

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Examine the Commission's Post-2008 Energy Efficiency Policies, Programs, Evaluation, Measurement, and Verification, and Related Issues.

Rulemaking 09-11-014
(Filed November 20, 2009)

DECISION GRANTING REQUEST OF NATURAL RESOURCES DEFENSE COUNCIL FOR INTERVENOR COMPENSATION FOR SUBSTANTIAL CONTRIBUTIONS TO DECISIONS 11-10-014 AND 11-12-038

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| Claimant: Natural Resources Defense Council | For contribution to D.11-10-014 & D.11-12-038 |
| Claimed (\$): \$5,000.00 | Awarded (\$): \$4,935.00 |
| Assigned Commissioner: Mark J. Ferron | Assigned ALJ: Darwin Farrar and Julie A. Fitch |

PART I: PROCEDURAL ISSUES

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| A. Brief Description of Decision: | <p>Decision (D.)11-10-014 provides guidance to Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Gas Company (SoCalGas) regarding priorities and financing for these utilities' on-going gas Public Purpose Programs (PPP). This Decision also addresses the potential funding shortage caused by SB 87 and authorized backstops with other unspent Energy Efficiency (EE) funds.</p> <p>D.11-12-038 ensures that utility EE programs will continue to have adequate funding to fulfill our statutory and policy mandates. Specifically, this decision makes additional PEEBA¹ funds available to backfill the PGC² funding so that electric EE programs are funded in 2012 at the currently authorized level, but does not decide whether or which EE programs will require the current level of funding after 2012.</p> |
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¹ Procurement Energy Efficiency Balancing Account.

² The Public Goods Charge.

B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

| | As Stated by Claimant | CPUC Verified |
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| Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)): | | |
| 1. Date of Prehearing Conference: | March 18, 2010 | Correct |
| 2. Other Specified Date for NOI: | n/a | |
| 3. Date NOI Filed: | April 16, 2010 | Correct |
| 4. Was the notice of intent timely filed? | | Yes |
| Showing of customer or customer-related status (§ 1802(b)): | | |
| 5. Based on ALJ ruling issued in proceeding number: | Application (A.)11-05-017 et al. | Correct |
| 6. Date of ALJ ruling: | October 28, 2011 | Correct |
| 7. Based on another CPUC determination: | n/a | |
| 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: | A.11-05-017 et al. | Correct |
| 10. Date of ALJ ruling: | October 28, 2011 | Correct |
| 11. Based on another CPUC determination: | n/a | |
| 12. Has the claimant demonstrated significant financial hardship? | | Yes |
| Timely request for compensation (§ 1804(c)): | | |
| 13. Identify Final Decision | D.11-10-014 and D.11-12-038 | Correct |
| 14. Date of Issuance of Final Decision: | October 12, 2011 and December 12, 2011 | D.11-12-038 issued on December 19, 2011 |
| 15. File date of compensation request: | February 17, 2012 | Correct |
| 16. Was the request for compensation timely? | | Yes |

PART II: SUBSTANTIAL CONTRIBUTION

A. Claimant’s description of its contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059)

| Contribution to D.11-10-014 | Citation to Decision or Record (Provided by Claimant) | Showing Accepted by CPUC |
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| <p>1. Fully fund programs</p> <p>The Commission asked a number of questions as to how to fund natural gas efficiency programs in light of the raid on the natural gas energy efficiency (NG EE) program funding by the legislature due to SB 87. NRDC responded to the following questions related to funding the programs:</p> <p>“The Commission’s ability to use non surcharge funds to support these programs”</p> <p>“The legality and propriety of requiring ratepayers to pay additional surcharges to fund these gas PPPs”</p> <p>“Whether electric funds can be shifted to gas PPPs in accordance with the energy efficiency manual or Commission decisions” (ACR at 9, 7/7/11).</p> <ul style="list-style-type: none"> • NRDC argued that the Commission does not have the authority to suspend programs but <u>does have the authority</u> to raise the surcharge amount to ensure it meets its efficiency objectives (<i>See Opening Comments 7/21 at 3 and at 4</i>) • NRDC also countered party claims that raising additional funds would be inappropriate. We repeatedly argued that by not filling the funding gap, the Commission | <p>D.11-10-014 references NRDC’s position “The Natural Resources Defense Council (NRDC) supports the IOUs’ Motion and urges the Commission to focus on providing sufficient funding to carry out the gas PPPs.” (at 6)</p> <p>While not explicitly referenced in the final decision, NRDC’s positions purported that the Commission has the authority and requirement to use both additional surcharge and non-surcharge funding to fill the gap. Therefore, NRDC’s comments were substantial and contributed to the following outcome “For all of the foregoing reasons, we find that prior unspent gas and electric funds may be used to backstop gas PPP programs, under the unique circumstances presented here.” (D.11-10-014 at 13)</p> <p>Similarly, NRDC’s contributions supported the ultimate decision to fully fund the efficiency programs. “By our calculations, there will be little, if any, missing funding once the funding we allow</p> | <p>Accepted.</p> |

