

Decision: _____**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Integrate and Refine Procurement Policies and Consider Long-Term Procurement Plans.

Rulemaking 10-05-006
(Filed May 6, 2010)

DECISION GRANTING COMPENSATION TO THE UTILITY REFORM NETWORK FOR SUBSTANTIAL CONTRIBUTION TO DECISIONS D.10-12-034, D.11-05-005, D.12-01-033, D.12-04-046 AND RESOLUTION E-4471

Claimant: The Utility Reform Network	For contribution to Decisions 10-12-034, D.11-05-005, D.12-01-033, D.12-04-046 and Resolution E-4471.
Claimed (\$): \$359,361.95 (<i>had been \$294,784.45 pre-amendment</i>)	Awarded (\$): \$358,572.05
Assigned Commissioner: Michael Peevey	Assigned ALJ: Peter Allen

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	<p>The Decisions were issued in a multi-track proceeding addressing a wide array of issues relating to long-term procurement policies, practices and procedures. The specific decisions are as follows:</p> <p>D.10-12-034 Provides authorization for the three major Investor Owned Utilities (IOUs) to engage in Convergence Bidding (or "virtual bidding") subject to specific guidance and restrictions.</p> <p>D.11-05-005 Implements changes to the Cost Allocation Mechanism (CAM) required as a result of statutory changes from the enactment of SB 695.</p> <p>D.12-01-033 Approves the Track 2 bundled procurement plans of the three IOUs with several specific changes.</p> <p>D.12-04-046</p>
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	<p>Addresses long-term resource need. Approves the Track 1 settlement agreement reached by a wide array of parties, rejects Calpine’s Track 1 proposal for an intermediate-term solicitation, and addresses an array of Track 3 procurement policies, processes and rules.</p> <p>Resolution E-4471 Directs the three IOUs to enter into negotiations with Calpine with the purpose of contracting for the output of the Sutter facility.</p> <p>Order Instituting Rulemaking 10-05-006</p> <p>In the OIR initiating this proceeding, the Commission described it as a successor proceeding to the Commission’s procurement rulemaking [R.08-02-007] with respect to long-term procurement plans. The Commission also indicated that the record developed in that proceeding is fully available for consideration in this proceeding, and that contributions made during the pendency of R.08-02-007 to issues within the scope of this proceeding may be considered for compensation in this proceeding (OIR 10-05-006, p. 27).</p>
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B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	June 14, 2010	Correct
2. Other Specified Date for NOI:	August 13, 2010 See Comment #1	Correct
3. Date NOI Filed:	August 13, 2010	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:	See Comment #2	See Comment(s)
6. Date of ALJ ruling:	See Comment #2	See Comment(s)
7. Based on another CPUC determination (specify):	See Comment #2	See Comment(s)
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:	See Comment #2	See Comment(s)
10. Date of ALJ ruling:	See Comment #2	See Comment(s)
11. Based on another CPUC determination (specify):	See Comment #2	See Comment(s)
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804I):		
13. Identify Final Decision:	D.12-04-046	Correct
14. Date of Issuance of Final Order or Decision:	April 24, 2012	Correct
15. File date of compensation request:	June 25, 2012, <i>with amendment filed October 30, 2012</i>	Correct
16. Was the request for compensation timely?		Yes

C. Claimant's Additional Comments on Part I:

#	Claimant	CPUC	Comment
1	X		A ruling issued by ALJ Kowalski on June 22, 2010 extended the date for filing of notices of intent to August 13, 2010. TURN's notice was therefore timely.
2	X		Although TURN filed a timely NOI in this proceeding, the assigned ALJ never issued a ruling on the notice of intent. TURN's showing on financial hardship and customer status was contained in that NOI. TURN has previously been found to satisfy these two standards -- for example see ALJ ruling on January 3, 2012 in R.11-11-008. <i>In R.08-02-007, TURN filed a timely NOI on May 2, 2008 (triggered by a prehearing conference conducted on April 2, 2008). To TURN's knowledge, no ruling has issued on the notice of intent in that rulemaking.</i>
5-12		X	TURN satisfied the showings of (1) customer status and (2) significant financial hardship in its Notice of Intent to Claim Intervenor Compensation (NOI). TURN's NOI clearly states that it is a Category 3 customer and the economic interest of the individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding. Based on TURN's NOI and previous satisfaction of Pub. Util. Code 1801-1812 in R. 11-11-008, TURN is eligible to claim intervenor compensation in this proceeding.

PART II: SUBSTANTIAL CONTRIBUTION**A. Claimant's claimed contribution to the final decision:**

