

Decision \_\_\_\_\_

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

Order Instituting Rulemaking on the Commission's Own Motion to Address the Issue of Customer's Electric and Natural Gas Service Disconnection.

Rulemaking 10-02-005  
(Filed February 4, 2010)

**DECISION GRANTING REQUEST OF THE UTILITY REFORM NETWORK FOR INTERVENOR COMPENSATION FOR SUBSTANTIAL CONTRIBUTIONS TO DECISION (D.) 10-12-051 AND D.12-03-054**

<b>Claimant: The Utility Reform Network (TURN)</b>	<b>For contribution to D.10-12-051 and D.12-03-054</b>
<b>Claimed (\$): \$53,561.59</b>	<b>Awarded (\$): \$53,971.59<sup>1</sup></b>
<b>Assigned Commissioner: Michel Peter Florio</b>	<b>Assigned ALJ: Maryam Ebke</b>
	<b>Claim Filed: May 29, 2012</b>

**PART I: PROCEDURAL ISSUES**

- A. Brief Description of Decision:** In D.10-12-051, *Decision Granting Petition to Modify Decision 10-07-048, and Approving Settlement Agreement*, the Commission adopted a settlement agreement between TURN, the Division of Ratepayer Advocates (DRA), Disability Rights Advocates (DisabRA), the Greenlining Institute, the National Consumer Law Center (NCLC), San Diego Gas & Electric Company (SDG&E), and Southern California Gas Company (SoCalGas). The settlement agreement resolved all Phase 1 and Phase 2 issues in this proceeding for SDG&E and SoCalGas (collectively, the Sempra Utilities). The Commission also modified the Phase 1 decision, D.10-07-048, to relieve the Sempra Utilities of the obligations contained therein.

<sup>1</sup> The amount awarded is slightly higher than the amount requested because we apply the appropriate cost of living increase granted in Resolution ALJ-281, issued on September 13, 2012, without making The Utility Reform Network file an amended request.

In D.12-03-054, *Decision on Phase II Issues: Adoption of Practices to Reduce the Number of Gas and Electric Service Disconnections*, the Commission resolved Phase 2 of this proceeding by extending through 2013 the interim measures adopted by D.10-07-048 and adopting additional policies to reduce the number of disconnections, particularly of CARE customers, in the service territories of Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (SCE).

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

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	N/A	
2. Other Specified Date for NOI:	March 8, 2010	NOIs were due 30 days after the issuance of the OIR, or by March 6, 2010.
3. Date NOI Filed:	March 5, 2010	Yes
4. Was the NOI timely filed?		Yes
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	R.10-02-005	Yes
6. Date of ALJ ruling:	March, 29, 2010	Yes
7. Based on another CPUC determination (specify):		
8. Has the Claimant demonstrated customer or customer-related status?		Yes
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	R.10-02-005	Yes
10. Date of ALJ ruling:	March, 29, 2010	Yes
11. Based on another CPUC determination (specify):		
12. Has the Claimant demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.12-03-054	Yes
14. Date of Issuance of Final Order or Decision:	March 29, 2012	Yes
15. File date of compensation request:	May 29, 2012	Yes
16. Was the request for compensation timely?		Yes

**C. Additional Comments on Part I :**

#	Claimant	CPUC	Comment
15	X		The 60 <sup>th</sup> day after the issuance of D.12-03-054 fell on Monday, May 28, 2012, which was Memorial Day, a holiday. Pursuant to Rule 1.15 of the Commission's Rules of Practice and Procedure, this Request for Compensation is timely filed on the first business day thereafter.

**PART II: SUBSTANTIAL CONTRIBUTION****A. Claimant's description of its substantial contribution to the final decisions  
((§ 1802(i), (§ 1803(a) & D.98-04-059):**

