.13-10-058 and D.14-12-090, and for which the ATC seeks intervenor compensation all pertain to SCE’s lack of compliance with D.09-12-044. The ATC’s significant contributions regarding these matters are clearly manifested by the fact that, had the ATC not vigorously pursued them throughout proceeding C.12-09-002, then SCE would still be 1) Violating mitigation measure B-1c; 2) Sidestepping its obligation to abide by mitigation measure NOI-1 by complying with the construction noise standards imposed by the County of Los Angeles or obtain a variance from them; and 3) Ignoring its obligation to address matters raised in Ordering Paragraph 7 of D.09-12-044 pertaining to the non-conforming billboard.</p> <p>It is equally clear that no “personal remedy” or “individual benefit” was sought by, or resulted from, the matters resolved in D.14-12-090 or D.13-10-058 for which the ATC requests compensation. To the contrary, the remedies resulting from the ATC’s efforts in proceeding C.12-09-002 have provided very real and public benefits in that they 2) Minimize the spread of Annousus Root Disease across 3 counties located along the entire 173-mile route of the TRTP project; 2) Protect all Los Angeles County residents living in the vicinity of the TRTP project from improper construction noise; and 3) Ensure that the non-conforming structure in SCE’s right-of-way is properly addressed in accordance with D.09-12-044 Ordering Paragraph 7.</p> <p>Finally, the ATC clarifies that no member of the ATC has gained financially as a result of any issue resolved by D.14-12-090 and D.13-10-058 for which compensation is requested. Specifically, no member of the ATC has gained, or will gain, financially as a result of:</p> <p>1) The requirement imposed by D.14-12-090 and D.13-10-058 that SCE</p>

		<p>remedy its failure to comply with mitigation measure B-1c.</p> <p>2) The requirement imposed by D.13-10-058 that SCE comply with, or obtain a variance from, Los Angeles County construction noise ordinance regulations.</p> <p>3) The requirement imposed by D.13-10-058 that SCE followup with the California Department of Transportation regarding the non-conforming billboard in SCE’s right-of-way that is addressed by Ordering Paragraph #7 of D.09-12-044.</p> <p>These facts confirm that the issues resolved by D.14-12-090 and D.13-10-058 for which the ATC requests compensation were not motivated by any “personal remedy”, nor did they result in any “personal remedy”. Therefore, <i>Grinstead v PG&E</i> does not apply to this intervenor compensation request.</p>
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PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

