Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Revise and Clarify Commission Regulations Relating to the Safety of Electric Utility and Communications Infrastructure Provider Facilities.	Rulemaking 08-11-005 (Filed November 6, 2008)

DECISION GRANTING REQUEST OF THE UTILITY REFORM NETWORK FOR INTERVENOR COMPENSATION FOR SUBSTANTIAL CONTRIBUTIONS TO DECISIONS (D.) 09-08-029 AND D.12-01-032

Claimant: The Utility Reform Network (TURN)	**For contribution to** D.09-08-029 and D.12-01-032
Claimed ($): 194,085.91	**Awarded ($):** 181,044.41
Assigned Commissioner: Michel Peter Florio	**Assigned ALJ:** Timothy Kenney
Claim Filed:	March 19, 2012

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	D.09-08-029 in Phase 1 of this Rulemaking modified the General Orders (GO) and established measures to reduce fire hazards in California before the 2009 fire season. D.12-01-032 adopted additional regulations and modifications to the GO to reduce fire hazards associated with power lines and aerial communications facilities located in proximity to power lines.

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

	Claimant	CPUC Verified
Timely filing of notice of intent (NOI) to claim compensation (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	No PHC	Correct

2. Other Specified Date for NOI:	2/19/2009	Correct
3. Date NOI Filed:	2/19/2009	Correct
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:	Rulemaking (R.) 08-11-005	Correct
6. Date of ALJ ruling:	3/10/2009	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:	Application (A.) 07-12-021	Correct
10. Date of ALJ ruling:	4/18/2008	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.12-01-032	Correct
14. Date of Issuance of Final Decision:	1/18/2012	Correct
15. File date of compensation request:	3/19/2012	Correct
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Claimant	CPUC	Comment

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	Citation to Decision or Record (Provided by Claimant)	Showing Accepted by CPUC
1. (Ins) In Phase 1, TURN argued in favor of Consumer Protection and Safety Division (CPSD)'s proposed	(Ph.1) Opening Comments of TURN on the CPSD's Proposed Rules to be Implemented Before the 2009 Fire	Yes

Ordering Paragraph requiring Communications Infrastructure Providers (CIP) to perform patrol inspections in Extreme and Very High Fire Hazard zone, to correct and discover problems, and maintain records of such inspections. TURN also opposed the CIPs alternate language on this issue. The Commission adopted CPSD's ordering paragraph and rejected the CIP Coalition's proposed modifications to the language.	Season, March 27, 2009, at 2-4. (Ph.1) Opening Brief of TURN on the CPSD's Proposed Rules to be Implemented Before the 2009 Fire Season, May 22, 2009, at 4. *See* (Ph.1) Joint Party Workshop Report for Workshops Held April 28-29, 2009, at 14. *See Id.* at 23. D.09-08-029, at 12-14.	
2. (CR) In Phase 1, TURN argued against CPSD's cost recovery language for the electric utilities and instead suggested that a reasonableness review would be warranted. TURN also argued that the regulated, small Local Exchange Carriers (LECs) similarly should only recover reasonably incurred costs. Although the Commission's Phase 1 decision included an open-ended cost recovery statement that included all costs of compliance, not just for vegetation management, the Commission very clearly required the costs for the rate regulated utilities to be reasonable and subject the costs to a reasonableness review before recovery.	(Ph.1) Opening Brief of TURN on the CPSD's Proposed Rules to be Implemented Before the 2009 Fire Season, May 22, 2009, at 9-12. D.09-08-029, at 43.	Yes
3. (CR) In Phase 1, TURN argued against any special treatment of costs for the unregulated, large Incumbent Local Exchange Carriers. The Commission agreed and declined to provide the unregulated communications utilities with any special cost recovery treatment, stating that they have rate flexibility and may charge different rates to recover costs without approval.	(Ph.1) Opening Brief of TURN on the CPSD's Proposed Rules to be Implemented Before the 2009 Fire Season, May 22, 2009, at 13-15. (Ph.1) Reply Brief of TURN on the CPSD's Proposed Rules to be Implemented Before the 2009 Fire Season, June 1, 2009, at 7-9. D.09-08-029, at 43-44.	Yes