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| <p>would be requiring the utilities to procure the more costly and dirty power to replace the energy that was expected to be supplied by efficiency. This would be counter to the loading order and California law that utilities must first procure all cost- effective energy efficiency. The state’s loading order remains in full effect despite the legislature’s actions and the Commission should use its legal authority to raise the funds necessary to fund the approved efficiency programs (<i>See Reply Comments 7/28 at 2-3</i>)</p> <ul style="list-style-type: none"> • NRDC supported comments indicating that electricity and natural gas programs are interrelated and programs that include a gas component should continue to be funded (<i>See Reply Comments 7/28 at 2 and Opening Comments 9/22 at 2</i>) • NRDC also urged the Commission to use electric funding to continue programs that require a gas portion to accomplish the comprehensive program design (e.g., energy upgrade California) as there has been no legal prohibition raised to doing so. (<i>Opening Comments 9/22 at 2 and Reply Comments 9/27 at 3</i>) | <p>them to use here is added up. Virtually all IOUs' gas PPP programs will be funded in full.” (at 14)</p> | |
| <p>2. Strategize which programs should continue</p> <p>The 7/7/11 ACR also asked:</p> <p>“What specific programs should be continued and at what level, given the priorities set out above and the funds available.”</p> | <p>D.11-10-014 indicated that if there were to be a shortfall of funding, the programs should be focused on the Commission’s priorities, such as the ARRA funded programs (e.g., Energy Upgrade California). The Commission</p> | <p>Accepted.</p> |

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| <ul style="list-style-type: none"> • NRDC repeatedly argued that if there is a funding shortfall, the Commission should require the utilities to submit proposals for the best way to balance the portfolio given (1) cost-effectiveness and (2) the Commission guidance to ensure longer term and more comprehensive programs. The proposals should be subject to public process. <i>(See Opening comments 7/21 at 4)</i> • NRDC also supported this concept in reply comments and urged the Commission to focus on reworking the overall program portfolio in the broader scheme of outstanding policy issues yet to be resolved. <i>(See Reply Comments 7/28 at 2 and 3)</i> | <p>also allowed the utilities to propose programs that were not necessarily the most cost-effective if the utilities provided sufficient rationale. (at 17)</p> <p>Although NRDC’s comments were not explicitly referenced, allowing the utilities to focus on programs that support Commission direction and were not <i>solely</i> based on cost-effectiveness are both actions in line with NRDC’s recommendations.</p> | |
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| Contribution to D.11-12-038 | Citation to Decision or Record (Provided by Claimant) | Showing Accepted by CPUC |
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| <p>1. Authority of CPUC to expand scope of proceeding to address PGC issues.</p> <p>NRDC analyzed California Constitutional Law and Public Utilities Code and replied to parties who claimed that the CPUC does not have the authority to expand the scope of the current proceeding to address the backfilling the funding shortfall due to expiration of the PGC. In short, NRDC found that the Commission has been given broad authority to determine how best to determine funding for energy resources.</p> <p>“The Legislature not only delegated broad authority for the CPUC to fund</p> | <p>D.11-12-038 references NRDC’s comments and ultimately agrees that the Commission has authority as the decision addresses the PGC efficiency funding shortfall.</p> <p>“The NRDC asserts that the California Constitution and Legislature have delegated broad authority to the Commission, the Commission has clear power to fix rates, establish rules ... and prescribe a uniform system of accounts for all public utilities subject to its jurisdiction, and the Commission is required to prioritize energy efficiency in</p> | <p>Accepted.</p> |