Contribution	Specific References to Claimant's Presentations and to Decision	Showing Accepted by CPUC
<p>1. CONVERGENCE BIDDING / ALLOWING IOU PARTICIPATION</p> <p>TURN urged the Commission to allow the IOUs to participate in the virtual bidding (or convergence) markets established by the CAISO to ensure that IOU ratepayers are not disadvantaged by the activities of other market participants.</p> <p><u>Comments of TURN on virtual bidding issues, July 30, 2010.</u></p> <p><u>Comments of TURN on Virtual Bidding Proposals, August 30, 2010</u></p>	<p><u>D.10-12-034</u></p> <p>The Decision grants IOUs authority to participate in convergence bidding on an interim basis and finds that not providing this authority would “would prevent them [IOUs] from achieving potential benefits for ratepayers.” (page 12)</p>	Yes
<p>2. CONVERGENCE BIDDING / AUTHORIZING SPECIFIC STRATEGIES</p> <p>TURN urged the Commission to grant the IOUs “broad authority to engage in [Virtual Bidding] on behalf of their customers, subject to careful oversight by the Energy Division and the Procurement Review Groups.” TURN urged the Commission to allow “each IOU to pursue the VB activities it considers appropriate for its situation”.</p> <p>TURN urged the Commission to allow strategies designed to minimize physical exposure to real-time prices (page 3)</p> <p><u>Comments of TURN on Virtual Bidding Proposals, August 30, 2010</u></p>	<p><u>D.10-12-034</u></p> <p>The Decision authorizes the IOUs to use convergence bidding “to manage Real-Time price exposure” (page 23), “to hedge all their intermittent generation forecasted schedules” (page 24) and “to provide defensive bidding” intended to mitigate the negative impacts of market manipulation (page 27).</p>	Yes
<p>3. CONVERGENCE BIDDING / SHAREHOLDER INCENTIVES</p> <p>TURN opposed any “risk sharing” by utility shareholders and expressed concern that such a mechanism would “create a</p>	<p><u>D.10-12-034</u></p> <p>The Decision finds that “ratepayers shall receive all of the benefits and pay all of the costs” of convergence bidding and that “no party has provided a compelling</p>	Yes

<p>perverse incentive for the utilities to seek shareholder profit from their virtual bidding activities, even at the expense of higher ratepayer cost in other aspects of their procurement.”</p> <p><u>Comments of TURN on virtual bidding issues, July 30, 2010.</u></p> <p><u>Comments of TURN on Virtual Bidding Proposals, August 30, 2010</u></p>	<p>rationale for allocating benefits or risks to shareholders.” (pages 29-30)</p>	
<p>4. SB 695 / COST ALLOCATION MECHANISM</p> <p>TURN asserted that Section 365.11(2), enacted as part of SB 695, requires that the Cost Allocation Mechanism be applied if the conditions set forth in the statute are satisfied. Specifically, if the generation is procured to meet a system or local area reliability need determined by the Commission, the CAM is mandatory.</p> <p><u>Comments of TURN on Implementation of SB 695, October 1, 2010, pages 2-4, 5-7</u></p> <p><u>Reply comments of TURN on Implementation of SB 695, October 8, 2010, pages 1-3</u></p>	<p><u>D.11-05-005</u></p> <p>The Decision agrees with TURN’s position. Specifically, the Decision states that “As TURN describes it, “SB 695 removes the right [for the utility] to elect or <i>not elect</i> CAM treatment for a resource that meets the condition of the statutes...,” and that “either the Commission finds that the statutory conditions have been met and the cost-and-benefit allocation applies, or it doesn’t.” In short, there is no longer an election or choice whether to apply the CAM. If the statutorily-specified conditions are met, then the CAM applies. Those conditions require that the Commission make a determination that the generation resources in question “are needed to meet system or local area reliability needs for the benefit of all customers in the electrical corporation's distribution service territory.””</p> <p>(pages 6-7)</p>	<p>Yes</p>
<p>5. SB 695 / COST ALLOCATION MECHANISM</p> <p>TURN argued that the reference to “all customers” in SB 695 includes bundled service customers, direct access customers, and Community Choice Aggregation customers. TURN also asserted that the Commission has discretion to determine the application to departing load customers that have been identified in past Commission decisions including D.08-09-012.</p> <p><u>Comments of TURN on Implementation of SB 695, October 1, 2010, page 5.</u></p>	<p><u>D.11-05-005</u></p> <p>The Decision agrees that the Commission retains the discretion to determine whether to apply the CAM to various categories of departing load. The Decision states “we agree with PG&E/SDG&E, SCE and TURN that SB 695 provides clear guidance on bundled service, direct access and community choice aggregation customers’ cost responsibility.”</p> <p>(page 8)</p>	<p>Yes</p>

<p>6. SB 695 / COST ALLOCATION MECHANISM</p> <p>TURN argued that SB 695 does not limit the Commission from authorizing CAM treatment for Utility Owned Generation, that such treatment can be granted in the absence of a “direct order” and should be applied if the Commission authorizes a utility to procure a certain amount of generating capacity to meet system or local area reliability needs.</p> <p><u>Comments of TURN on Implementation of SB 695, October 1, 2010, pages 5-6</u></p>	<p><u>D.11-05-005</u></p> <p>The Decision agrees with TURN’s position. Specifically, the Decision concludes that “CAM treatment of utility-owned generation resources is permissible under SB 695 if the statutory conditions are met. If the Commission determines that a utility-owned generation resource is needed for system or local area reliability for the benefit of all customers in a utility distribution service territory, then cost allocation applies on a nonbypassable basis, consistent with our departing load provisions established in D.08-09-012.” (page 10) The Decision also adopts TURN’s position by finding that “if a Commission order authorizes the procurement of utility-owned generation, that counts as an “order” under SB 695, regardless of whether the Commission or the utility was the first to come up with the idea.” (pages 9-10)</p>	<p>Yes</p>
<p>7. SB 695 / COST ALLOCATION MECHANISM</p> <p>TURN argued that the passage of SB 695 requires that the CAM should be modified to cover the allocation of net capacity costs of contracts with third parties over the full term of the agreements.</p> <p><u>Comments of TURN on Implementation of SB 695, October 1, 2010, page 4</u></p>	<p><u>D.11-05-005</u></p> <p>The Decision adopts TURN’s position. Specifically, the Decision states that “SB 695 requires us to allocate a contract’s net capacity cost for the full term of the contract if we determine that the contract meets the necessary statutory conditions. Our prior ten-year limit on cost allocation is inconsistent with the clear language of the statute. Accordingly, the CAM now applies for the actual term of the contract, even if that contract term is longer than ten years.” (page 15)</p>	<p>Yes</p>
<p>8. TRACK 2 / BIOMETHANE</p> <p>TURN opposed PG&E’s request for pre-approval of contracts for pipeline biomethane that could be credited towards Renewable Portfolio Standard compliance obligations. TURN expressed strong concerns about resource eligibility and the application of these transactions towards RPS targets. TURN further urged the Commission to require PG&E to submit advice letters for any individual biomethane contracts so they can be</p>	<p><u>D.12-01-033</u></p> <p>The Decision rejects PG&E’s request for pre-approval and declines to “find that procurement of biomethane for use in electric generation is eligible for RPS compliance.” The Decision further declines “to pre-authorize payment of a premium for biomethane over conventional gas” and directs PG&E to file separate Tier 3 advice letters for any biomethane contract that is priced above conventional natural gas. (page 33)</p>	<p><i>D. 12-01-033 at pg. 34.</i></p>