Contribution	Specific References to Claimant's Presentations and to Decision	Showing Accepted by CPUC
1. In Resolution CSID-004, the Commission adopted the Community Help and Awareness with Natural Gas and Electricity Services (CHANGES) pilot program, to assist limited English proficient consumers with utility service education, dispute and need resolution. Preventing service disconnections is one of the goals of the CHANGES program. TURN demonstrated that the CBOs participating in the CHANGES program should be trained to assist consumers in filing complaints with the Consumer Affairs Branch, rather than just working on dispute resolution with the utilities. While the CHANGES program is not directly linked to R.10-02-005, their purposes are complementary. For this reason, and because CHANGES is not formally connected to any other proceeding, TURN submits that it is reasonable and appropriate for us to seek compensation for our time associated with Res. CSID-004 in this docket. [Work on this issue is coded as "CHANGES."]	<ul style="list-style-type: none"> <li>TURN Comments on Draft Res. CSID-004 (10-21-10), at 4;</li> <li>TURN Reply Comments on Draft Res. CSID-004 (10-26-10), at 1-2;</li> <li><i>Compare</i> Res. CSID-004, at 4 (Pilot Components -- Dispute and Need Resolution) <i>with</i> Draft Res. CSID-004, at 5 (Pilot Components -- Complaint Resolution).</li> </ul>	Yes
2. TURN contributed to the Commission's determination that a CARE customer disconnection rate benchmark should be adopted for PG&E and SCE. The Commission adopted TURN's recommendation that this	<ul style="list-style-type: none"> <li>D.12-03-054, at 39-40.</li> <li>TURN Reply Cmts on OIR (4-2-10), at 6-8. * While TURN's presentation on this issue was in this Phase 1 pleading, the Commission did not</li> </ul>	Yes

benchmark should function as a target rather than an absolute standard that the utility would have to meet to avoid a penalty. [*]	resolve this issue until after the issuance of the Phase 1 decision, D.10-07-048. This request does not include TURN's time devoted to presenting this issue in Phase 1, as that time was included in TURN's prior request for compensation in this proceeding.	
3. TURN contributed to the Commission's determination that SCE should be permitted to deviate from the Uniform Notice of Disconnection Procedures to the extent such deviation benefits customers. [Ph2-Com]	<ul style="list-style-type: none"> <li>• TURN Reply Cmts on Ph 2 PD (2-6-12), at 5;</li> <li>• D.12-03-054, at 49.</li> </ul>	Yes
4. TURN demonstrated that the Phase 2 PD should be modified to direct PG&E and SCE to submit a post-decision filing explaining the results of their review of whether language options should be expanded for various customer communications. [Ph2-Com]	<ul style="list-style-type: none"> <li>• TURN Cmts on Ph 2 PD, at 3;</li> <li>• D.12-03-054, at 49, Section 3.15.</li> </ul>	Yes
5. TURN demonstrated that the Phase 2 Proposed Decision should not be modified, as requested by PG&E and SCE, to assure recovery of costs tracked in the utilities memorandum accounts prior to a reasonableness review. [Ph2-Cost]	<ul style="list-style-type: none"> <li>• TURN Reply Cmts on Ph 2 PD (2-6-12), at 1-3;</li> <li>• <i>Compare</i> D.12-03-054, at 37 with Phase 2 PD, at 36 (no change).</li> </ul>	Yes
6. TURN demonstrated that utility costs associated with implementing policies required in this proceeding should be reviewed in each utility's general rate case, rather than the Tier 3 advice letter process advocated by PG&E. [Ph2-Cost]	<ul style="list-style-type: none"> <li>• TURN Reply Cmts in Response to 8/26/10 ALJ Ruling, at 7-8;</li> <li>• D.12-03-054, at 37.</li> </ul>	Yes
7. TURN contributed to the Commission's determination that billing date flexibility could be beneficial for some customers at risk of disconnection, and as such, the Commission's urging the utilities to "allow such choice to the extent their billing systems allow... without the need for significant new expenditures" and to "ensure that customers who are at risk for disconnection are made aware of how they can take advantage of this option." [Ph2-CPO]	<ul style="list-style-type: none"> <li>• TURN Opening Cmts in Response to 8/26/10 ALJ Ruling, at 3-9 (9-15-10);</li> <li>• TURN Opening Cmts in Response to 4/19/11 ALJ Ruling, at 4-8;</li> <li>• D.12-03-054, at 34-36 and FOF 15.</li> </ul>	Yes
8. TURN demonstrated that the Phase 2 PD should be modified to direct PG&E and SCE to submit a post-decision filing explaining how	<ul style="list-style-type: none"> <li>• TURN Cmts on Ph 2 PD, at 2-3;</li> <li>• D.12-03-054, at 49, Section 3.15.</li> </ul>	Yes