<p>a. Concise explanation as to how the cost of Claimant’s participation bears a reasonable relationship with benefits realized through participation</p> <p>While certainly significant, the environmental benefits accrued as a result of the ATC’s participation in proceeding C.12-09-002 cannot be easily quantified in a monetary sense. Therefore, a direct comparison between the value of benefits derived from the ATC’s participation and the cost of this participation cannot reasonably be made. Under such circumstances, it becomes necessary to derive an alternative method for determining whether the cost of the ATC’s participation is reasonably commensurate with the benefits it provided.</p> <p>As shown above, the ATC successfully exposed three different ways in which SCE failed to comply with Commission-adopted orders and CEQA mitigation measures, and the Commission ordered SCE to take steps to remedy these failures in future. Therefore, what must ultimately be determined is the “value” that the Commission places on ensuring compliance with the orders and mitigation measures that it adopts, and whether the ATC’s cost of participation is commensurate with this “value”. The ATC does not presume to know what this “value” is. However, as a result of the ATC’s participation in C.12-09-002, SCE has spent considerable sums of money to comply with the Sporax application requirements imposed by D.14-12-090 and D.13-10-058¹, and these expenditures (which are necessary to achieve the “benefit” of compliance with MMB-1c) are substantially greater than the compensation requested herein. Thus it is certain that the compensation requested for the ATC’s</p>	<p><u>CPUC Verified</u></p> <p>Verified.</p>
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<p>participation in C.12-09-002 bears a reasonable relation to the “benefits” of true compliance that have been achieved as a direct result of this participation.</p> <p>¹This assertion is based upon scope of work outlined in the 400+ page planning document that SCE prepared to comply with Ordering Paragraph of D.13-10-058 and which was released in February, 2014.</p>	
<p>b. Reasonableness of Hours Claimed.</p> <p>The ATC raised numerous issues in proceeding C.12-09-002 and spent considerable hours pursuing all of these issues. Ultimately, the Commission agreed with a subset of the issues raised by the ATC (described above), and it is pursuant to these specific issues that the ATC requests compensation. As indicated in the labor hour summary provided in Attachment A, the amount of time spent on these issues is proportionally small compared to the total amount of time expended on all of the issues raised in C.12-09-002. Moreover, the hours claimed in this compensation request are reasonable in light of the scope and extent of the entire proceeding, which spanned more than a year, and involved numerous mediation meetings, 2 prehearing conferences, and other considerable efforts. It is also notable that the ATC’s efforts were hampered by SCE’s sluggish discovery responses, which were often incomplete and generally not timely (as evidenced by the Motion to Compel Discovery that the ATC filed in July 2013). As a result, the ATC was forced to spend considerable time reviewing SCE’s responses for completeness, following up on partial responses by email and telephone, and “tracking” SCE’s discovery progress. In addition, the ATC expended considerable effort in responding to SCE’s discovery request, but SCE did not use any of the information provided in any of the documents it filed in Proceeding C.1209002.</p> <p>Regarding SCE’s violation of MM B-1c established by D.09-12-044: It was only as a result of extensive field observations and considerable discovery efforts that the ATC was able to establish in the record of Proceeding C.1209002 that SCE had failed to apply Sporax anywhere outside of Forest Service lands along the entire TRTP route. As shown below, the ATC expended nearly 60 labor hours on this issue. The hours claimed for the ATC’s efforts to address this issue are reasonable and, more to the point, without these efforts, SCE would still be operating out of compliance with MM B-1c.</p> <p>Regarding SCE’s failure to take meaningful steps to comply with Ordering Paragraph 7 of D.09-12-044: It was only after considerable discovery and followup communications efforts with SCE, coordination with CalTrans, and detailed analysis of applicable California statutes that the ATC was able to establish in the record of Proceeding C.1209002 that SCE did not follow simple, straightforward steps to address the non-conforming structure that is addressed by Ordering Paragraph 7. As shown below, the ATC expended less than 45 labor hours on this issue. The hours claimed for the ATC’s efforts to address this issue are reasonable and, more to the point, without these efforts, SCE would still be sidestepping its obligation to comply with D.09-12-044 OP#7.</p> <p>Regarding SCE’s failure to comply with MM NOI-1 established by D.09-12-044: It was only after considerable discovery requests propounded on SCE and information requests submitted to the County of Los Angeles that the ATC was</p>	<p>With the reductions made in this decision, the claim is reasonable.</p>