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| <p>energy services as it determines is just and reasonable, but specifically required the CPUC to <i>prioritize</i> energy efficiency in funding the mix of energy resources... Thus, not only is funding of energy efficiency programs at current levels <i>permissible</i>, but procuring and funding this resource is <i>required</i>, before the procuring or funding of other energy resources. The State’s conferral of broad authority to this Commission, as well as the specific requirement to prioritize the procuring of energy efficiency, puts consideration of maintaining current funding levels squarely within this Commission’s authority.”</p> <p>(See Reply Comments 10/19 at 2-3)</p> | <p>funding the mix of energy resources.” (at 7)</p> <p>“The Commission has ample authority to ensure that there are sufficient funds to support its previously approved programs.” (at 9)</p> | |
| <p>2. There is no legislative intent to reduce efficiency funding</p> <p>Parties claimed that because the legislature failed to pass the extension of the PGC, the Legislature intended efficiency funds be reduced. NRDC disagreed and researched case law to prove that failure to pass a bill does not imply intention.</p> <p>“California courts have consistently held that the failure of the Legislature to pass a particular bill <i>cannot</i> be relied upon as legislative intent. Here, the Legislature did not pass a bill to continue a particular portion of EE funding through a particular mechanism (nonbypassable charge). The absence of a bill provides insufficient evidence to determine any intent of the Legislature. Therefore, absent any affirmative statement by the Legislature, this failure to pass a bill this legislative session cannot be relied upon to infer legislative intent.”</p> | <p>D.11-12-038 agrees with NRDC</p> <p>“We agree with NRDC’s interpretation of the facts and statement of the law, and conclude that the ACR proposal is not inconsistent with any legislative intent.” (at 8)</p> | <p>Accepted.</p> |

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| (See Reply Comments 10/19 at 4-5) | | |
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

| | Claimant | CPUC Verified |
|---|-----------------|----------------------|
| a. Was the Division of Ratepayer Advocates (DRA) a party to the proceeding? | Yes | Correct |
| b. Were there other parties to the proceeding? | Yes | Correct |
| c. If so, provide name of other parties: The Utility Reform Network, California Energy Efficiency Industry Council, PG&E, SCE, SDG&E, SoCalGas, Consumer Federation of California, California Large Energy Consumers Association, Local Government Sustainability Coalition, Marin Energy Authority, City and County of San Francisco. | | Correct |
| d. Claimant’s description of how Claimant coordinated with DRA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party: NRDC continues to be the sole consistently involved environmental group in R.09-11-014. Since the matters of backfilling potential funding for both NG EE and PGC EE focused on legal issues, there was less opportunity to collaborate to resolve differences as the matters were left to research and legal interpretation (e.g., public utilities code and rules to allow for electric funding to apply to gas and authority of CPUC to act on these matters). NRDC discussed the issues pertaining to NG EE and PGC EE with other parties, but did not claim time as the conversations did not result in major differences. Rather, NRDC used these conversations to focus our comments on the areas that other parties were unlikely to focus on (e.g., legal analysis). However, we continued to include comments that were similar to other parties to build the record of support. These efforts complemented, but were not duplicative of, other parties as NRDC provides a unique legal and environmental perspective. | | Yes. |

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

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| Explanation by Claimant of how the cost of Claimant’s participation bore a reasonable relationship with benefits realized through participation | CPUC Verified |
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| <p>NRDC’s policy recommendations and legal analysis that led to the continuation of funding for energy efficiency programs will continue to allow Californians to receive energy services at the least cost and lowest environmental impact as possible. Had the funding not been continued, the utilities would have been required to purchase the more costly and dirty conventional energy to provide the same level of services to their customers. Further, had all of the 2012 program funding been omitted, this would result in (1) missed opportunities for customers to implement efficiency programs that would reduce their bills, (2) reduced support and continuity for energy efficiency companies to continue to grow in California, and (3) the need to purchase the equivalent power from large power plant (500 MW). Therefore our participation bears a reasonable relationship with the benefits realized.</p> <p><i>NRDC’s Claims are Reasonable and Conservative</i></p> <p>The substantial contributions to Commission policy described above would not have been possible without the individual contributions of the utility regulatory reform team. Noah Long and Sierra Martinez provided the legal analysis for each decision (and did not overlap in hours claimed even though they consulted one another throughout the process). Lara Ettenson provided the overall policy context, ensured consistency across the various proceedings and previous comments, and followed the development of the proceeding. Ms. Ettenson brought in Mr. Long and Mr. Martinez when needed to minimize any duplicative time spent on following the proceeding and reading the various Commission documents and reply comments. All staff provided substantive contributions.</p> <p>Furthermore, the rates requested by NRDC are at the lower end of the ranges approved by the Commission. Not only do these rates reflect below market for expertise at similar levels, but also below other requests received by the Commission, especially for lawyers. NRDC maintained detailed time records indicating the number of hours that were devoted to proceeding activities. All hours represent substantive work related to this proceeding. When staff ‘reviewed’ other staff work, this involved detailed comments, additional language, clarity of position, and effectiveness of recommendations, to ensure that the work product delivered to the Commission was substantive and useful. This activity was not merely grammar checking, but added significant value to the end product. No hours were claimed for clerical review of comments.</p> <p>The amounts claimed are conservative for the following reasons: (1) None of the hours were claimed from time spent by Senior NRDC staff who consulted regularly on this proceeding. This included</p> | <p>With the voluntary reductions NRDC made to the claim, and the adjustments made in this decision, the claim is reasonable as compared to benefits realized through NRDC’s participation.</p> |
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| <p>Ralph Cavanagh, Sheryl Carter, Peter Miller, and Devra Wang (who collectively have over 70 years of relevant experience), (2) NRDC was careful within our team to assign specific issues to one team member as the lead, (3) NRDC assigned primary writing responsibility to a specific individual, with the other team members providing substantive review (e.g., quality control review, consistency with previous comments, additional policy recommendations, new language, and technical expertise), and (4) we do not claim all the hours for informal conversations with CPUC staff or other stakeholders throughout the proceeding. Since our work was efficient, hours conservative, and billing rates low, NRDC's request for compensation should be granted in full.</p> | |
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B. Specific Claim*:

| CLAIMED | | | | | | CPUC AWARD | | | |
|---|------|-------|-------|------------------------------|-------------------|------------------------------------|-------|-------------------|------------|
| ATTORNEY AND ADVOCATE FEES | | | | | | | | | |
| Item | Year | Hours | Rate | Basis for Rate* | Total \$ | Year | Hours | Rate | Total \$ |
| Sierra Martinez | 2011 | 10.75 | \$200 | Res. ALJ-267; D.08-04-010 | \$2,150.00 | 2011 | 10.75 | \$200 | \$2,150.00 |
| Noah Long | 2011 | 1.5 | \$200 | Res. ALJ-267; D.08-04-010 | \$300.00 | 2011 | 1.5 | \$150 | \$225.00 |
| Subtotal: | | | | | \$2,450.00 | Subtotal: \$2,375.00 | | | |
| EXPERT FEES | | | | | | | | | |
| Item | Year | Hours | Rate | Basis for Rate | Total \$ | Year | Hours | Rate | Total \$ |
| Lara Ettenson | 2011 | 15 | \$150 | Res. ALJ-267; D.08-04-010 | \$2,250.00 | 2011 | 15 | \$150 | \$2,250.00 |
| Subtotal: | | | | | \$2,250.00 | Subtotal: \$2,250.00 | | | |
| INTERVENOR COMPENSATION CLAIM PREPARATION ** | | | | | | | | | |
| Item | Year | Hours | Rate | Basis for Rate* | Total \$ | Year | Hours | Rate \$ | Total \$ |
| Lara Ettenson | 2012 | 4 | \$75 | Half of normal rate | \$300.00 | 2012 | 4 | \$77.50 | \$310.00 |
| Subtotal: | | | | | \$300.00 | Subtotal: \$310.00 | | | |
| TOTAL REQUEST \$: | | | | | \$5,000.00 | TOTAL AWARD \$: | | \$4,935.00 | |

* 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. Claimant’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.

** Reasonable claim preparation time typically compensated at ½ of preparer’s normal hourly rate.

C. Additional Comments on Part III:

| # | Claimant | CPUC | Comment |
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| 1 | X | | <p>Rationale for Lara Ettenson’s hour rates: The Commission previously awarded Ms. Ettenson a 2009 hourly rate of \$125 in D.10-05-014. The requested rate of \$150 for Ms. Ettenson accounts for the previously foregone two allowable 5 % step increases as noted in D.08-04-010 (at 8). Two 5% increases from the \$125 rate (2009) equal \$135 for the 2010 rate. Two steps from the 2010 rate would be \$150 for 2011 work. This rate is still conservative at the lower half of the range adopted in Res ALJ-235 for experts with zero to six years of experience for 2011 (\$125-185). This rate is also conservative because Ms. Ettenson currently has 6+ years of experience in energy and environmental policy. Ms. Ettenson has a Master’s in Public Administration from Columbia University School of International and Public Affairs and a Bachelor’s degree in Biology and Environmental Studies from Oberlin College.</p> |
| 2 | X | | <p>Rationale for Sierra Martinez’s hourly rates. We previously requested a rate of \$150.00 in our NOI for R.10-05-006 dated August 3, 2010. Since Sierra Martinez has an additional year of experience and was a third year attorney when working on these decisions, we request a rate of \$200, which is at the low range of Attorneys with 3-4 years of experience (\$200-235) adopted in Res ALJ-267. Per D.08-04-010 intervenors can qualify for a rate increase when “moving to a higher experience level: where additional experience since the last authorized rate moved a representative to a higher level of experience.” (D.08-04-010, at 8) Mr. Martinez holds a B.A. from Stanford University and a J.D. from Stanford Law School, where he focused on environmental and energy law.</p> |