<p>reviewed separately.</p> <p><u>Opening brief of TURN on Renewable Procurement and Gas Supply Plan (Public), June 17, 2011, pages 1-5.</u></p>		
<p>9. TRACK 2 / NUCLEAR FUEL</p> <p>TURN opposed PG&E's proposal to allow nuclear fuel contracts containing significantly higher liability exposure for PG&E and its ratepayers to be considered through an expedited advice letter process. TURN argued that the increased risks are too controversial, raise too many critical policy questions, and should be addressed via an application process.</p> <p><u>Opening brief of TURN on Renewable Procurement and Gas Supply Plan (Confidential), June 17, 2011, pages 2-4.</u></p>	<p><u>D.12-01-033</u></p> <p>The Decision rejects PG&E's proposal and agrees with TURN. The Decision holds that "any contract that seeks to impose additional liability on PG&E would require Commission approval, but by means of an application, rather than an advice letter." (pages 35-36)</p>	<p>Yes</p>
<p>10. TRACK 2 / SHORT-TERM RENEWABLE ENERGY CONTRACTS</p> <p>TURN opposed SCE's request for pre-approval of authority to execute short-term renewable energy contracts for up to 3,750 GWh. TURN explained that SCE has not demonstrated the need for short-term procurement to satisfy RPS targets, that the procurement could result in excess compliance that could not be carried over to a subsequent compliance period, and that SCE's proposal would leave no meaningful opportunity for ratepayers to challenge unreasonable procurement choices.</p> <p><u>Opening brief of TURN on Renewable Procurement and Gas Supply Plan (Public), June 17, 2011, pages 5-8.</u></p>	<p><u>D.12-01-033</u></p> <p>The Decision rejects SCE's request and agrees that the compliance issues raised by TURN should be addressed in the RPS rulemaking. (pages 39-40)</p>	<p>Yes</p>

