

Decision \_\_\_\_\_

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

Order Instituting Rulemaking to promote policy and program coordination and integration in electric utility resource planning.	Rulemaking 04-04-003 (Filed April 1, 2004)
(NOT CONSOLIDATED)	
Order Instituting Rulemaking to develop additional methods to implement the California renewables portfolio standard program.	Rulemaking 06-02-012 (Filed February 16, 2006)

**DECISION GRANTING INTERVENOR COMPENSATION TO THE UTILITY REFORM NETWORK FOR SUBSTANTIAL CONTRIBUTIONS TO THE PROCUREMENT REVIEW GROUPS OF PACIFIC GAS AND ELECTRIC COMPANY, SAN DIEGO GAS & ELECTRIC COMPANY, AND SOUTHERN CALIFORNIA EDISON COMPANY**

**Summary**

This decision awards The Utility Reform Network \$660,166.25 for its substantial contributions to the procurement review groups of Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company between late 2005 and May of 2012. This represents a decrease of \$801.25 or 0.12% from the amount requested due to inefficient efforts, insufficiently documented costs and non-compensable administrative tasks. Today's award payment will be allocated to the affected utilities, pursuant to Decision 00-01-020.

**1. Background**

The procurement review groups (PRGs) were established in Rulemaking (R.) 01-10-024, to help the investor-owned utilities (IOUs) in meeting their service

obligations to customers immediately after the electricity crisis. In the ongoing procurement process, the PRG members are, in fact, peer reviewers working with the IOUs on the design and implementation of their procurement plans. Members include the Energy Division and Division of Ratepayer Advocates' (DRA) staff, and consumer and ratepayer groups (nonmarket participants).

The Commission has found in previous proceedings that intervenor's work in peer review groups and program advisory groups is compensable if all necessary conditions are met. We stated:

The regulatory framework we adopt in this decision requires ... the active involvement and expertise of nonmarket participants, through continuing the procurement review group ... process adopted in D.02-08-071 and providing intervenor compensation to those parties eligible to receive the awards for their work in this process and in the on-going review of procurement advice letters and expedited applications [footnote omitted]. We make the finding here that participation in the procurement review process discussed above by nonmarket participants who are eligible to request intervenor compensation should be fully compensated because their active participation makes a significant contribution to this proceeding.<sup>1</sup>

The Commission recognized The Utility Reform Network's (TURN) contributions to PRGs in the past: see, for example, decisions D.07-10-012 (in R.06-05-027), D.06-05-031 (in R.04-04-003), and D.04-08-042 and D.03-05-065 (in R.01-10-024), in which the Commission awarded compensation for TURN's substantial contributions to the PRG process.

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<sup>1</sup> Decision (D.) 02-10-062 issued in R.01-10-024 at 3-4.

## **2. Requirements for Awards of Compensation**

The intervenor compensation program, which is set forth in Pub. Util. Code §§ 1801-1812,<sup>2</sup> requires California jurisdictional utilities to pay the reasonable costs of an intervenor's participation if that party 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), pursuant to Rule 17.1 of the Commission's Rules of Practice and Procedure (Rules), or at another appropriate time 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. To seek a compensation award, the intervenor must 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) and 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 or

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<sup>2</sup> All subsequent statutory references are to the Public Utilities Code unless otherwise indicated.

as otherwise found by the Commission.  
(§§ 1802(i) and 1803(a).)

6. The claimed fees and costs must be 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.)

In the discussion below, the procedural issues in Items 1-4 above are combined and a separate discussion of Items 5-6 follows.

## **2.1 Preliminary Procedural Issues**

Under § 1804(a)(1) and Rule 17.1(a)(1), a customer who intends to seek an award of intervenor compensation must file an NOI before certain dates. In R.06-02-012, TURN timely filed its NOI on May 8, 2006. TURN's eligibility to claim compensation, including its significant financial hardship components, was determined in September 14, 2006 ruling of Administrative Law Judge (ALJ) Simon. In R.04-04-003, TURN filed its timely NOI on June 1, 2004. TURN's eligibility to claim intervenor compensation, including the significant financial hardship component, was determined in July 27, 2004 ruling of ALJ Wetzell. Under the provisions of Rule 17.2, a party found eligible for an award of compensation in one phase of a proceeding remains eligible in later phases in the same proceeding. Although the subject PRGs are not, strictly speaking, a phase of R.06-02-012 and R.04-04-003, we find it appropriate to confirm and extend to PRG process our 2004 findings of TURN's eligibility to claim compensation.