they intend to comply with the new directive to communicate billing date flexibility with customers. [Ph2-CPO]		
9. TURN demonstrated that the Phase 2 PD should be modified to clarify that approaches to customer payment intended to prevent disconnection that were proposed but not addressed on the merits, such as arrearage management plans, were being rejected without prejudice. [Ph2-CPO]	<ul style="list-style-type: none"> <li>• TURN Cmts on Ph 2 PD, at 5-6;</li> <li>• Compare D.12-03-054, at 48 with Phase 2 PD, at 45.</li> </ul>	Yes
10. TURN contributed to the Commission's determination that a more comprehensive approach to bill affordability for low-income consumers may be necessary in the future. [Ph2-CPO]	<ul style="list-style-type: none"> <li>• TURN Opening Cmts in Response to 4/19/11 ALJ Ruling, at 9-10;</li> <li>• TURN Reply Cmts in Response to 4/19/11 ALJ Ruling, at 1-2 ("The Commission should take a comprehensive approach to affordability and arrearage management.");</li> <li>• D.12-03-054, at 41 (explaining that if PG&amp;E or SCE continues to report high disconnection rates for CARE customers during 2013, then the Commission will revisit the disconnection issue in a new rulemaking, which would likely address "not only the types of disconnection practices that we have considered and adopted in this proceeding, but also the broader issue of affordability for customers generally and low-income customers in particular.").</li> </ul>	Yes
11. TURN demonstrated that the Phase 2 PD should be modified to clarify that customers may self-certify that they are entitled to enhanced protection prior to service disconnection because they "have a serious illness or condition that could become life threatening if service is disconnected." [Ph2-DP]	<ul style="list-style-type: none"> <li>• TURN Cmts on Ph 2 PD, at 1-2;</li> <li>• D.12-03-054, at 49.</li> </ul>	Yes
12. TURN demonstrated that the Phase 2 PD should be modified to direct PG&E and SCE to submit a post-decision filing explaining how they will notify customers with a serious illness or condition that could become life-threatening if service is disconnected of their option to self-certify to that effect and obtain enhanced protection prior to service disconnection. [Ph2-	<ul style="list-style-type: none"> <li>• TURN Cmts on Ph 2 PD, at 1-2;</li> <li>• D.12-03-054, at 49, Section 3.15.</li> </ul>	Yes

DP]		
13. TURN demonstrated that SCE should be prohibited from implementing remote dxc pending the Commission's Phase 2 decision. [Ph2-DP]	<ul style="list-style-type: none"> <li>• TURN Motion (9-28-11);</li> <li>• <i>Assigned Commissioner's Ruling Granting Motion to Temporarily Delay Implementation of Remote Disconnections</i> (10-14-11).</li> </ul>	Yes
14. TURN contributed to the Commission's determination that the definition of "vulnerable" customers warranting enhanced protection prior to service disconnection should be expanded beyond the definition adopted in D.10-07-048. While TURN had advocated the addition of 3 categories -- customers who self-certify that they have a serious illness or condition that could become life-threatening if service is discontinued, self-identified seniors, and customers who self-identify as disabled -- the Commission adopted only the first of these but clarified that there were minimum standards for remote disconnection. [Ph2-DP]	<ul style="list-style-type: none"> <li>• TURN Opening Cmts in Response to 8/26/10 ALJ Ruling, at 10-17 (9-15-10);</li> <li>• TURN Reply Cmts in Response to 8/26/10 ALJ Ruling, at 4-7 (9-24-10);</li> <li>• TURN Opening Cmts in Response to 4/19/11 ALJ Ruling, at 2-4;</li> <li>• D.12-03-054, at 29-31.</li> </ul>	Yes
15. TURN demonstrated that the Phase 2 PD should be modified to extend the reporting requirements beyond December 2013, as originally proposed, to all parties and Commission staff to continue monitoring utility progress in addressing disconnections. [Ph2-RR]	<ul style="list-style-type: none"> <li>• TURN Cmts on Ph2 PD (1-30-12), at 4-5;</li> <li>• <i>Compare</i> D.12-03-054, at 46, Section 3.13, <i>with</i> Phase 2 PD, at 43-44.</li> </ul>	Yes
16. TURN demonstrated that the Phase 2 Proposed Decision should not be modified, as requested by PG&E, to provide until January 1, 2013, for the implementation of several measures, including CARE enrollment by CSRs over the telephone, the uniform disconnection notice procedures, large print requirements for notices, and alternative forms of communication requested by customers with disabilities, because PG&E's request was unreasonable and unsupported. [Ph2-Time]	<ul style="list-style-type: none"> <li>• TURN Reply Cmts on Ph 2 PD (2-6-12), at 3-5;</li> <li>• D.12-03-054, at 49, fn. 20 ("We reject PG&amp;E's unreasonable and unsubstantiated request to delay implementation of certain measures by more than ten months to January 1, 2013.").</li> </ul>	Yes
17. TURN's efforts, in conjunction with those of the Division of Ratepayer Advocates, Disability Rights Advocates, the Greenlining Institute, and the National Consumer Law Center (collectively, the Consumer Groups), resulted in a ground-breaking Settlement Agreement with SDG&E and SoCalGas (the Sempra Utilities), which the Commission	<ul style="list-style-type: none"> <li>• D.10-12-051 (approving Settlement Agreement between TURN and other parties);</li> <li>• <i>Compare</i> Settlement Agreement adopted in D.10-12-051 <i>with</i> TURN litigation positions on: <ul style="list-style-type: none"> <li>○ Disconnection Performance Benchmarks (Settlement</li> </ul> </li> </ul>	Yes