<p>11. TRACK 1/ SETTLEMENT OF RENEWABLE INTEGRATION NEED ISSUES</p> <p><i>TURN’s efforts on this issue began in R.08-02-007, the predecessor to this LTPP rulemaking. Starting with a May 2009 report on CAISO’s modeling for intermittent resources such as renewables, TURN actively participated in various meetings and reviewed a number of documents that fed directly in to the renewable integration need assessment work in rulemaking R.10-05-016.</i></p> <p>TURN devoted a large number of hours to participating in workshops convened by the CPUC and CAISO on renewable integration, reviewing many updates to these models, and filing several sets of comments on this issue. The comments identified serious concerns with the PG&E and CAISO modeling methodologies. In particular TURN identified deficiencies associated with the “all-gas” scenario in the CAISO model, thereby highlighting fundamental problems with all the scenarios being studied.</p> <p>TURN subsequently helped to negotiate, and was a signatory to, the Track 1 settlement agreement. The settling parties agreed that there is no demonstrated need to add conventional generating capacity for renewable integration purposes through 2020. The Settling Parties also agreed that the CAISO should continue to develop its renewable integration model, in consultation with all parties, for further review in the next LTPP docket. This review will be guided by the CAISO, the IOUs and a panel of technical experts including TURN witness Kevin Woodruff.</p> <p>TURN further urged the Commission to ignore supplemental materials submitted by the CAISO asserting the need for new capacity through 2020 under various</p>	<p><u>OIR 10-05-006</u></p> <p>“This is a successor proceeding to the Commission’s procurement rulemaking [R.08-02-007] with respect to long-term procurement plans and the record developed in that proceeding is fully available for consideration in this proceeding.” (Ordering Paragraph 3)</p> <p>“Contributions made during the pendency of R.08-02-007 to issues within the scope of this proceeding may be considered for compensation in this proceeding.” (Ordering Paragraph 10)</p> <p><u>D.12-04-046</u></p> <p>The Decision adopts the Track 1 settlement, finds that “there is clear evidence on the record that additional generation is not needed by 2020” (page 8), and agrees that “it is reasonable to defer authorization to procure additional generation based on system and renewable integration need.” (page 10) The Decision also agrees with TURN that the supplemental materials submitted by the CAISO are outside the evidentiary record, have not been reviewed by parties, and cannot be relied upon by the Commission. (page 10) The Decision further endorses the Settlement’s proposal to undertake additional analysis in 2011 and 2012. (page 12)</p>	<p>Yes</p>
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<p>scenarios (TURN reply brief, page 1)</p> <p><u>Amended Comments of TURN on Renewable Integration Models, September 23, 2010</u></p> <p><u>Reply comments of TURN on Renewables Integration Models, October 8, 2010</u></p> <p><u>Comments of TURN on Renewable Integration Models, November 22, 2010</u></p> <p><u>Reply comments of TURN on Renewable Integration Models, January 26, 2011</u></p> <p><u>Motion of Settling Parties for suspension of Track 1 schedule and for approval of Settlement Agreement, August 3, 2011</u></p> <p><u>Opening Brief of TURN on Track 1 and Track 3 issues, September 16, 2011</u></p> <p><u>Reply Brief of TURN on Track 1 and Track 3 issues, October 3, 2011</u></p>		
<p>12. TRACK 1 / ENERGY EFFICIENCY</p> <p>TURN responded to an ALJ Ruling seeking comments on planning assumptions relating to Energy Efficiency in Track 1. TURN argued that it would be reasonable to rely on the CEC’s mid-case scenario for the establishment of base case assumptions but expressed concerns about the potential for shortfalls in the event that utilities fail to perform as expected. TURN also argued that the Commission should include the expected savings from previously adopted Big Bold Energy Efficiency Strategies (BBEES). Finally, TURN, recommended that the CEC’s recent IEPR forecast be adjusted to include the 50% decay replacement.</p> <p><u>Comments of TURN on the Administrative Law Judge’s June 22, 2010 Ruling on Resource Planning Assumptions, Part 3 (Energy Efficiency) – Track 1, July 2, 2010</u></p> <p><u>Reply Comments of TURN on the Administrative Law Judge’s June 22, 2010</u></p>	<p><u>Assigned Commissioner and Administrative Law Judge’s Joint Scoping Memo and Ruling, December 3, 2010, pages 35-37</u></p> <p>The December 3, 2010 Assigned Commissioner Scoping Memo and Ruling establishes critical assumptions to incorporate into standardized planning scenarios. These scenarios were used to develop the model runs used in Track 1 and were incorporated into D.12-04-046 via the adopted settlement.</p> <p>For energy efficiency, the Scoping ruling adopts the CEC mid-case results for inclusion in the base case planning assumptions. (Scoping Ruling, page 37)</p> <p>The Scoping Ruling does include savings associated with BBEES in the forecast at the low case values (approximately 75% of total savings). This outcome is closer to TURN’s position (assume 100% of savings) than the utilities’ position (assume 0%). (Scoping Ruling, page 36)</p>	<p>Yes</p>

<p><u>Ruling on Resource Planning Assumptions, Part 3 (Energy Efficiency) – Track 1, July 9, 2010</u></p>	<p>The Scoping Ruling further reduces the demand forecast to include the recommended 50% decay replacement to the CEC’s IEPR forecast. (page 37)</p>	
<p>13. TRACK 1/ CALPINE</p> <p>TURN opposed a proposal by Calpine to require the IOUs to engage in intermediate-term solicitations for the procurement of capacity and energy from existing uncontracted combined-cycle power plants. TURN argued that the proposal lacked merit, that Calpine has failed to demonstrate financial need, that Calpine would possess excessive market power in such a solicitation, that Calpine has failed to demonstrate the likelihood of permanent shutdown of existing facilities, and that the proposal is at odds with the established planning reserve margins.</p> <p><u>Reply Testimony of Kevin Woodruff on behalf of TURN regarding Tracks 1 and 3, pages 1-5.</u></p> <p><u>Opening brief of TURN on Track 1 and Track 3 issues, pages 2-6.</u></p> <p><u>Reply brief of TURN on Track 1 and Track 3 issues, pages 2-5.</u></p>	<p><u>D.12-04-046</u></p> <p>The Decision rejects Calpine’s proposal and agrees with TURN. (page 17) In rejecting the proposal, the Decision finds that Calpine failed to support its claim that uncontracted generation units “are at risk of shutting down”, did not provide record evidence as to the impact of any shutdowns on potential future needs, and failed to demonstrate economic need. (pages 13-16) The Decision agrees with TURN that Calpine’s approach “would likely result in Calpine extracting a premium price from the ratepayers of the IOUs.” (pages 13-17)</p>	<p><i>D. 12-04-046</i> at pg. 15.</p> <p>Yes</p>
<p>14. TRACK 3/ SCE NEW GENERATION AUCTION</p> <p>TURN opposed SCE’s proposal to open a new proceeding to consider a CAISO new generation auction process. TURN argued that this proposal would cede procurement authority to the CAISO and thereby relegate the CPUC to an advisory role in electric procurement. TURN further argued that the CAISO is not well suited to the task of soliciting long-term contracts and typically exhibits a strong bias towards excessive resource needs. Finally, TURN pointed out that the CAISO stakeholder process fails to provide meaningful opportunities for participation</p>	<p><u>D.12-04-046</u></p> <p>The Decision rejects SCE’s proposal on the basis that “the ramifications of this issue are significantly broader than the OTC issue that SCE attempts to shoehorn it into.” (page 28)</p>	<p>Yes</p>