TURN submitted its intervenor compensation request (Request) in two non-consolidated proceedings. We find that this approach was justified: these two matters were devoted to procurement issues and remained active during the entire time period covered by the hours included in the request. This approach

is also reasonable because dispersing the PRG-related requests among numerous relevant proceedings would be extremely inefficient.

R.06-02-012 was closed by D.12-03-007, issued on March 13, 2012.

R.04-04-003 was closed by D.12-03-006, issued on March 12, 2012. TURN filed this request on May 7, 2012, which is within the 60 day statutory time limit prescribed for this filing. We find that the request was timely filed.

### **3. Substantial Contribution**

In evaluating whether a customer made a substantial contribution to a proceeding, we look at several things. First, we look at whether the Commission adopted one or more of the factual or legal contentions, or specific policy or procedural recommendations put forward by the customer. (§ 1802(i).) Second, if the customer's contentions or recommendations paralleled those of another party, we look at whether the customer's participation unnecessarily duplicated or materially supplemented, complemented, or contributed to the presentation of the other party. (§§ 1801.3(f) and 1802.5.)

As described in § 1802(i), the assessment of whether the customer made a substantial contribution requires the exercise of judgment.

In assessing whether the customer meets this standard, the Commission typically reviews the record, composed in part of pleadings of the customer and, in litigated matters, the hearing transcripts, and compares it to the findings, conclusions, and orders in the decision to which the customer asserts it contributed. It is then a matter of judgment as to whether the customer's presentation substantially assisted the Commission.<sup>3</sup>

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<sup>3</sup> D.98-04-059, 79 CPUC2d at 628 and 653.

TURN requests compensation for its participation in the PRGs of Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E) during the period of time between December of 2005 and May of 2012. There is no formal record for these activities: the PRG process is strictly advisory and protected by confidentiality rules. However, as we explained in D.07-11-024, PRG-related compensation requests need not publicly disclose confidential information. (D.07-11-024 at 6). In that decision, we require that intervenors participating in these groups include in their requests enough non-confidential information for the Commission's findings under §§ 1801-1812. The intervenors must indicate the types of programs, policies, practices or documents reviewed in connection with the PRG work and how the intervenors' participation contributed to an outcome that benefited ratepayers. They must explain how their work added value to the PRG process because of their unique analysis, perspective or work product or because of specific expertise or skills. They must also demonstrate reasonable collaboration with other group members to minimize duplication of effort.<sup>4</sup> TURN's request meets these requirements.

With this guidance in mind, we turn to TURN's claimed contributions to the IOU's PRGs.

TURN asserts that in the course of its participation in the PRGs, it focused on the following five major areas:

1. renewable energy;
2. system planning and long-term procurement;

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<sup>4</sup> D.07-11-024 at 5-6.

3. electric procurement and hedging;
4. gas procurement and hedging; and 5) independent evaluators. TURN contributed to the Commission's reasonableness assessments in the following areas:
  - a) policies relating to long-term procurement plans, wholesale market design, resource adequacy and capacity markets in R.10-05-006, R.08-02-007, R.06-02-013, R.04-04-003 and R.01-10-024;
  - b) spending on procurement staffing and consultants, addressed in recent general case proceedings;
  - c) renewable procurement policies in R.06-02-012, R.08-08-009 and R.11-05-005 to help achieve the 20% and 33% Renewable Portfolio Standard targets;
  - d) balanced confidentiality rules in R.05-06-040. Through the PRGs, TURN was actively involved in the review of over 60 solicitations conducted by the three IOUs between 2005 and 2012.

In its request, TURN provides information sufficient to satisfy us that the intervenor made the claimed contributions. TURN explains in detail the types of programs, policies, practices and documents it reviewed and analyzed. TURN describes what types of work and what level of the complexity TURN's participation involved. The request includes a comprehensive list of the IOU solicitations that were reviewed by the PRGs (at 9-10 of the Request). The solicitations typically led to the selection of specific energy procurement transactions that subsequently required either formal applications or Advice Letter filings. These transactions were initially presented to the PRG for feedback. To illustrate this process, TURN includes a list of the formal application proceedings that followed PRG presentations. TURN provides an

example of how TURN's participation in the PRG positively affected the Advice Letter proceeding's results.<sup>5</sup> In support of its request, TURN also provides a list of more than 350 separate PRG meetings, with dates for each meeting, utility, TURN's representatives participating in each meeting, and whether it was an in-person attendance or participation by telephone.