<p>adopted in D.10-12-051. The Settlement Agreement resolved all Phase 1 and Phase 2 issues in this proceeding for the Sempra Utilities and includes the following key components:</p> <ol style="list-style-type: none"> <li>a. A performance benchmark for all residential service customers, and a performance benchmark for CARE-only customers;</li> <li>b. Certain measures which are required if disconnections exceed the benchmarks, including minimum payment arrangement requirements, longer payment plans, if appropriate, notice and information on renegotiated payment plans, and rules addressing re-establishment of credit deposit requirements;</li> <li>c. A cap on cost recovery associated with implementing the Commission’s Orders in this proceeding, including zero recovery for incremental O&amp;M costs and a maximum of \$600,000 in incremental uncollectibles expense for SoCalGas and \$300,000 for SDG&amp;E;</li> <li>d. An “extreme weather policy” which prohibits disconnections during specified high and low temperatures;</li> <li>e. Terms to improve the effectiveness of utility communications with customers, including protocols for delivering 48-hour residential customer disconnection notices including inserts in non-English languages; Braille and large print bills and 48-hour notices; Protocols for pre-disconnection customer telephone communications; offering all customers the option of automated messages providing service disconnection information; and providing for the use of sign language and relay services by field staff and CSRs;</li> <li>f. Remote disconnection policies, including use of in-person field deliveries of 48-hour notices, a transition process before SDG&amp;E uses</li> </ol>	<p>Agreement Section II.B; TURN Reply Cmts on OIR (4-2-10), at 6-8);</p> <ul style="list-style-type: none"> <li>○ Customer Re-Establishment of Credit Deposits (Settlement Agreement Section II.B.5.b; TURN Cmts on OIR (3-12-10), at 25-29; TURN Reply Cmts on OIR (4-2-10), at 8-9);</li> <li>○ Payment Plans (Settlement Agreement Section II.B.5.a; TURN Reply Cmts on OIR, at 9-11);</li> <li>○ Cost Recovery (Settlement Agreement Section II.C; TURN Reply Cmts on OIR (4-2-10), at 12-16);</li> <li>○ In-language Communication with Customers (Settlement Agreement Section II.F.1; TURN Cmts on OIR, at4-7);</li> <li>○ Remote Disconnection Protections (Settlement Agreement Section II.G; TURN Cmts on OIR, at14-18);</li> <li>○ Reporting Requirements (Settlement Agreement Section II.I; TURN Cmts on OIR, at 18-24).</li> </ul>	
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<p>remote disconnection for customer nonpayment, and a prohibition on the use of remote disconnection for customers who are particularly sensitive to the health and safety risks associated with loss of utility service, including self-identified seniors (62 and older), self-identified disabled customers, Medical Baseline customers, Life Support customers, and customers who self-certify that they have a serious illness or condition that could become life threatening if service is disconnected;</p> <p>g. Enhanced reporting requirements related to arrearages and disconnections; and</p> <p>h. Ongoing dialogue (at least quarterly) between the Settling Parties regarding utility performance and other issues related to furthering the objectives stated in R.10-02-005.</p> <p>TURN participated actively in all aspects of the process that lead to the Commission’s adoption of the Settlement Agreement in D.10-12-051, including developing strategy, negotiating terms, drafting and editing offers, and advocating for and defending the Settlement Agreement once submitted to the Commission. TURN also played a lead role on certain issues, including the above/below benchmark trigger framework, restrictions on customer re-establishment of credit deposits, limits on cost recovery, and protections from remote disconnection for customers especially vulnerable to risks associated with loss of utility service. The Commission should find that D.10-12-051 and the Settlement Agreement it adopted reflect TURN's substantial contribution. [Sett]</p>		
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**B. Duplication of Effort (§§ 1801.3(f) & 1802.5):**