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| 3 | X | | <p>Rationale for Noah Long’s Hours. Noah Long was previously awarded intervenor compensation at the hourly rate of \$150 in D.10-05-022 for work in R.06-04-009. Mr. Long holds a JD from Stanford University Law School, an MSc from the London School of Economics and a BA in Government and Environmental Studies from Bowdoin College. Mr. Long is currently a fourth year attorney and has also worked in energy policy for seven years. When Mr. Long was awarded an hourly rate of \$150 for his work in 2008, he was a first year attorney (see D.10-05-022 at 39). Since Mr. Long is now a fourth year attorney (and was a third year attorney working on these issues), we request a rate of \$200. This rate is at the low end of the published range in Res ALJ – 267 for attorneys with 3-4 years’ experience (\$200-235). As with Mr. Martinez, intervenors can qualify for a rate increase when “moving to a higher experience level: where additional experience since the last authorized rate moved a representative to a higher level of experience.” (D.08-04-010, at 8)</p> |
| | | X | <p>Intervenor’s award “shall be paid by the public utility which is the subject of the hearing, investigation, or proceeding” (§ 1807). Decisions issued in this proceeding concerned different utility groups: D.11-10-014 affected PG&E, SDG&E and SoCalGas; while D.11-12-038 – PG&E, SDG&E and Southern California Edison Company (SCE). Breaking up the awarded amount by these utility groups appears to be unreasonable in this case, and we allocate the payment of the total awarded amount to four utilities -PG&E, SDG&E, SoCalGas, and SCE.</p> |

D. CPUC Disallowances & Adjustments:

| # | Reason |
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| Hourly Rate for Ettenson's work | <p><u>Work in 2011.</u> NRDC seeks two 5% step increases³ for the professional rate of \$125 adopted in D.10-09-014 for Ettenson's work in 2010 plus two additional 5% step increases. We find the request reasonable: for several consecutive years – 2008, 2009, and 2010, NRDC did not request any step increase, seeking the same rate of \$125 for Ettenson's work. During those years, Ettenson was within the 0-6 years of experience range. In 2011, Ettenson moved to a higher experience level of 7-15 years. Application of only two step increases would result in the rate of \$140, which is below the rate range of \$155+ for experts with 7 – 12 years of experience. D.08-04-010 allows the Commission to increase rates that are below the range of rates for a given experience level to at least the bottom of the rate range, but not to exceed the actual requested rate for the individual expert. Based on the subject claim, our analysis of the specific work Ettenson performed in this proceeding, and the provisions of D.08-04-010, we adopt the requested rate as reasonable.⁴</p> <p><u>Work in 2012.</u> Resolution ALJ-281 issued on September 18, 2012, adopted the cost-of-living adjustment (COLA) of 2.2% for intervenor's professional hourly rate for work performed in 2012. NRDC did not request this adjustment because of the timing of Resolution ALJ-281 and not from any error or omission by the requesting intervenor. To avoid further delay and additional filings, we apply the COLA to the requested hours worked in 2012, even though the claim does not specifically refer to Resolution ALJ-281 or otherwise request a COLA. With the COLA, a new hourly rate for Ettenson's work in 2012 should be \$155. The rate has been adjusted to the nearest \$5.00, in accordance with our practice. Ettenson's work in 2012 was limited to the intervenor compensation matters, compensable at one half of the newly adopted hourly rate.</p> |
| Hourly Rate for Martinez's work in 2011 | NRDC requests the rate of \$200 for Martinez's work in 2011. Martinez was admitted to law practice on December 4, 2008. ⁵ By December of 2011, he was a third-year attorney. Martinez represented NRDC at state and local energy efficiency and renewable energy resources matters, has guest lectured on energy efficiency regulation at UC Berkeley's Law School, analyzed and advised on a carbon offset contracts for the Climate Action Reserve, and commented on statewide energy policies including the CEC's Integrated Energy Policy Report. Martinez holds a B.A. from Stanford University and a J.D. from Stanford Law School, where he focused on environmental and energy law. ⁶ We adopt the requested rate as reasonable. |

³ 5% step increases were authorized in D.08-04-010.