For each area of the PRG's work, TURN explains how its feedback and recommendations contributed to the outcomes that benefited ratepayers. For example, in the utility solicitations review, TURN's involvement was targeted at ensuring that ratepayer costs were minimized, the state policy goals efficiently realized, and that all market participants were treated fairly. In the renewable energy areas, TURN's PRG involvement had an impact on the specific contracts selected by the IOUs, prevented several contracts from being executed, and limited TURN's litigation in the Advice Letter proceedings. In the system planning and long-term procurement area, TURN's PRG involvement streamlined or helped reduce TURN's litigation efforts in IOUs' various applications for approval of new resources. With respect to the formal applications, TURN's participation in the PRGs brought, in general, two benefits: first, TURN's intervention in these proceedings was better focused and more efficient as a result of prior PRG review; second, TURN chose not to intervene in a number of the applications due, in part, to its review of the underlying transactions in the PRGs.

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<sup>5</sup> TURN does not provide a list of all the Advice Letter proceedings relating to PRG activities because it would include hundreds of filings by the three IOUs within the seven years span.

We find that TURN's participation in the PRGs provided substantial contributions to the PRG process. We accept TURN's showing of how its work added unique value to the PRG advisory process. We also find that TURN's participation in the PRGs benefited subsequent formal<sup>6</sup> and Advice Letter proceedings.

#### **4. Contributions of Other Parties**

Section 1801.3(f) requires an intervenor to avoid participation that duplicates that of similar interests otherwise adequately represented by another party, or participation unnecessary for a fair determination of the proceeding. Section 1802.5, however, allows an intervenor to be eligible for full compensation where its participation materially supplements, complements, or contributes to the presentation of another party if that participation makes a substantial contribution to the Commission order.

Commission has recognized that some intervenor participation in the PRGs may overlap with other group members by necessity and that many intervenors may attend the same meetings or review the same documents. We indicated that these activities would qualify for compensation "as long as the intervenor's contributions are adequately described and distinguished from those of other members, consistent with §1802.5. The intervenor should also demonstrate reasonable collaboration with other group members to minimize duplication of effort." (D.07-11-024 at 6.)

TURN indicates that other customer representatives participated at various times in the PRGs, including the DRA, Jan Reid, the Union of Concerned

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<sup>6</sup> A list of the formal application proceedings is provided at 12 of TURN's request.

Scientists, and the Natural Resources Defense Council. Of these participants, only DRA was represented consistently in the PRGs of all three IOUs. TURN explains that although both TURN and DRA attended the same meetings and reviewed the same materials, each offered its unique feedback and was often engaged on different issues. TURN asserts there it could not reasonably decline to participate or fail to review materials in an effort to avoid duplications. However, TURN did refrain from devoting hours to protesting various utility Advice Letter filings in situations where DRA intended to file its protests that would include concerns shared by TURN. TURN states that it took reasonable steps to keep duplication of effort to a minimum and to either identify TURN's unique issues or to complement and assist the concerns raised by DRA and other PRG participants.

We accept TURN's showing that its participation was, to a large extent, unique and different from that of other parties. We accept TURN's explanations of the reasonable steps to avoid duplication of efforts, coordination of its efforts with other parties' participation. TURN's time records contain abundant evidence of TURN's efforts coordinating and collaborating with DRA and other group participants. We do not make disallowances for a duplication of efforts.

After we have determined the scope of a customer's substantial contribution, we then look at whether the amount of the compensation request is reasonable.

##### **5. Reasonableness of Requested Compensation**

TURN requests \$660,967.50 for its participation in this proceeding, as follows:

<b>Work on Proceeding</b>				
<b>Attorney/Staff</b>	<b>Year</b>	<b>Hours</b>	<b>Hourly Rate</b>	<b>Total<sup>7</sup></b>
Mike Florio, attorney	2005	10.75	\$470	\$5,052.50
Mike Florio, attorney	2006	100.75	\$485	\$48,863.75
Mike Florio, attorney	2007	97	\$520	\$50,440
Mike Florio, attorney	2008	150.5	\$535	\$80,517.50
Mike Florio, attorney	2009	112	\$535	\$59,920
Mike Florio, attorney	2010	72	\$535	\$38,520
Mike Florio, attorney	2011	1.5	\$535	\$802.50
Marcel Hawiger, attorney	2005	0.75	\$270	\$202.50
Marcel Hawiger, attorney	2006	9.5	\$280	\$2,660
Marcel Hawiger, attorney	2007	17.50	\$300	\$5,250
Marcel Hawiger, attorney	2008	98.75	\$325	\$32,093.75
Marcel Hawiger, attorney	2009	22.50	\$325	\$7,312.50
Marcel Hawiger, attorney	2010	7.25	\$350	\$2,537.50
Marcel Hawiger, attorney	2011	9.5	\$350	\$3,325
Marcel Hawiger, attorney	2012	1	\$350	\$350
Matthew Freedman, attorney	2006	14.75	\$280	\$4,130
Matthew Freedman, attorney	2007	4.0	\$300	\$1,200
Matthew Freedman, attorney	2009	50.5	\$325	\$16,412.50
Matthew Freedman, attorney	2010	33.25	\$325	\$10,806.25
Matthew Freedman, attorney	2011	33.5	\$350	\$11,725
Matthew Freedman, attorney	2012	18.50	\$350	\$6,475
Marybelle Ang, attorney	2011	17.75	\$280	\$4,970
Kevin Woodruff, expert	2005	14.5	\$200	\$2,900
Kevin Woodruff, expert	2006	173.5	\$225	\$39,037.50
Kevin Woodruff, expert	2007	208.5	\$225	\$46,912.50
Kevin Woodruff, expert	2008	235	\$225	\$52,875
Kevin Woodruff, expert	2009	196.75	\$225	\$44,268.75
Kevin Woodruff, expert	2010	120	\$225	\$27,000
Kevin Woodruff, expert	2011	168.25	\$240	\$40,380

<sup>7</sup> In its intervenor compensation request, TURN indicates total amounts rounded to the nearest dollars. We changed the rounded figures to the actual total amounts (including cents), to avoid any miscalculations in the final award.

Kevin Woodruff, expert	2012	43.50	\$240	\$10,440
<b>Subtotal:</b>				<b>\$657.380</b>
<b>Preparation of NOI and Compensation Request<sup>8</sup></b>				
<b>Attorney/Staff</b>	<b>Year</b>	<b>Hours</b>	<b>Hourly Rate</b>	<b>Total</b>
Matthew Freedman, Attorney	2012	20.5	\$175	\$3,588
<b>Subtotal:</b>				<b>\$3,588</b>
<b>Total Requested Compensation</b>				<b>\$660,967.50</b>

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.

TURN documented its claimed hours by presenting a daily breakdown of the hours of its attorneys, accompanied by a brief description of each activity. TURN also allocates hours of work to the PRG's substantive issues. The hourly breakdown reasonably supports the claim for total hours.<sup>9</sup>

TURN allocates its hours to four "primary activity codes" and five "subcodes." The "primary activity codes" reflect a utility: PG&E, SCE or SDG&E. An additional "PRG" "primary activity code" was designated for tasks

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<sup>8</sup> Compensation request preparation time is compensated at one-half the normal rate.

<sup>9</sup> We note that TURN's requested hours in the formal PRG-related application proceedings, do not duplicate hours included in the subject compensation claim.

that are “not distinguished between IOUs” (TURN’s Request at 21). Five “subcodes” are, in essence, large substantive issues, on which TURN focused its participation: renewable energy, system planning and long-term procurement, electric procurement and hedging, gas procurement and hedging, and independent evaluators.

TURN explains that its staff’s involvement was based on their respective expertise. TURN also explained its internal policies regarding attendance at the meetings. We find that the TURN’s work was, mostly, efficient, and requested hours – reasonable. We make several reductions where we noticed inefficient effort, insufficiently documented costs or non-compensable costs.

We make the following hourly reductions based on our reasonableness standards:

Freedman (2009) 2.50 hours. Given TURN’s participation arrangement, we find that at least a half of Freedman’s hours spent attending March 13<sup>th</sup> PG&E’s PRG meeting was duplicative of the tasks performed by two other TURN’s representatives who also attended the meeting.

Woodruff (2009): 0.75 hour. We disallow 0.75 hours (estimated) of Woodruff’s request, spent reporting the February 3<sup>rd</sup> SCE’s PRG and CA calls, given the fact that TURN’s attorney also attended these calls.

Woodruff (2011): 0.50 hour. We disallow 0.50 hours (estimated) spent reporting the September 28<sup>th</sup> SCE’s PRG meeting to TURN, given the fact that TURN’s attorney was also present there.