4. (Liab) TURN, with Division of Ratepayer Advocates (DRA) and CPSD, filed a motion to exclude a proposed rule change that would have limited the utilities' liability in civil court, arguing that the proposed rule change was outside the scope of the proceeding and inconsistent with the principles of the proceeding. ALJ Kenney agreed with TURN, DRA, and CPSD and granted the motion, stating that the proposed rule change was clearly outside the scope of the proceeding.	(Ph.2) Motion of the Consumer Protection and Safety Division, The Utility Reform Network, and the Division of Ratepayer Advocates to Exclude Proposed Rule Changes Concerning Utility Liability from Phase 2 and the Phase 2 Workshop Report; Declaration of Counsel in Support, June 8, 2010. Administrative Law Judge's Ruling Granting Motion to Exclude Proposed Rule Changes Concerning Utility Liability from Phase 2 and the Phase 2 Workshop Report, August 11, 2010.	Yes
5. (VM) Argued in favor of contested proposal 7 (GO 95, Rule 35, proposed paragraph 4) that would allow the utilities to discontinue service to a property owner who obstructs access to or fails to make accessible overhead facilities for vegetation management activities. The Commission agreed with the utilities' proposal and authorized the utilities to shut of service to a property owner who obstructs vegetation management activities at either the property where the hazard exists and/or at the property owner's residence or place of business if the account holder is a business entity.	(Ph.2) Opening Brief of TURN in Phase Two of R.08-11-005, September 3, 2010, at 3. D.12-01-032, at 90-92.	Yes
6. (VM) TURN argued that the Commission should require the electric utility to modify their tariffs to clarify the process by which vegetation management shut-offs are conducted. The Commission agreed and directed the utilities to modify their tariffs and state in the "conditions of service" that the utility has the authority to shut off power to a customer who obstructs vegetation management.	(Ph.2) Opening Brief of TURN in Phase Two of R.08-11-005, September 3, 2010, at 3. D.12-01-032, at 93.	Yes

7. (VM) The Phase 2 Proposed Decision (PD) originally allowed utilities to shut off power to a property at any time if a vegetation hazard poses an immediate threat to the public. TURN argued for the inclusion of language in the decision for heightened protection for medical baseline customers against such shut offs. The Commission agreed with TURN and, in the final decision, excluded medical baseline customers from such shut offs.	(Ph.2) Comments of TURN on the PD of Commissioner Simon on Phase II Issues in R.08-11-005, at 2-3. *See* PD of Commissioner Simon, June 10, 2011, at 88. *Compare to* D.12-01-032, at 93.	Yes
8. (VM) TURN argued that the Phase 2 final decision should specifically state that the heightened notices requirements for multifamily accommodations for termination of service due to non-payment also applies when the utilities seek to terminate service at a multifamily accommodation due to vegetation management disputes. The Commission agreed with TURN and included additional language in the final decision to specifically call out notice requirements for multifamily accommodations.	(Ph.2) Comments of TURN on the PD of Commissioner Simon on Phase II Issues in R.08-11-005, at 2. *See* PD of Commissioner Simon, June 10, 2011, at 87-88. *Compare to* D.12-01-032, at 92.	Yes
9. (VM) TURN identified a potential conflict between a revision of the Phase 2 PD and existing notice requirements for shut offs being contemplated in a separate rulemaking on disconnections. The Commission modified the decision, again, to include language specifying that the utilities "shall follow the *then*- current procedures and notice requirements applicable to discontinuance of service for non-payment, including requirements applicable to medical baseline and life	*See* TURN's email sent on October 4, 2011 following an ALJ directive at the September 30, 2011 all-party meeting (Attachment # 4). D.12-01-032, at 92.	Yes