⁴ According to the information provided in Attachment to NRDC's compensation request filed on September 30, 2008, in R.06-04-010, Ettenson has more than 6 years of the relevant professional experience.

⁵ We obtained this information from the State Bar of California attorney database.

⁶ This information was provided in NRDC's NOI, at 6, filed in R.10-05-006 on August 3, 2010.

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| Hourly Rate for Long's work in 2011 | NRDC requests an hourly rate of \$200 for Long's work in 2011, which represents a 33.3% increase from the rate of \$150 adopted in 2010. ⁷ NRDC states that Long moved "to a higher experience level", which justifies the increase, pursuant to D.08-04-010. ⁸ According to information we obtained through the California State Bar database, Long was admitted to the practice of law on March 19, 2009. ⁹ By March of 2011 he remained in the same rate range category for attorneys with 0 – 2 years of experience. ¹⁰ We also note that Long participated in this proceeding for a very short period of time and that NRDC does not ask for a step increase for this attorney. Based on these facts, we decline to adopt a rate increase, and approve the rate of \$150 for Long's work in 2011. ¹¹ |
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PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the claim?

No

B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?

Yes

FINDINGS OF FACT

1. Natural Resources Defense Council has made a substantial contribution to Decisions 11-10-014 and 11-12-038.
2. The claimed fees and costs, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The total of reasonable contribution is \$ 4,935.00.

CONCLUSION OF LAW

1. The claim, with any adjustment set forth above, satisfies all requirements of Public Utilities Code §§ 1801-1812.

⁷ See, D.10-09-014.

⁸ D.08-04-010 at 8.

⁹ This information was obtained from the State Bar of California database,

¹⁰ We also noticed that NRDC's first request for an hourly rate for Long's work was filed on December 22, 2008, in R.06-04-009. Although Long did not possess an attorney license at that time, NRDC asked the Commission to adopt an attorney rate for his work in 2008. That rate was adopted in D.10-04-022.

¹¹ Resolution ALJ-267 disallowed cost-of-living adjustment for 2011 hourly rates.

2. It is the utilities (utilities') responsibility to adhere to all Commission rules, decisions, General Orders and statutes including Pub. Util. Code § 451 to take all actions "...necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

ORDER

1. Natural Resources Defense Council is awarded \$ 4,935.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company and Southern California Edison Company shall pay Natural Resources Defense Council their respective shares of the award, based on their California-jurisdictional electric revenues for the 2011 calendar year, to reflect the year in which the proceedings leading to Decisions 11-10-014 and 11-12-038 were 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 May 2, 2012, the 75th day after the filing of Natural Resources Defense Council's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. The utilities (utilities') shall remain obligated to adhere to all Commission rules, decisions, General Orders and statutes including Pub. Util. Code § 451 to take all actions "... necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.
5. This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

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| Compensation Decision: | D13 | Modifies Decision? | No |
| Contribution Decisions: | D1110014, D1112038 | | |
| Proceeding: | R0911014 | | |
| Author: | ALJ Farrar | | |
| Payers: | San Diego Gas & Electric Company, Pacific Gas and Electric Company, Southern California Gas Company, and Southern California Edison Company | | |

Intervenor Information

| Intervenor | Claim Date | Amount Requested | Amount Awarded | Multiplier? | Reason Change/ Disallowance |
|-----------------------------------|-------------------|-------------------------|-----------------------|--------------------|------------------------------------|
| Natural Resources Defense Council | 2/17/12 | \$5,000.00 | \$4,935.00 | No | Adjusted hourly rate |

Advocate Information

| First Name | Last Name | Type | Intervenor | Hourly Fee Requested | Year Hourly Fee Requested | Hourly Fee Adopted |
|-------------------|------------------|-------------|-----------------------------------|-----------------------------|----------------------------------|---------------------------|
| Lara | Ettenson | Expert | Natural Resources Defense Council | \$150 | 2011 | \$150 |
| Lara | Ettenson | Expert | Natural Resources Defense Council | \$150 | 2012 | \$155 |
| Sierra | Martinez | Attorney | Natural Resources Defense Council | \$200 | 2011 | \$200 |
| Noah | Long | Attorney | Natural Resources Defense Council | \$200 | 2011 | \$150 |

(END OF APPENDIX)