Woodruff (2011): 0.50 hour. We disallow the estimated 0.50 hours spent reporting the November 8<sup>th</sup> PG&E’s CA call to the client, given the fact that TURN’s attorney participated in the meeting.

Woodruff (2012): 0.50 hour. We disallow 0.50 hours (estimated) of Woodruff's request spent reporting the February 17<sup>th</sup> SDG&E's PRG call to TURN, given the fact that TURN's attorney participated in the call.

We also disallow the following undocumented or insufficiently documented task:

Woodruff (2009): 1.50 hours. We disallow hours spent on November 19<sup>th</sup> and 23<sup>rd</sup> preparing for and reporting to the client, SDG&E PRG meeting. Documents in support of TURN's request do not indicate such meeting took place on or around that time.

We disallow the following non-compensable administrative or clerical tasks, in conformity with our practices not to compensate for administrative overhead:<sup>10</sup>

Woodruff (2006): 0.50 hour (estimated) for printing materials on June 1<sup>st</sup> and 25<sup>th</sup>;

Ang (2011): 0.75 hours on March 2<sup>nd</sup>, for the administrative tasks.

## **5.2 Intervenor Hourly Rates**

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.

TURN seeks the rate of \$225 for Woodruff's work in 2010. In D.12-06-014, we approved a new rate of \$235 for Woodruff's work in 2010. We use the rate of \$235 in our calculations.

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<sup>10</sup> See, e.g., D.98-11-049, 1998 Cal. PUC LEXIS 805, \*5.1.3 ("Professional fees assume overheads and are set accordingly. We therefore deny additional recovery for clerical work.").

For its other representatives, TURN seeks hourly rates that we previously approved. We adopt these rates here.

### **5.3 Direct Expenses**

TURN does not claim direct expenses.

## **6. Productivity**

D.98-04-059 directed customers to demonstrate productivity by assigning a reasonable dollar value to the benefits of their participation to ratepayers. (D.98-04-059, at 34-35.) The costs of a customer's participation should bear a reasonable relationship to the benefits realized through its participation. This showing assists us in determining the overall reasonableness of the request.

TURN explains that specific monetary benefits associated with its participation in PRGs are difficult to establish; however, ratepayers will have substantial monetary savings as a result of TURN's participation in the PRGs. TURN asserts that its participation in PRGs saved ratepayers millions of dollars between 2005 and 2012, primarily in the form of uneconomic procurement transactions there were not executed by the utilities due to TURN's opposition. Moreover, TURN provided strategic advice to each utility that assisted with the negotiation of conventional and renewable power contracts to provide superior value to ratepayers and lower prices. Finally, TURN specifically opposed a variety of transactions that were originally vetted in PRG process and subsequently were submitted for Commission approval in the form of Advice Letters and applications. In a number of these cases, TURN reduced ratepayer costs by either defeating the proposal or obtaining concessions that lowered the cost impact on ratepayers. TURN supports these assertions with specific examples. In addition, we determine that TURN's participation in the PRGs saved substantial litigation costs. We find that TURN's efforts were productive

and ratepayer benefits resulting from TURN's participation outweigh the cost of TURN's participation.

## 7. Award

As set forth in the table below, we award TURN \$660,166.25.

<b>Work on Proceeding</b>				
<b>Attorney/Staff</b>	<b>Year</b>	<b>Hours</b>	<b>Hourly Rate</b>	<b>Total<sup>11</sup></b>
Mike Florio, attorney	2005	10.75	\$470	\$5,052.50
Mike Florio, attorney	2006	100.75	\$485	\$48,863.75
Mike Florio, attorney	2007	97.00	\$520	\$50,440
Mike Florio, attorney	2008	150.50	\$535	\$80,517.50
Mike Florio, attorney	2009	112.00	\$535	\$59,920
Mike Florio, attorney	2010	72.00	\$535	\$38,520
Mike Florio, attorney	2011	1.50	\$535	\$802.50
Marcel Hawiger, attorney	2005	0.75	\$270	\$202.50
Marcel Hawiger, attorney	2006	9.50	\$280	\$2,660
Marcel Hawiger, attorney	2007	17.50	\$300	\$5,250
Marcel Hawiger, attorney	2008	98.75	\$325	\$32,093.75
Marcel Hawiger, attorney	2009	22.50	\$325	\$7,312.50
Marcel Hawiger, attorney	2010	7.25	\$350	\$2,537.50
Marcel Hawiger, attorney	2011	9.50	\$350	\$3,325
Marcel Hawiger, attorney	2012	1.00	\$350	\$350
Matthew Freedman, attorney	2006	14.75	\$280	\$4,130
Matthew Freedman, attorney	2007	4.00	\$300	\$1,200
Matthew Freedman, attorney	2009	48.00	\$325	\$15,600.00
Matthew Freedman, attorney	2010	33.25	\$325	\$10,806.25
Matthew Freedman, attorney	2011	33.50	\$350	\$11,725
Matthew Freedman, attorney	2012	18.50	\$350	\$6,475
Marybelle Ang, attorney	2011	17.00	\$280	\$4,760.00
Kevin Woodruff, expert	2005	14.50	\$200	\$2,900