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>a. Was the Division of Ratepayer Advocates (DRA) a party to the proceeding?</b>	Yes	Yes
<b>b. Were there other parties to the proceeding with positions similar to</b>	Yes	Yes

yours?		
<p><b>c. Names of other parties:</b> (DisabRA), whose participation was assumed by the Center for Accessible Technology (CforAT) during the course of Phase 2; the Greenlining Institute; the National Consumer Law Center (NCLC).</p>		<p><b>Yes</b></p>
<p><b>d. Claimant’s description of how it coordinated with DRA and other parties to avoid duplication or its participation supplemented, complemented, or contributed to that of another party:</b></p> <p>From the outset of this proceeding, TURN has been coordinating our coverage of issues with DRA and the other consumer groups to avoid duplication to the extent possible. This active coordination continued throughout Phase 2 and during settlement negotiations. For instance, the consumer groups other than DRA agreed on an allocation of issue coverage in opening comments and reply comments on the Phase 2 Proposed Decision (PD), with each party taking the lead on certain issues. We combined these sections to file joint opening comments on the PD. For reply comments on the PD, we filed separate reply comments that cross-referenced one another, thus limiting the time each party needed to devote to the issues raised by PG&amp;E and SCE in opening comments. In the other Phase 2 filings, TURN coordinated with the other consumer groups to the extent feasible, which allowed for parties, including TURN, to take the lead on some issues in opening comments and simply support the work of other intervenors in reply comments, rather than needing to cover all salient issues in depth. This close coordination reduced the total amount of time TURN (and the other consumer groups) needed to devote to researching and drafting opening and reply comments, while providing the Commission with a full record upon which to resolve the issues before it.</p> <p>Similarly, TURN coordinated closely with DRA and the other consumers groups throughout the settlement process that resulted in D.10-12-051. This coordination resulted in task-sharing among the parties, which avoided undue duplication. As noted above, TURN played a lead or very active role on certain issues, including the benchmark mechanism, reporting requirements, customer deposits, cost recovery, and remote disconnection protections, which included conceptual work and written work product as part of the negotiation process, whereas other parties took the lead on other issues. Additionally, DRA and the consumer groups jointly drafted a reply to the response filed by PG&amp;E and SCE to the Settling Parties’ petition for modification of D.10-07-048. In drafting that document, we divided up issue coverage so as to maximize efficiency and avoid duplication.</p> <p>For all of these reasons, TURN submits that there was no undue duplication between TURN’s participation and that of DRA and the other consumer groups.</p>		<p><b>Yes.</b></p> <p><b>We make no reduction of this claim for duplication of effort.</b></p>