<p>able to establish in the record of Proceeding C.12-09-002 that SCE had not obtained variances from the County of Los Angeles prior to operating outside the hours established by the County’s Construction Noise Ordinance. As shown below, the ATC expended less than 60 labor hours on this issue. The hours claimed for the ATC’s efforts to address this issue are reasonable and, more to the point, without these efforts, SCE would still be operating out of compliance with MM NOI-1.</p> <p>Regarding SCE’s repeated and erroneous claims that the ATC is ineligible to participate in the ICOMP Program and its NOI was filed late: As a result of these persistent arguments by SCE, the ATC was obligated to expend 37 hours to draft responses, review previous complaint proceedings and research prior Commission decisions, all of which was necessary to demonstrate that SCE’s arguments were specious and lacked foundation. As a result of these reasonably expended efforts, the Commission found that the ATC’s NOI was timely filed and that it is eligible to participate in the ICOMP program with the proviso (addressed above) that the ATC not seek a “personal remedy” in any ICOMP claim that is pursued.</p> <p>Regarding SCE’s discovery efforts in Complaint Proceeding C.12-09-002: The ATC was obligated to expend nearly 50 hours preparing detailed discovery responses for SCE, however none of the information provided by the ATC was ever used or relied upon by SCE in any of the documents it filed in Proceeding C.12-09-002. While the ATC does not purport to know what SCE’s purpose was in propounding extensive discovery on the ATC, it was clearly not intended to contribute to any resolution of complaint proceeding C.12-09-002. The only thing that is certain about SCE’s discovery request is that it caused the ATC to expend considerable time and effort for which the ATC now seeks compensation.</p>													
<p>c. Allocation of Hours by Issue</p> <p>In accordance with the requirements of the Commission’s ICOMP Program, the ATC herein provides an allocation of labor hours for each specific issue regarding which compensation is sought. Certain tasks and activities (tracking and following up on SCE’s discovery responses, participating in prehearing conferences, mediation efforts, etc.) cover multiple issue areas. In such instances, the task is proportioned by the estimated amount of time expended on each issue.</p> <p>This intervenor compensation request covers only some of the issues that the ATC pursued in proceeding C.12-090.002; The ATC does not request compensation for any issues regarding which the Commission did not agree. Nonetheless, the ATC did track all the hours expended in pursuit of complaint proceeding C.12-09-002; these hours are provided in Attachment A. The labor hours pertaining to the specific issues for which the ATC seeks compensation are summarized below:</p> <p><u>Expert Jacqueline Ayer labor hour expenditures by issue:</u></p> <table border="0"> <tr> <td>Sporax Issue:</td> <td>41.2 hours</td> </tr> <tr> <td>Noise Issue:</td> <td>51.5 hours</td> </tr> <tr> <td>Billboard Issue:</td> <td>41.9 hours</td> </tr> <tr> <td>ATC eligibility for ICOMP Program:</td> <td>37.0 hours</td> </tr> <tr> <td>Respond to SCE Data Request</td> <td><u>49.0 hours</u></td> </tr> <tr> <td>TOTAL:</td> <td>220.6 hours</td> </tr> </table>	Sporax Issue:	41.2 hours	Noise Issue:	51.5 hours	Billboard Issue:	41.9 hours	ATC eligibility for ICOMP Program:	37.0 hours	Respond to SCE Data Request	<u>49.0 hours</u>	TOTAL:	220.6 hours	<p>The allocation of Elizabeth Harris’ hour expenditures by issue equate to 12.1 hours not 9.1 hours as listed here.</p> <p>ATC’s breakdown of hours on the attached timesheets contain numerous accounting errors and inconsistencies as well as differ from the hours listed here.</p> <p>We reduce the allocation of hours by issue in accordance with the discussion in Part IIA.</p>
Sporax Issue:	41.2 hours												
Noise Issue:	51.5 hours												
Billboard Issue:	41.9 hours												
ATC eligibility for ICOMP Program:	37.0 hours												
Respond to SCE Data Request	<u>49.0 hours</u>												
TOTAL:	220.6 hours												

<u>Attorney Elizabeth Harris labor hour expenditures by issue:</u>	
Sporax Issue:	3.4 hours
Noise Issue:	3.4 hours
Billboard Issue:	2.3 hours
Respond to SCE Data Request	<u>3.0 hours</u>
TOTAL:	9.1 hours
<u>Advocate Katherine Tucker labor hours expenditures by issue:</u>	
Sporax Issue:	13.5 hours
Noise Issue:	<u>1.0 hours</u>
TOTAL:	14.5 hours

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Attorney E. Harris	2013	9.1	155	Consistent with rates authorized in D.0804010 for attorneys with 0-2 years of experience	\$1,411	5.1 ^[A]	\$160.00 ⁴	\$816.00
Expert J. Ayer	2012	14.4	135	Published CPUC Intervenor Hourly Rates updated 9/16/2013	\$1,944	12.4 ^[A]	\$130.00 ⁵	\$1,612.00
Expert J. Ayer	2013	206.2	135	Published CPUC Intervenor Hourly Rates updated 9/16/2013	\$27,837	80.2 ^[A]	\$135.00 ⁶	\$10,827.00
Advocate Katherine Tucker	2012	6.5	85	Consistent with published CPUC Intervenor Hourly Rates updated 9/16/2013	\$553	6 ^[A]	\$85.00	\$552.50
Advocate Katherine Tucker	2013	8	85	Consistent with published CPUC Intervenor Hourly Rates updated 9/16/2013	\$680	8 ^[A]	\$90.00	\$720.00
Subtotal: \$32,425						Subtotal: \$14,527.50		

⁴ Base rate for attorneys established by Res. ALJ-287.

⁵ Approved in D.13-04-029

⁶ Application of 2.0% Cost of Living Increase established by Res. ALJ-287.

INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Jacqueline Ayer - NOI	2013	23	\$65	One-half of Ms. Ayer's hourly rater	\$650	15 ^[B]	\$67.50	\$1,012.50
Jacqueline Ayer - ATC eligibility for ICOMP Program	2013	37				0	\$67.50	\$0.00
Subtotal: \$1,495						Subtotal: \$1,012.50		
						Final Total: \$15,540.00		
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 are compensated at ½ of preparer's normal hourly rate.								
Attorney		Date Admitted to CA BAR ⁷		Member Number		Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation		
Elizabeth Harris		December 20, 2011		281505		No		

C. CPUC Disallowances, Adjustments, and Comments:

Item	Reason
[A]	The Commission disallows all hours pertaining to allegations in the amended complaint that were dismissed as Acton Town Council did not meet its burden to establish the facts needed to support the legal conclusions it asked the Commission to draw and are therefore considered to be a non-substantial contribution. ⁸ We make no reductions on hours related to the Sporax issue and grant 50% of the hours related to the noise complaint, given that not all arguments related to this complaint were constructive. ⁹
[B]	Acton Town Council spent 13 hours preparing their NOI and amended NOI, 37 hours preparing a reply to SCE's response to the NOI, and an additional 10 hours preparing their claim for compensation for a total of 60 hours. The claim and timesheets contain numerous accounting errors and inconsistencies, excessive hours for a claim of this magnitude, and do not include the years in which the work was performed for one of their representatives. ¹⁰ We therefore reduce Acton Town Council's claim preparation by 45 hours to 15 hours.

⁷ This information may be obtained at: <http://www.calbar.ca.gov/>.

⁸ See D.13-10-058 at 42 and 45.

⁹ See Discussion in Part II A.1.

¹⁰ See Beth Harris Labor Summary.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	Yes
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Party	Reason for Opposition	CPUC Disposition
Southern California Edison	<p>Southern California Edison (SCE) filed a response to Acton Town Council’s (ATC) intervenor compensation claim on February 09, 2015. In the Response, SCE alleges that:</p> <ol style="list-style-type: none"> 1) ATC’s compensation request seeks a “personal remedy” and is therefore ineligible for intervenor compensation; 2) ATC’s time records contain various discrepancies and errors that must be remedied before any compensation may be granted; 3) Should any compensation be granted, it must be reduced due to unsubstantial contribution on various issues that the ATC seeks compensation for, claims for non-compensable hours, and inefficient efforts. 	<p>The Commission agrees in part with arguments presented by SCE.</p> <p>The Commission finds that the whole of ATC’s compensation request was not in furtherance of a “personal remedy.” Furthermore, the Commission disagrees with SCE’s characterization of the finding in <i>Grinstead v. Pacific Gas and Electric Company</i>. (“<i>Grinstead</i>”) Decision 98-04-059 interpreted <i>Grinstead</i> as preventing individuals from seeking intervenor compensation for their own personal grievances. “The Commission came to the conclusion that a “complainant acting solely in an individual capacity and seeking a personal remedy is not entitled to claim compensation...” (D. 98-04-059 at 8, citing <i>Grinstead</i>).</p> <p>However, the Commission agrees that ATC’s time records were inadequate and that it did not substantially contribute on certain</p>

		issues. We thus reduce the amount of compensation granted in the claim.
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B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(2)(6))?	No
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FINDINGS OF FACT

1. Acton Town Council has made a substantial contribution to Decisions (D.) D.13-10-058 and D.14-12-090.
2. The requested hourly rates for Acton Town Council'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 compensation is \$15,540.00.

CONCLUSION OF LAW

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

ORDER

1. Acton Town Council shall be awarded \$15,540.00.
2. Within 30 days of the effective date of this decision, Southern California Edison shall pay Acton Town Council 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 March 25, 2015, the 75th day after the filing of Acton Town Council's request, and continuing until full payment is made.

3. The comment period for today's decision is not waived.
4. Case 12-09-002 is closed.
5. This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decisions:	D1310058; D1412090		
Proceeding:	C1209002		
Author:	ALJ Division		
Payer:	Southern California Edison Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Acton Town Council	January 09, 2015	\$33,290.00	\$15,540.00	N/A	Non-substantial contributions; Re-classification of hours to claim preparation

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Jacqueline	Ayer	Expert	Acton Town Council	\$135.00	2012	\$130.00
Jacqueline	Ayer	Expert	Acton Town Council	\$135.00	2013	\$135.00
Elizabeth	Harris	Attorney	Acton Town Council	\$155.00	2013	\$160.00
Katherine	Tucker	Advocate	Acton Town Council	\$85.00	2012	\$85.00
Katherine	Tucker	Advocate	Acton Town Council	\$85.00	2013	\$90.00

(END OF APPENDIX)