<sup>11</sup> In its intervenor compensation request, TURN indicates here total amounts rounded to the nearest dollars. We changed the rounded figures to the actual total amounts, including cents, to avoid any miscalculations in the final award.

Kevin Woodruff, expert	2006	173.00	\$225	\$38,925.00
Kevin Woodruff, expert	2007	208.50	\$225	\$46,912.50
Kevin Woodruff, expert	2008	235.00	\$225	\$52,875
Kevin Woodruff, expert	2009	194.50	\$225	\$43,762.50
Kevin Woodruff, expert	2010	120.00	\$235	\$27,000
Kevin Woodruff, expert	2011	167.25	\$240	\$40,140.00
Kevin Woodruff, expert	2012	43.00	\$240	\$10,320.00
<b>Subtotal:</b>				<b>\$656,578.75</b>
<b>Preparation of NOI and Compensation Request</b>				
<b>Attorney/Staff</b>	<b>Year</b>	<b>Hours</b>	<b>Hourly Rate</b>	<b>Total</b>
Matthew Freedman, Attorney	2012	20.5	\$175	\$3,588.00
<b>Subtotal:</b>				<b>\$3,588.00</b>
<b>TOTAL FINAL AWARD:</b>				<b>\$660,166.25</b>

Pursuant to § 1807, we order PG&E, SDG&E, and SCE to pay this award. 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 on July 21, 2012, the 75th day after TURN filed its compensation request, and continuing until full payment of the award is made. We direct PG&E, SDG&E, and SCE to allocate payment responsibility among them based upon their California-jurisdictional gas and electric revenues for the 2008 calendar year, to reflect the year in which most of the PRG activity covered by TURN's compensation request took place.

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

which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

#### **8. 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 comment period for this decision.

#### **9. Assignment of Proceeding**

Mark J. Ferron is the assigned Commissioner and Mark S. Wetzell and Amy C. Yip-Kikugawa are the assigned Administrative Law Judges in this proceeding.

#### **Findings of Fact**

1. TURN has satisfied all the procedural requirements necessary to claim compensation in this proceeding.
2. TURN made a substantial contribution to the procurement review groups of PG&E, SDG&E, and SCE, as described herein.
3. TURN requested hourly rates for its representatives that, as adjusted herein, are reasonable when compared to the market rates for persons with similar training and experience.
4. The total of the reasonable compensation is \$660,166.25.
5. Appendix to this decision summarizes today's award.

#### **Conclusions of Law**

1. TURN has fulfilled the requirements of §§ 1801-1812, which govern awards of intervenor compensation, and is entitled to intervenor compensation for its claimed costs, as adjusted herein, incurred in making substantial contributions to the procurement review groups of PG&E, SDG&E, and SCE.

2. TURN should be awarded \$660,166.25 for its contribution to the procurement review groups of PG&E, SDG&E, and SCE.

3. This order should be effective today so that TURN may be compensated without further delay.

**O R D E R**

**IT IS ORDERED** that:

1. The Utility Reform Network is awarded \$660,166.25 as compensation for its substantial contributions to the procurement review groups of Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company.

2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company shall pay The Utility Reform Network their respective shares of the award. We direct Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company to allocate payment responsibility among themselves, based on their California jurisdictional electric revenues for the 2008 calendar year, to reflect the year in which most of the procurement review groups' activities covered by the subject compensation claim took place. 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 July 21, 2012, the 75th day after the filing date of The Utility Reform Network's request for compensation, and continuing until full payment is made.

3. This decision shall be served on the generic lists of Rulemaking  
(R.) 04-04-003 and R.06-02-012

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.