<p>by stakeholders.</p> <p><u>Testimony of Kevin Woodruff on behalf of TURN regarding Tracks 1 and 3, pages 3-6</u></p> <p><u>Opening brief of TURN on Track 1 and Track 3 issues, pages 6-7.</u></p> <p><u>Reply brief of TURN on Track 1 and Track 3 issues, pages 5-8.</u></p>		
<p>15. TRACK 3/ COMPARISON OF UOG AND PPA OFFERS</p> <p>TURN urged the Commission to hold the utilities accountable for any critical cost parameters used as the basis for selecting a utility-owned generation project over a contract with a third party owner. TURN argued that these cost parameters should be binding on the IOU for the first ten years of project operations.</p> <p><u>Testimony of Kevin Woodruff on behalf of TURN regarding Tracks 1 and 3, pages 6-7</u></p> <p><u>Opening brief of TURN on Track 1 and Track 3 issues, pages 7-8.</u></p>	<p><u>D.12-04-046</u></p> <p>The Decision adopts TURN’s proposal and finds that it “is a reasonable approach to equalize the playing field between UOG and PPA, and the Commission will apply that principle in utility applications for UOG projects.” (page 36)</p>	<p>Yes</p>
<p>16. TRACK 3/ INDEPENDENT EVALUATORS</p> <p>TURN supported the a staff proposal to switch the hiring and oversight of Independent Evaluators (IEs) from the utilities to the Commission. TURN argued that the retention of the Ies by the utilities creates conflict of interest problems that would be remedied if the Ies reported directly to the Commission.</p> <p><u>Testimony of Kevin Woodruff on behalf of TURN regarding Tracks 1 and 3, pages 7-9.</u></p> <p><u>Opening brief of TURN on Track 1 and Track 3 issues, pages 8-9.</u></p>	<p><u>D.12-04-046</u></p> <p>The Decision does not adopt the change in contracting authority due to “practical and administrative hurdles” but states “we agree that it would be preferable for Ies to be hired by and report to the Commission, rather than the utilities, and to the extent the barriers to doing so can be overcome in the future, we will consider this proposal again.” (page 68)</p>	<p>Yes</p>
<p>17. RESOLUTION E-4471</p> <p>TURN opposed the proposal to require the three IOUs to negotiate and execute contracts with Calpine for the output of the Sutter power plant. TURN argued that</p>	<p><u>RESOLUTION E-4471</u></p> <p>The final Resolution approves the contracting obligation but includes several modifications from the draft resolution. These modifications include</p>	<p>Yes</p>

<p>there was no demonstration of need for the facility, that Calpine had not shown financial need, that a temporary shutdown would not harm ratepayers, that the proposed requirement would result in an uneconomic contract that harms ratepayers, that other generators would be emboldened to seek similar relief, and that the reliance on new CAISO forecasts to justify the outcome represents an abandonment of the long-term procurement process.</p> <p>TURN filed a protest to the IOU advice letters seeking approval of their Sutter contracts. In that protest, TURN argued that the contracts were “high cost/bad fit”, would punish lower-cost generators, and that Calpine’s behavior made it impossible for the IOUs to effectively negotiate a reasonable contract.</p> <p><u>TURN comments on Draft Resolution E-4471, January 31, 2012</u></p> <p><u>TURN reply comments on Draft Resolution E-4471, February 6, 2012</u></p> <p><u>TURN protest to PG&E AL 4034-E, SCE AL 2730-E and SDG&E AL 2362-E, May 24, 2012.</u></p>	<p>the use of an Independent Evaluator and the use of “open book” negotiations to ensure that Calpine does not overstate actual costs. (page 11).</p> <p>The Concurrence of Commissioner Sandoval clarifies that the Resolution “does not mandate the parties to enter into a contract” (page 20), stated an intention to re-examine the CAISO forecasts in the next LTPP based on concerns raised by TURN (page 21), and urged the parties to negotiate in good faith (page 21). Commissioner Ferron’s dissent expressed concerns about reliance on the new CAISO forecasts, agrees with TURN that the proposed pricing is well in excess of market prices (page 24) and agrees with TURN that Sutter is not likely to be permanently shutdown if the resolution is defeated (page 24). Commissioner Ferron further agreed with TURN that adopting the Resolution would only encourage other generators to seek similar ad hoc treatment (pages 24-25).</p>	
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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	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified
c. If so, provide name of other parties: California Large Energy Consumers Association, Green Power Institute, Division of Ratepayer Advocates, Sierra Club, Communities for a Better Environment, Pacific Environment, Vote Solar, Natural Resources Defense Council, Center for Energy Efficiency and Renewable Technologies.		Verified
d. Describe how you coordinated with DRA and other parties to avoid duplication or how your participation supplemented, complemented, or		Verified; we make no

<p>contributed to that of another party:</p> <p>TURN actively coordinated with other intervenors throughout the proceeding and took care to address, to the extent feasible, unique issues that were not the focus of other intervenors. TURN also took an active role in negotiating the Track 1 settlement agreement that ultimately saved substantial amounts of potential duplication on the issue of renewable integration and long-term resource need. Furthermore, most of the intervenors relied upon TURN’s analysis of the Track 1 CAISO modeling and TURN made Consultant Kevin Woodruff available to explain issues to these intervenors. As a result, the record of the proceeding reveals little direct duplication between the work of TURN and other intervenors.</p>	<p>reductions to TURN’s hours for duplication of efforts with other parties.</p>
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PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