support customers, customers who are not proficient in English, and multifamily accommodations." (emphasis added)		
10. (Liab) TURN opposed contested proposal 7B (GO Rule 35, 3rd exception), which would have allowed the utilities to be absolved of all responsibility for the consequences of failing to trim or remove vegetation when a property owner obstructs vegetation management activities. Argued that the language was outside the scope of the proceeding and would do nothing to reduce fire risks. The Commission agreed with TURN and others that the proposal was outside the scope of the proceeding and declined to adopt the proposal.	(Ph.2.) Opening Brief of TURN in Phase Two of R.08-11-005, September 3, 2010, at 8. D.12-01-032, at 97-99.	Yes
11. (CR) TURN jointly proposed cost recovery language with DRA which would have allowed the electric Investor-owned Utilities (IOUs) to transfer the costs recorded in the Fire Hazard Prevention Memorandum Account (FHPMA) to the appropriate balancing account for recovery in rates only if the costs are found reasonable and justified in a general rate case proceeding. The Commission partially agreed with TURN and DRA, allowing the IOUs to recover costs in stand-alone applications but only until their next General Rate Case (GRC), at which time the IOUs would be required to close their FHPMA and thereafter recover fire safety related costs through the GRC.	(Ph.2) Phase 2 Joint Party Workshop Report for Workshops Held January – August 2010, Appendix B, at 125. (Ph.2.) Opening Brief of TURN in Phase Two of R.08-11-005, September 3, 2010, at 12. D.12-01-032, at 153-154.	Yes
12. (CR) TURN jointly proposed cost recovery language with DRA which would have allowed the small LECs to recover the costs recorded in their FHPMAs only through a general rate	(Ph.2) Phase 2 Joint Party Workshop Report for Workshops Held January – August 2010, Appendix B, at 125. (Ph.2.) Opening Brief of TURN in	Yes

case. The Commission partially agreed with TURN and DRA, allowing the small LECs to recover costs in tier-3 advice letter filings but only until their next GRC, at which time the IOUs would be required to close their FHPMA and thereafter recover fire safety related costs through the GRC.	Phase Two of R.08-11-005, September 3, 2010, at 12. D.12-01-032, at 154-156.	
13. (UG) TURN successfully argued that the Commission did not need to open a new rulemaking to consider whether fire risk should be added to the list of reasons to permit undergrounding via Tariff Rule 20. The Commission agreed with TURN that Rule 20 is unrelated to fire prevention and ill-suited to address fire risks. The Commission also agreed with TURN that GRCs should be used to allocate ratepayer funds to fire prevention projects because a GRC would allow the Commission and parties to consider a range of fire prevention options, identify the highest priority projects, and allocate ratepayer funds to those projects.	Comments of TURN on ALJ Kenney's Ruling on Undergrounding in Tariff Rule 20, May 7, 2010. Reply Comments of TURN on ALJ Kenney's Ruling on Undergrounding in Tariff Rule 20, May 21, 2010. D.12-01-032, at 163-164. (The purpose of Tariff Rule 20 is unrelated to fire prevention. We see no reason to clutter the rule with new and unrelated provisions regarding fire prevention. We agree with TURN that GRCs, and not Tariff Rule 20, should be used to allocate ratepayer funds for fire-prevention projects.)	Yes
14. This Rulemaking covered a wide array of issues and a multitude of proposed modifications to the GO. The proceeding was structured into two phases with a workshop format for both phases. Both phases required multiple workshops spanning over several months. In particular, Phase 2 entailed a significant amount of workshops to address and consider the enormous number of proposed rule changes. Parties were encouraged to participate in the workshops to discuss the different proposed rules in order, if possible, to come to consensus on those proposed rules where consensus	*See generally* Joint Party Workshop Report for Workshops Held April 28-29, 2009. *See generally* Phase 2 Joint Party Workshop Report for Workshops Held January – August 2010, Appendix B.	Yes

was possible. In cases where the parties were not able to come to a consensus on a particular proposed rules, numerous additional discussions were held on the contested items and multiple alternative proposals were offered and voted upon by the parties. All parties, including TURN, contributed a significant amount of time, resources, and attention to the workshop process, which cannot truly be adequately captured by the line item contributions below, but TURN's participation in the workshops can be seen through the voting records in the workshop reports as well as through specific contributions to items listed below.		