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

<p><b>a. Claimant’s explanation as to how the cost of Claimant’s participation bears a reasonable relationship with benefits realized through</b></p>	<p><b>CPUC Verified</b></p>
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<p><b>Claimant’s participation</b></p> <p>TURN’s request for intervenor compensation seeks an award of approximately \$55,000 as the reasonable cost of our participation in Phase 2 of this proceeding, including the work leading to the Settlement Agreement. TURN submits that these costs are reasonable in light of the importance of the issues TURN addressed and the benefits to customers.</p> <p>TURN's advocacy reflected in D.10-12-051 and D.12-03-054 addressed policy matters rather than specific rates or disputes over particular dollar amounts, with limited exceptions discussed below. For the most part, TURN cannot easily identify precise monetary benefits to ratepayers from our work in related to D.10-12-051 and D.12-03-054, given the nature of the issues presented. TURN submits that its positive impact however, will afford residential customers expanded opportunities to avoid service termination and to continue receiving gas and electricity services. Because utility shutoffs trigger all kinds of financial impacts, including service reinstatement costs, food spoilage and replacement costs, and possibly eviction, in addition to a host of health and safety issues, policies that assist consumers in being able to pay their bills, manage arrearages, and avoid shutoffs bestow enormous benefits upon those Californians most in need of assistance.</p> <p>On the other hand, the Cost Recovery provisions of the Settlement Agreement adopted in D.10-12-051 confer direct cost savings upon ratepayers by limiting the exposure of the Sempra Utilities’ ratepayers to the risk of much higher costs associated with the utilities’ implementation of the Orders in this proceeding. As discussed above, SDG&amp;E’s ratepayers will pay at most \$300,000 for the utility’s activities through the Settlement term (ending 12/31/2013), while SoCalGas’ ratepayers will pay at most \$600,000. (Settlement Agreement Section II.C). While it is impossible to know what those costs might have otherwise been, PG&amp;E reported in its April 2012 Compliance Report, filed May 23, 2012 in this proceeding, that it has recorded \$4.8 million dollars in incremental costs associated with the implementation of Orders in this proceeding. Of course those costs have yet to be subject to a reasonableness review. Related, TURN’s success at ensuing that incremental costs claimed by PG&amp;E and SCE will be subject to reasonableness reviews in those utilities’ general rate cases will protect ratepayers from paying unjust or unreasonable rates associated with the activities in this proceeding. (See contributions #5 and #6 above).</p> <p>For all of these reasons, the Commission should find that TURN's efforts have been productive.</p>	<p>After the adjustments we make to this claim, we find the remaining costs to be reasonable and worthy of compensation.</p>
<p><b>b. Reasonableness of Hours Claimed.</b></p> <p>This Request for Compensation includes approximately 173 total hours for TURN’s attorneys and consultant time, or the equivalent of one month of full-time work by a single person (40 hours/week * 4.3weeks/month = 172 hours/month). TURN submits that this is a reasonable amount of time, given the duration and intensity of settlement negotiations resulting in D.10-12-051 and the fact that Phase 2, resulting in D.12-03-054, spanned a year and a half and involved seven pleadings filed by TURN.</p>	<p>We find the hours claimed to be reasonable. See Parts III.B and III.D regarding a discussion of approved hourly rates.</p>

TURN’s request is also reasonable because we were efficient in staffing this proceeding and pursuing our results. At all times, this proceeding was staffed by a single attorney. TURN staff attorney Hayley Goodson covered this proceeding for all but a few months during the spring of 2011, when she was on parental leave from TURN. During this brief period of time, TURN staff attorney Nina Suetake covered this proceeding. Ms. Goodson and Ms. Suetake worked to make this necessary hand-off as smooth and efficient as possible, although modest effort was required to bring Ms. Suetake up to speed. TURN is including in this request only 2.0 hours of Ms. Suetake’s time towards that effort and none of Ms. Goodson’s.

TURN’s request also includes 11 hours devoted to the preparation of this request for compensation. This is a reasonable figure consistent with the scale of the proceeding and TURN’s level of involvement therein, and the fact that this request covers two Commission decisions.

**c. Allocation of Hours by Issue**

TURN has allocated its daily time entries by activity codes to better reflect the nature of the work reflected in each entry. TURN has used the following activity codes:

<b>Code</b>	<b>Description</b>	<b>Allocation of Time</b>
CHANGES	Community Help and Awareness of Natural Gas and Electricity Services	8.4%
Ph2-Com	Utility Communications w/ Customers (notice requirements, language access)	0.4%
Ph2-Comp	Intervenor Compensation	6.0%
Ph2-Coord	Coordination with other intervenors	4.2%
Ph2-Cost	Utility Cost Recovery	1.5%
Ph2-CPO	Customer Payment Options (choice of billing date, levelized billing, arrearage management plans)	5.8%
Ph2-Dep	Customer Deposit requirements (whether there should be exceptions for certain customers who demonstrating continued fraud or bad check activities)	0.7%
Ph2-DP	Disconnection Protections (definition and identification of "sensitive customers")	17.9%
Ph2-GP	General Participation	9.9%
Ph2-PD	Work related to the Phase 2 Proposed Decision that cannot be separated by individual issue	6.5%
Ph2-RR	Reporting Requirements	0.8%

Ph2-Time	Sunset date for policies adopted, implementation time for new practices required by D.12-03-054	2.3%	
Sett	Work related to the Settlement Agreement, involving a mix of issues, including Customer Payment Options, Customer Deposits, Benchmarking, Utility Communication with Customers, Utility Cost Recovery, Disconnection Protections, and Reporting Requirements	33.5%	
Sett-Impl	Work related to the implementation of the Settlement Agreement (Quarterly meetings between the Sempra Utilities and Consumer Groups)	2.0%	
<p>If the Commission believes that a different approach to issue-specific allocation is warranted here, TURN requests the opportunity to supplement this section of the request.</p>			