<p>a. Concise explanation as to how the cost of Claimant’s participation bears a reasonable relationship with benefits realized through participation (include references to record, where appropriate)</p> <p>As demonstrated in the substantial contribution section, TURN’s participation had a very sizable impact on the outcome of each individual decision and the entire proceeding. Although the exact benefits can be difficult to quantify in a policy proceeding, the sum total of these contributions resulted in significant savings to ratepayers as a whole, and to the ratepayers taking bundled service from the three IOUs.</p> <p>Specifically, the Track 1 settlement adopted in D.12-04-046 found that no new resource additions are needed at this time. This finding means that IOU ratepayers are spared the costs associated with new conventional resource procurement that would otherwise be authorized pursuant to a finding of need. Moreover, TURN succeeded in preventing the authorization of an intermediate-term solicitation in D.12-04-046 that would have created new ratepayer costs without providing commensurate benefits. In D.11-05-005, TURN successfully fought to ensure that all customers, including those served by Electric Service Providers, contribute towards the costs of new resources procured to serve system or local needs. That resulted in material savings for bundled service IOU customers. Finally, TURN’s success in D.12-01-033 means that PG&E’s ratepayers will not be forced to assume large new financial liabilities associated with nuclear fuel purchases without full Commission review through an application process.</p> <p>Taken together, TURN’s contributions led to substantial ratepayer savings through the avoidance of expenditures that may otherwise have been authorized.</p>	<p style="text-align: center;">CPUC Verified</p> <hr/> <p style="text-align: center;">Verified</p>
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<p>b. Reasonableness of Hours Claimed</p> <p>Given the breadth and depth of TURN’s contributions to the four Decisions and one Resolution, the amount of time devoted by staff and consultants is fully reasonable. In considering the reasonableness of the request, the Commission should be mindful of the large number of workshops, ALJ rulings requesting specific comments, and complicated analysis sought by the Commission itself. In order to effectively participate, TURN was obligated to devote substantial resources to the proceeding. The time devoted to each task was reasonable in light of the complexity of the issues presented.</p> <p>TURN’s attorneys each focused on unique issues and engaged in a minimum of duplication. TURN’s consultants each addressed unique issues, with Kevin Woodruff handling the bulk of the policy arguments. Kevin Woodruff devoted a large number of hours to monitoring the CAISO renewable integration modeling effort. The CAISO modeling process was heavily relied upon by the Commission in this proceeding, so time devoted to participation at the CAISO is appropriate for inclusion in this request (just as TURN and other parties have previously been compensated in similar proceedings for hours spent participating in the load forecasting analysis and IEPR process at the California Energy Commission). Evaluating the CAISO models required intensive study, independent research, participation in a variety of workshops and long-term involvement in the process. His constant engagement in this process was critical to TURN’s success. Moreover, other intervenors without similar outside expertise relied upon Mr. Woodruff’s analysis to inform their own positions.</p> <p>Cynthia Mitchell and Gillian Court were retained solely to evaluate energy efficiency assumptions. The Commission issued a detailed ruling requesting specific feedback on the efficiency assumptions to be used for CPUC planning scenarios. TURN chose to rely on Ms. Mitchell and Ms. Court because they provide TURN with expert advice and testimony in Energy Efficiency proceedings.</p> <p>TURN’s initial lead attorney, Mike Florio, was appointed to serve as a CPUC Commissioner midway through this proceeding. As a result, TURN assigned three separate attorneys to address unique issues that would otherwise have been handled by Mr. Florio. Marybelle Ang was brought into the case to address some Track 2 issues, Energy Efficiency and the Cost Allocation Mechanism. Marcel Hawiger focused primarily on the Bundled Procurement Plans in Track 2 given his deep familiarity with gas policy. Matt Freedman took over as lead counsel for Mr. Florio and thereby assumed responsibility for all remaining issues.</p>	<p>Verified</p>
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<p>TURN’s amendment to the original request for compensation added hours for Mr. Florio, Mr. Woodruff and Mr. Hawiger that had been inadvertently omitted from the original request. The predecessor rulemaking (R.08-02-007) concluded without issuance of a final decision. The OIR initiating the instant proceeding specifically provided that a party’s contributions made during the pendency of R.08-02-007 could be considered for compensation in this proceeding. (Ordering Paragraph 10) These hours from R.08-02-007 include hours Mr. Florio and Mr. Woodruff recorded for work on general issues in the earlier rulemaking. The amendment also includes hours for work on renewable integration issues that Mr. Woodruff recorded in the May 2009 to July 2010 period that TURN had originally recorded in its records for R.08-02-007. (The original request for compensation included hours for Mr. Woodruff’s work on renewable integration issues from August 1, 2010 forward (with the exception of a single June 2010 entry)). The hours added by amendment also include limited entries associated with Mr. Hawiger’s participation in a workshop that Mr. Florio was unable to attend for TURN.</p> <p>The Commission should find that the number of hours claimed is fully reasonable in light of the complexity of the issues and TURN’s relative success on the merits.</p>	
<p>c. Allocation of Hours by Issue</p> <p>TURN has allocated all of our attorney and consultant time by issue area or activity, as evident on our attached timesheets. The following codes relate to specific substantive issue and activity areas addressed by TURN. TURN also provides an approximate breakdown of the number of hours spent on each task and the percentage of total hours devoted to each category.</p> <p>GP - 64.00 hours - 6% of total; 5% of revised total</p> <p>General Participation work essential to participation that typically spans multiple issues and/or would not vary with the number of issues that TURN addresses. This can include reading the initial application, Commission rulings, participating in prehearing conferences, attendance at all-party meetings, review of Non Disclosure Agreements, reviewing responses to data requests submitted by other parties, participation in hearings that are not specific to one topic, and reviewing pleadings submitted by other parties.</p> <p>R0802007 - 109 hours - 9% of revised total</p> <p>This category includes the hours devoted to work in R.08-02-007, the predecessor proceeding to this one, other than renewable integration-related hours. As the time records illustrate, this work involved review of various documents and reports beginning with the Order Instituting Rulemaking itself, participation in several workshops, and other work of a more general nature regarding the review of the LTPP process undertaken</p>	<p>Verified</p>

but not completed in the earlier rulemaking.