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: Consumer Protection and Safety Division (CPSD), Mussey Grade Road Alliance (MGRA), California Farm Bureau Federation (CFBF).		Correct
d. Claimant's description of how Claimant coordinated with DRA and other parties to avoid duplication or of how Claimant's participation supplemented, complemented, or contributed to that of another party: Due to the logistics of this proceeding, where the Commission requested all parties to comment on the same proposed rules on several occasions, and the sheer numbers of parties in this proceeding, coordinating with all parties to entirely avoid duplication of effort and viewpoints would have been nearly impossible. TURN, however, was one of only five active ratepayer advocate groups in a rulemaking heavily dominated by utilities. When possible, the groups collaborated to respond jointly, such as with the joint motion with CPSD and DRA to exclude a proposed rule change that would have limited the utilities' liability in civil court and the joint TURN/DRA cost recovery proposal. In some instances, TURN provided analysis separate from and unique to the other ratepayer groups. For example, TURN provided significant response to the proposal to include fire risk in the list of reasons to allow undergrounding under Tariff Rule 20,		We make no reductions to TURN's claim for unnecessary duplication of effort as its time sheets confirm that it worked with DRA, CPSD and other ratepayer advocates to complement and supplement, not duplicate work. TURN participated in working group meetings and

which the Phase 2 decision relied upon. Finally, TURN's significant experience with utility GRC's gave TURN a different perspective from all other ratepayer groups other than DRA, particularly in the area of cost recovery and vegetation management.	conferences that avoided duplication by streamlining positions.

C. Additional Comments on Part II:

#	Claimant	CPUC	Comment
1	TURN		The Commission should find TURN's participation in the workshop processes and the discussion of the issues that occurred in those settings was a substantial contribution to the Phase 1 and Phase 2 decisions, as it served to enrich the record regarding a number of different and important issues.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

a. Explanation by Claimant of how the cost of Claimant's participation bore a reasonable relationship with benefits realized through participation	CPUC Verified
Assigning a specific dollar value to TURN's participation in this proceeding is extremely difficult because this Rulemaking was intended to modify GO relating to utility electric and telecommunications lines and few of the proposed changes were expected to have significant dollar value impacts. Generally, though, to the extent that the Commission specifically invited any and all parties to respond to the Order Instituting Rulemaking and participate in the discussions and workshops, the Commission may safely conclude that by speaking on behalf of residential ratepayers in a Rulemaking heavily dominated by both electric and telecommunications utilities that were amply represented at each of the workshops, TURN presented important customer issues that otherwise may not have been addressed even if it is difficult to assign a dollar value to those issues. For example, the Commission should find TURN's participation productive in part because it resulted in a significant discussion on the discontinuation of service for vegetation management related hazards as well as on cost recovery principles. TURN's participation also minimized costs to ratepayers by resulting in the rejection of the proposal to open a new rulemaking on the inclusion of fire risk to the list of reasons to allow undergrounding in Tariff Rule 20. In the past, the Commission has acknowledged that assigning a dollar value to intangible benefits may be difficult, and the Commission should treat this compensation request as it has treated similar past requests with regard to the difficulty of establishing specific monetary benefits associated with TURN's participation.	Yes

b. Reasonableness of Hours Claimed.

TURN's attorneys and consultants recorded a substantial number of hours for their work on this proceeding. However, TURN's hours in this compensation request reflect the complexity and breadth of this Rulemaking and encompasses work performed over three years and two phases. Both phases of this Rulemaking were structured around collaborative workshops rather than evidentiary hearings and litigation, and the workshops required a significant time investment for TURN's attorneys and consultants.

Nina Suetake was TURN's lead Attorney on this proceeding, and her hours in particular reflect the tasks required to participate in this long and complex Rulemaking including preparing for and participating in the workshops, reading the numerous rule changes proposed by all the parties, and drafting various comments (opening and reply comments, workshop report comments and reply, PD comments and reply).
Ms. Suetake's hours also reflect time spent addressing the various substantive and procedural issues presented in the high volume of email traffic that was sent throughout this proceeding regarding proposed rule changes, procedural scheduling, and workshop notes and agendas.

Robert Finkelstein provided input to Ms. Suetake and Ms. Costa at the initial stages of this proceeding when TURN formulated its position on the many issues raised in the OIR. Mr. Finkelstein also provided input on specific issues such as cost recovery and service disconnections when the issues were further developed during workshops.

Regina Costa was TURN's Telecommunications Policy Analyst on this proceeding and her hours reflect time spent preparing for and participating in workshops as well as drafting sections of TURN's various comments and reply comments. Prior to this proceeding, Ms. Suetake had not had much experience with the telecommunications industry, and Ms. Costa provided valuable input on the proposed rule changes from a telecommunications viewpoint and assisted in formulating TURN's positions on several proposed rule changes.