**B. Specific Claim\*:**

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Hayley Goodson, TURN Attorney	2010	103.75	\$295	D.10-12-015, at 16.	\$30,606.25	103.75	\$295	\$30,606.25
Hayley Goodson, TURN Attorney	2011	17.25	\$310	Res. ALJ-265 and ALJ-247, 5% Step Increase. See Comment #1 below.	\$5,347.50	17.25	\$310	\$5,347.50
Hayley Goodson, TURN Attorney	2012	35.50	\$310	Same rate as requested for Ms. Goodson's 2011 time. See Comment #2 below.	\$11,005.00	35.50	\$320	\$11,360.00
Nina Suetake, TURN Attorney	2011	16.00	\$295	Res. ALJ-265 and ALJ-247, 5% Step Increase. See Comment #3 below.	\$4,720.00	16.00	\$295	\$4,720.00
Jeff Nahigian, JBS Energy, Inc.	2010	0.75	\$190	D.10-07-040.	\$142.50	.75	\$190	\$142.50

					<b>Subtotal:</b>	<b>\$51,821.25</b>				<b>Subtotal:</b>	<b>\$52,176.25</b>
<b>OTHER FEES</b>											
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):											
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$			
[Person 1]			\$								
[Person 2]											
					<b>Subtotal:</b>	<b>\$0</b>				<b>Subtotal:</b>	
<b>INTERVENOR COMPENSATION CLAIM PREPARATION **</b>											
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$			
Hayley Goodson, TURN Attorney	2012	11.00	\$155	1/2 of requested hourly rate for 2011 (to also be applied to 2012 hours)	\$1,705.00	11.00	\$160	\$1,760.00			
[Preparer 2]											
					<b>Subtotal:</b>	<b>\$1,705.00</b>				<b>Subtotal:</b>	<b>\$1,760.00</b>
<b>COSTS</b>											
#	Item	Detail			Amount	Amount					
	Photocopying	expense associated with copying pleadings related to D.12-03-054			\$26.00	\$26.00					
	Postage	expense associated with mailing pleadings related to D.12-03-054			\$9.34	\$ 9.34					
					<b>Subtotal:</b>	<b>\$35.34</b>				<b>Subtotal:</b>	<b>\$35.34</b>
<b>TOTAL REQUEST \$:</b>					<b>\$53,561.59</b>	<b>TOTAL AWARD \$:</b>			<b>\$53,971.59</b>		
<p>* 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.</p> <p>**Reasonable claim preparation time is typically compensated at 1/2 of preparer's normal hourly rate (the same rate applies to travel time).</p>											

**C. Attachments Documenting Specific Claim and Comments on Part III**

Attachment or Comment #	Description/Comment
Attachment #1	<b>Certificate of Service</b>
Attachment #2	<b>Time sheets for TURN's attorneys and expert consultant showing coded time entries</b>
Attachment #3	<b>TURN direct expenses associated with Phase 2 of R.10-02-005</b>
Attachment #4	<b>TURN Comments and Reply Comments on Draft Resolution CSID-004</b>

<p>Comment #1</p>	<p><b>2011 Hourly Rate for TURN Attorney Hayley Goodson:</b></p> <p>In Res. ALJ-267, the Commission did not adopt any COLA adjustment for 2011. However, it explicitly continued the previously adopted policy of “step increases” for 2008 and beyond. Res. ALJ-247, at 6, Finding #2. 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.</p> <p>TURN seeks an hourly rate of \$310 for Ms. Goodson’s work in 2011. This figure represents the hourly rate previously adopted for her work in 2010 (in D.10-12-015) escalated by a 5% step increase (rounded to the nearest \$5 increment). Ms. Goodson is a 2003 law school graduate. In 2008, 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.08-08-027, at 5 (adopting the requested rate), and D.08-04-010, at 5 (setting the ranges for 2008). In D.10-12-015, the Commission awarded a 5% step increase to \$295 for Ms. Goodson’s work in 2010. TURN seeks here the second step increase for Ms. Goodson upon reaching the 5-7 year experience level. Ms. Goodson was in her eighth year of practice at TURN in 2011.</p> <p>TURN’s showing in support of this requested increase is based on and consistent with the showing TURN made in our first request for compensation in this proceeding, R.10-02-005, in support of the requested increase for Ms. Goodson’s 2010 hourly rate. The Commission approved the requested increase in D.10-12-015 (at 16).</p> <p>On April 26, 2012, TURN submitted a request for intervenor compensation in A.09-09-021 wherein TURN presented this same showing in support of an hourly rate of \$310 for Ms. Goodson’s work in 2011. That request is currently pending.</p>
<p>Comment #2</p>	<p><b>2011 Hourly Rate for TURN Attorney Nina Suetake:</b></p> <p>In Res. ALJ-267, the Commission did not adopt any COLA adjustment for 2011. However, it explicitly continued the previously adopted policy of “step increases” for 2008 and beyond. Res. ALJ-247, at 6, Finding #2. 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.</p> <p>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.</p> <p>TURN’s showing in support of this requested increase is based on and consistent with the showing UCAN made in C.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).</p>