Gayatri Schilberg, of JBS Energy, was TURN's Energy Consultant in this proceeding and assisted TURN in formulating positions on all the issues that were not telecommunications industry specific. Ms. Schilberg was particularly invaluable to TURN's contribution to this proceeding because of her significant experience with vegetation management budgets and practices from the electric IOUs' GRCs.

TURN is requesting compensation for 30 hours devoted to preparation of this request for compensation. TURN submits this is a reasonable amount of hours for a proceeding that produced two voluminous workshop reports, two decisions and included substantial amounts of time and resources devoted to workshops and other meetings, requiring review of the associated hourly records and substantive filings. The review of TURN's contribution in this proceeding also required a comparative analysis of various versions and revisions of the Phase 2 decisions.

c. Allocation of Hours by Issue TURN has allocated its hours by the following activity codes: **(GP) General participation:** Time spent on activities necessary to participate in the docket that typically do not vary by the number of issues addressed, such as the initial review of the Rulemaking, reading Commissioner and ALJ Rulings, reading CPSD's initially proposed rules, review of party comments and reply comments, reading and responding to emails, attending prehearing conferences, and reviewing and commenting on the proposed decision. **(VM) Vegetation Management:** Time spend on activities related to proposed rule changes modifying vegetation management policies and practices. This category includes the issues of radial clearances, vegetation management guidelines, fire threat maps used for vegetation management (and inspections), and service shut offs due to obstruction of vegetation management activities and encompasses time spent drafting and reading pleadings on the issues, discussing the issues internally and in workshops related to the issues, and addressing the issues in comments and reply comments. **(UG) Undergrounding:** Time spent on activities related to the proposal to include fire risk as a reason to underground utility facilities as per Tariff Rule 20 including time spent drafting and reading pleadings on the issue, discussing the issue internally and in workshops, and addressing the issue in comments and reply comments. **(Ins) Inspections & Testing:** Time spent on activities related to proposed rule changes to modify policies and practices for patrols, inspections, and intrusive testing of poles including time spent drafting and reading pleadings on the issues, discussing the issues internally and in workshops related to the issues, and addressing the issues in comments and reply comments. **(Rep) Reporting, Notification, Cooperation:** Time spent on activities related to proposed rule changes modifying policies and practices for reporting, notification, and cooperation between utilities, including drafting and reading pleadings on the issues, discussing the issues internally and in workshops related to the issues, and addressing the issues in comments and reply comments. **(Liab) Liability:** Time spent on activities related to the utilities efforts to limit their liability through proposed rule changes. This category includes time spent on MAP 7, GO 95, Rule 35 (new exception) as well as on the CIPs attempt to create a new proposed rule which would have limited their civil liability under the newly modified rules and encompasses activities such as drafting and reading pleadings on the issues, discussing the issues internally and in workshops related to the issues, and addressing the issues in comments and reply comments. **#:** Time spent on activities related to or encompassing multiple issue areas that cannot be easily divided into specific issues.	Confirmed except as to 9.3% of the hours that are specifically disallowed in Item 13 below

B. Specific Claim*:

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT AND ADVOCATE FEES								
Item	**Year**	**Hours**	**Rate**	**Basis for Rate***	**Total**	**Hours**	**Rate**	**Total**
Robert Finkelstein	2009	9.25	$470	D.09-10-051	$4,347.50	8.25	$470	$3,877.50
Robert Finkelstein	2010	1.25	$470	D.10-09-042	$587.50	1.25	$470	$587.50
Nina Suetake	2009	112.25	$280	D.10-11-032	$31,430.00	107.00	$280	$29,960
Nina Suetake	2010	184.00	$280	D.11-05-044	$51,520.00	160.00	$280	$44,800
Nina Suetake	2011	5.75	$295	See Comment #1	$1,696.25	5.75	$295	$1,696.25
Regina Costa	2008	6.75	$275	D.09-08-020	$1,856.25	6.75	$275	$1,856.25
Regina Costa	2009	145.00	$275	D.11-06-033	$39,875.00	134.50	$275	$36,987.50
Regina Costa	2010	14.00	$275	Res. ALJ-247	$3,850.00	14.00	$275	$3,850.00
Regina Costa	2011	1.00	$275	See Comment #2	$275.00	1.00	$275	$275.00
Gayatri Schilberg	2008	.59	$200	D.09-04-027	$118.00	.59	$200	$118.00
Gayatri Schilberg	2009	138.12	$200	D.10-11-032	$27,624.00	134.80	$200	$26,960.00
Gayatri Schilberg	2010	127.65	$200	D.12-03-024	$25,530.00	123.50	$200	$24,700.00
Gayatri Schilberg	2011	3.00	$200	Res. ALJ-267	$600.00	3.00	$200	$600.00
				Subtotal:	***$189,309.50***		***Subtotal:***	***$176,268.00***
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	**Year**	**Hours**	**Rate**	**Basis for Rate***	**Total**	**Hours**	**Rate**	**Total**
Robert Finkelstein	2009	0.50	$235	D.09-10-051	$117.50	0.50	$235	$117.50
Nina Suetake	2012	29.50	$147.50	See Comment #3	$4,351.25	29.50	$147.50	$4,351.25
				Subtotal:	$4,468.75		***Subtotal:***	$,4,468.75

COSTS					
#	**Item**	**Detail**	**Amount**		**Amount**
1	Parking/Tolls	Parking and bridge tolls for attendance at workshops	$51.00		$51.00
2	Lexis Research	Computerized legal research	62.64		62.64
3	Phone/fax	Costs for telecommunications related to this rulemaking	118.02		118.02
4	Photocopies	Copies of TURN, other party, and PUC pleadings	67.60		67.60
5	Postage	Postage costs for mailing TURN pleadings	8.40		8.40
		Subtotal:	**$307.66**	***Subtotal:***	**$307.66**
		TOTAL REQUEST:	**$194,085.91**	**TOTAL AWARD:**	**$181,044.41**

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

C. Attachments or Comments Documenting Specific Claim:

Attachment or Comment #	Description/Comment
Comment #1	**Nina Suetake's 2011 Hourly Rate** TURN requested an hourly rate of $295 for Ms. Suetake's work in 2011 in its compensation request for R.09-08-009, but the request is still pending. TURN again requests the hourly rate of $295 for Ms. Suetake's work in 2011 and includes the rationale for the requested increase discussed in its previous compensation request here in its entirety. In Res. ALJ-265, the Commission did not adopt any Cost of Living Allowance adjustment for 2011. However, it explicitly continued the previously adopted policy of "step increases" for 2008 and beyond. Res. ALJ-247, at 5. In D.08-04-010, the Commission had provided for up to two annual 5% "step increases" in hourly rates within each experience level for all intervenor representatives, and specifically explained that an attorney would be eligible for additional step increases upon reaching the next higher experience level. D.08-04-010, at 2, 11-12. TURN seeks an hourly rate of $295 for Ms. Suetake's work in 2011. This figure represents the hourly rate previously adopted for her work in 2009 and 2010 escalated by a 5% step increase (rounded to the nearest $5 increment). Ms. Suetake is a 2004 law school graduate. In 2009, TURN sought and was awarded an hourly rate of $280, the low end of the range set for attorneys with 5-7 years of experience. D.10-11-032 (adopting the requested rate), and D.08-04-010, at 5 (setting the ranges for 2008). This is the first step increase TURN has sought for Ms. Suetake upon reaching this experience level. TURN's showing in support of this requested increase is based on and consistent with the showing UCAN made in Case 08-08-026 in support of the requested increase for its attorney's hourly rate. The Commission approved the requested increase in D.10-08-018 (at 8). It is also nearly identical to the showing TURN made when seeking a step increase for Hayley Goodson's 2010 work in R.10-02-005 (granted in D.10-12-015).
Comment #2	For the purposes of this compensation request, TURN requests that the Commission apply Ms. Costa's 2010 hourly rate ($275) to her work performed in 2011 due to the scarce number of hours in 2011. TURN reserves the right to request an hourly rate increase for Ms. Costa's work in 2011 for other proceedings at a later date if such an increase is applicable.
Comment #3	For the purposes of this compensation request, TURN requests that the Commission apply the requested hourly rate for Ms. Suetake's work performed in 2012, which is all compensation related work, due to the relatively few numbers of hours in 2012. TURN reserves the right to request an hourly rate increase for Ms. Suetake's work in 2012 for other proceedings at a later date if such an increase is applicable.