	On September 15, 2011, TURN submitted a request for intervenor compensation in R.09-08-009 wherein TURN presented this same showing in support of an hourly rate of \$295 for Ms. Suetake's work in 2011. That request is currently pending.
Comment #3	<p><b>2012 Hourly Rate for TURN Attorney Hayley Goodson:</b></p> <p>TURN asks the Commission to apply to Hayley Goodson's time in 2012 the same hourly rate approved for her 2011 time. TURN reserves the right to seek a different rate for Ms. Goodson's work in 2012 in the future.</p>

**D. CPUC Disallowances, Adjustments, and Comments**

#	Reason
1	We approve the requested hourly rate of \$310 for Ms. Goodson for 2011 upon a slightly different rationale than offered by TURN. In 2011, Ms. Goodson will have been practicing for eight years, which places her in the higher 8-12 year range for experience. Therefore, this increase to \$310 is the first step increase for the 8-12 year range. If this were not the case, and we granted TURN's request for the \$310 hourly rate as the second step increase in the 5-7 year range, the \$310 rate would exceed the maximum rate authorized by the 5-7 year range (the range is from \$280-\$300) and would not be approved.
2	We approve the requested hourly rate of \$295 for Ms. Suetake, which includes her first step increase for the five to seven year range.
3	We approve a 2012 hourly rate for Ms. Goodson of \$320 which includes the cost of living adjustment provided for in Resolution ALJ-281.

**PART IV: OPPOSITIONS AND COMMENTS**

<b>A. Opposition: Did any party oppose the Claim?</b>	No
<b>B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(2)(6))?</b>	Yes

**FINDINGS OF FACT**

1. The Utility Reform Network has made a substantial contribution to Decision (D). 10-12-051 and D.12-03-054.
2. The requested hourly rates for Claimant The Utility Reform Network's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable contribution is \$53,971.59.

**CONCLUSION OF LAW**

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

**ORDER**

1. Claimant The Utility Reform Network is awarded \$ 53,971.59.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company shall pay Claimant The Utility Reform Network their respective shares of the award, based on their California-jurisdictional gas and electric revenues for the 2011 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning August 12, 2012, the 75<sup>th</sup> 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.
4. This decision is effective today.

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

**APPENDIX****Compensation Decision Summary Information**

<b>Compensation Decision:</b>		<b>Modifies Decision?</b> No
<b>Contribution Decision(s):</b>	D1012051; D1203054	
<b>Proceeding(s):</b>	R1002005	
<b>Author:</b>	ALJ Ebke	
<b>Payer(s):</b>	Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company	

**Intervenor Information**

<b>Intervenor</b>	<b>Claim Date</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier</b>	<b>Reason Change/Disallowance</b>
The Utility Reform Network		\$53,561.59	\$53,971.59		Application of the cost of living adjustment authorized in Resolution ALJ-281 to 2012 requested hourly rates.

**Advocate Information**

<b>First Name</b>	<b>Last Name</b>	<b>Type</b>	<b>Intervenor</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Hayley	Goodson	Attorney	The Utility Reform Network	\$295	2010	\$295
Hayley	Goodson	Attorney	The Utility Reform Network	\$310	2011	\$310
Hayley	Goodson	Attorney	The Utility Reform Network	\$310	2012	\$320
Nina	Suetake	Attorney	The Utility Reform Network	\$295	2010	\$295
Jeffrey	Nahigian	Expert	The Utility Reform Network	\$190	2010	\$190

**(END OF APPENDIX)**