D. CPUC Disallowances & Adjustments:

#	Reason
12b	Excessive hours have been claimed in several issue areas and result in the following specific disallowances: • General Participation 2009 8 hours are disallowed for Regina Costa (internal consultations; emails; review of motions, proposed rules, notes, comments, briefs, and draft workshop report; workshop preparation; organize files); 0.5 hours for Bob Finklestein (internal consultations); 3.31 hours for Gayatri Schilber (draft comments and PHC statement, review of agenda, comments, and schedule); and 5.25 hours for Nina Suetake (review of comments, replies, motions, CPSD proposed rules, workshop notes, emails, internal consultations). 2010 0.75 hours are disallowed for Gayatri Schilber (review of meeting notes and documents, response to scheduling question); 11 hours for Nina Suetake (internal consultation, review of proposed rule change replies, proposed rule changes, workshop notes, draft and final workshop reports, and opening briefs). • Vegetation Management 2009 0.5 hours are disallowed for Regina Costa (preparation for Rule 35 workshop). 2010 2.05 hours are disallowed for Gayatri Schilber (identify data needs, review meeting notes, data responses and issues); 2.0 for Nina Suetake (internal consultation, draft comments on proposed rule changes, draft opening brief, review notes). • Undergrounding 2010 0.35 hours are disallowed for Gayatri Schilber (draft comments). • Inspections 2009 0.25 hours are disallowed for Regina Costa (research to support comments). • Reporting, Notification, Cooperation 2009 0.5 hours disallowed for Regina Costa (preparation for Rule 18 workshop). • Cost Recovery 2009

	0.25 hours are disallowed for Regina Costa (workshop preparation); 0.5 hours for Bob Finklestein (internal consultations); 2010 0.38 hours for Gayatri Schilber (internal consultation); 1.0 hours for Nina Suetake (draft opening brief). • Indivisible Multiple Issues 2009 1.0 hours disallowed for Regina Costa (editing of brief).

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. Claimant has made a substantial contribution to D.09-08-029 and D.12-01-032.

2. The requested hourly rates for Claimant's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.

3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.

4. The total of reasonable compensation is $181,044.41.

CONCLUSION OF LAW

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

ORDER

1. The Utility Reform Network is awarded $181,044.41.

2. Within 30 days of the effective date of this decision, the total award shall be paid to The Utility Reform Network (Claimant) from the Commission's Intervenor Compensation Fund. 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 June 2, 2012, the 75th day after the filing of Claimant's request, and continuing until full payment is made.

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

This order is effective today.

Dated _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		**Modifies Decision?** No
Contribution Decision(s):	D0908029 and D1201032	
Proceeding(s):	R0811005	
Author:	ALJ Timothy Kenney	
Payer(s):	Commission's Intervenor Compensation Fund	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier	Reason Change/Disallowance
The Utility Reform Network (TURN)	3/19/2012	$194,085.91	$181,044.41	No	Excessive hours

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Robert	Finkelstein	Attorney	TURN	$470	2009	$470
Robert	Finkelstein	Atorney	TURN	$470	2010	$470
Nina	Suetake	Attorney	TURN	$280	2009	$280
Nina	Suetake	Attorney	TURN	$280	2010	$280
Nina	Suetake	Attorney	TURN	$295	2011	$295
Regina	Costa	Expert	TURN	$275	2008	$275
Regina	Costa	Expert	TURN	$275	2009	$275
Regina	Costa	Expert	TURN	$275	2010	$275
Regina	Costa	Expert	TURN	$275	2011	$275
Gayatri	Schilberg	Expert	TURN	$200	2008	$200
Gayatri	Schilberg	Expert	TURN	$200	2009	$200
Gayatri	Schilberg	Expert	TURN	$200	2010	$200
Gayatri	Schilberg	Expert	TURN	$200	2011	$200

(END OF APPENDIX)