Track 1 - 63.5 hours - 6% of total; 5% of revised total

Includes work performed on a mixture of Track 1 issues that could not be easily allocated to a specific subtopic. Track 1 was focused on developing resource planning assumptions and scenarios to be used for identifying the need for new resources to meet system or local resource adequacy. Track 1 also involves issues relating to long-term renewable energy planning and Calpine's proposal for an intermediate-term solicitation for flexible capacity.

Track 1 / EE - 59.25 hours - 6% of total; 5% of revised total

Includes work performed in 2010 on the development of Energy Efficiency assumptions to be used in developing resource planning assumptions and CPUC-mandated scenarios to be used for identifying the need for new resources to meet system or local resource adequacy.

Track 1 / Ren Int - 367.75 hours¹ - 26% of total; 29% of revised total

Work performed on Track 1 Renewable Integration issues including extensive participation in CAISO and CPUC workshops and detailed review of the modeling assumptions and inputs used by the CAISO and PG&E. Includes work on multiple sets of comments to the CPUC providing critiques and recommendations. Also includes time devoted to coordination with other intervenors on this topic since TURN took a leadership role on behalf of a wide array of intervenors.

Track 1 / Settlement - 59.25 hours - 6% of total; 5% of revised total

Time devoted to negotiation of the Track 1 settlement that was approved in D.12-04-046 and defending the settlement through additional testimony and participation in evidentiary hearings convened at the request of the ALJ.

Track 1 / Sett Imp - 170.25 hours - 16% of total; 14% of revised total

Time devoted to implementation of the Track 1 settlement directive to continue work on the CAISO analysis of renewable integration needs. The Settlement adopted in D.12-04-046 calls for additional work "to refine and understand the future need for new renewable integration resources" (page 5) so that the CAISO can present new study results for review in 2012. The Settlement calls for "public review and comment on CAISO and IOU models" and an opportunity for all parties to "submit recommendations or proposals regarding assumptions, scenarios, modeling and inputs" (page 6). In support of these goals, TURN continued to participate in CAISO workshops and reviewed updated CAISO modeling efforts relating to Renewable Integration. TURN witness

¹ This figure reflects an increase of 92 hours inadvertently omitted in the original filing, but included in the supplemental filing.

<p>Woodruff was a key participant in this process and effectively represented an array of consumer and environmental intervenors who were unable to retain outside experts on the topic.</p> <p>Track 1 / 3 - 92.00 hours - 9% of total; 7% of revised total</p> <p>Time devoted to a mixture of Track 1 and 3 issues where it was not possible to allocate hours to a single Track including certain hours devoted to the preparation of testimony, drafting of briefs and participation in evidentiary hearings. Track 3 issues include rule and policy changes to the procurement process.</p> <p>ResE4771 - 44.00 hours - 4% of total; 4% of revised total</p> <p>Time devoted to reviewing, protesting and opposing the requirement for IOUs to negotiate and execute contracts with Calpine for the continued operation of the Sutter plant. This requirement was adopted in Resolution E-4771 and implemented through subsequent Tier 2 advice letters filed by each IOU.</p> <p>Track 2 - 120.00 hours - 12% of total; 10% of revised total</p> <p>Time devoted to reviewing the bundled procurement plans of each IOU and litigating issues classified within Track 2. In Track 2 TURN addressed nuclear fuel supply plans, short-term renewable energy contracts and proposals to procure biomethane.</p> <p>Track 3 - 19.75 hours - 2% of total; 2% of revised total</p> <p>Time devoted exclusively to Track 3 issues including SCE's New Generation Auction, comparing UOG and PPA alternatives, and oversight of Independent Evaluators.</p> <p>Conv Bid - 41.75 hours - 4% of total; 3% of revised total</p> <p>Time devoted to Convergence Bidding issues resolved in D.10-12-034.</p> <p>695 - 22.85 hours - 2% of total; 2% of revised total</p> <p>Time devoted to implementing changes to the Cost Allocation Mechanism required by the enactment of SB 695 that were resolved in D.11-05-005.</p> <p>Comp - 18.00 hours - 2% of total; 1% of revised total</p> <p>Time spent on the notice of intent to claim compensation and the preparation of this compensation request.</p>	
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B. Specific Claim:

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$

PROPOSED DECISION

Mike Florio	2008	18.25	\$535	D.08-07-043	\$9,763.75	18.25	\$535	\$9,763.75
Mike Florio	2009	42.0	\$535	D.09-11-029	\$22,470.00	42	\$535	\$22,470.00
Mike Florio	2010	89.25	\$535	D.10-05-012	\$47,748.75	90.25	\$535	\$48,283.75
Mike Florio	2011	1.5	\$535	D.10-05-012	\$802.50	1.5	\$535	\$802.50
Marybelle Ang	2011	108.1	\$280	D.11-08-013	\$30,268.00	108.10	\$280	\$30,268.00
Matthew Freedman	2010	2	\$325	D.10-09-044	\$650.00	2	\$325	\$650.00
Matthew Freedman	2011	92.25	\$350	See Comment #1	\$32,287.50	92.25	\$350	\$32,287.50
Matthew Freedman	2012	21.25	\$350	See Comment #1	\$7,437.50	21.25	\$360	\$7,650.00
Marcel Hawiger	2008	6.75	\$325	D.08-08-027	\$2,193.75	6.75	\$325	\$2,193.75
Marcel Hawiger	2010	1.75	\$350	D.11-09-037	\$612.50	1.75	\$350	\$612.50
Marcel Hawiger	2011	48	\$350	D.11-09-037	\$16,800.00	48	\$350	\$16,800.00
Robert Finkelstein	2011	1.25	\$470	D.11-09-037	\$587.50	1.25	\$535 ²	\$668.75
Cynthia Mitchell	2010	30	\$180	D.11-06-012	\$5,400.00	30	\$180	\$5,400.00
Gillian Court	2010	11.75	\$150	D.11-06-012	\$1,762.50	11.75	\$150	\$1,762.50
Kevin Woodruff	2008	14.0	\$225	D.07-06-045	\$3,150.00	14	\$225	\$3,150.00
Kevin Woodruff	2009	60.5	\$225	D.07-06-045	\$13,612.50	60.5	\$225	\$13,612.50
Kevin Woodruff	2010	282.0	\$225	D.07-06-045	\$63,450.00 ³	282	\$225	\$63,450.00
Kevin	2011	304	\$240	See	\$72,960.00	304	\$235 ⁴	\$71,440.00

² Decision (D.) 11-09-037 approves a 2011 hourly rate of \$535 for Mr. Finkelstein; the Commission will apply the rate of \$535 for work Mr. Finkelstein completed in 2011.

³ This figure is \$13,387.50 higher than the amount requested for Mr. Woodruff's 2010 work in the initial request for compensation.

PROPOSED DECISION

Woodruff				Comment #2				
Kevin Woodruff	2012	98.25	\$240	See Comment #2	\$23,580.00	98.75	\$240	\$23,700.00
Subtotal:					\$355,536.75 ⁵	Subtotal:		\$354,965.00
OTHER FEES								
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]								
Subtotal:						Subtotal:		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Mike Florio	2010	1	\$267.5	D.10-05-012 (@50%)	\$267.50	1	\$267.50	\$267.50
Matthew Freedman	2011	17	\$175	See Comment #1 (@50%)	\$2,975.00	17	\$175	\$2,975.00
Subtotal:					\$3,242.50	Subtotal:		\$3,242.50
COSTS								
#	Item	Detail			Amount	Amount		
1	Photocopies	Copies for filings and other proceeding documents			\$90.64			\$90.64
2	Hotel	Lodging for TURN consultants staying in San Francisco for evidentiary hearings and multi-day workshops			\$714.49			\$228.84
3	Telephone	Calls relating to work on R.10-05-006			\$3.67			\$3.67
4	Postage	Mailing costs for pleadings			\$41.40			\$41.40
Subtotal:					\$850.20	Subtotal:		\$364.55

⁴ In Decision (D.) 12-07-019 Commission adopted an hourly rate of \$235 per hour for work Mr. Woodruff completed in 2011. The Commission applies this previously adopted rate in this proceeding.

⁵ This figure is \$64,577.50 higher than the subtotal of attorney and expert fees in the initial request for compensation.

PROPOSED DECISION

TOTAL REQUEST \$:	\$359,361.95	TOTAL AWARD \$:	\$358,572.05
<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 seeks 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>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate.</p>			
Attorney	Date Admitted to CA BAR	Member Number	
Michel Florio	November 29, 1978	83425	
Matthew Freedman	March 29, 2001	214812	
Marybelle Ang	September 18, 2009	264333	
Marcel Hawiger	January 23, 1998	194244	
Robert Finkelstein	June 13, 1990	146391	

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

Attachment or Comment #	Description/Comment
Attach 1	Certificate of Service
Attach 2	Daily Time Records for Attorneys and Experts
Attach 3	Cost detail
Comment 1	<p>Hourly Rate for Matthew Freedman in 2011 and 2012:</p> <p>TURN seeks an increase in the hourly rate for the work of staff attorney Matthew Freedman in 2011 from the \$325 rate authorized for work in 2010 to \$350 for his work in 2011. This increase would reflect his having moved from the 8-12 years experience range to the 13+ years experience range for purposes of establishing hourly rates for attorneys for intervenors. TURN has also submitted this higher rate for work performed by Mr. Freedman in A.10-07-017, in A.10-01-022, and in R.04-04-003.</p> <p>Mr. Freedman graduated Harvard Law School in 1999 and previously earned a Bachelor degree in Political Science in 1991 from Columbia University. Prior to joining TURN, he worked for 3.5 years as an energy policy analyst with Public Citizen in Washington, DC where he lobbied Congress on energy regulation and conducted extensive research on nuclear power and renewable energy technologies, trends and policies. During his time at law school, Mr. Freedman continued his work with Public Citizen as their New England representative and lobbied the Massachusetts</p>

	<p>legislature on electric deregulation. In addition, Mr. Freedman spent a summer performing legal research on electricity regulation and utility law issues for the law firm of Scott Hempling. Finally, Mr. Freedman was employed by the Massachusetts Public Interest Research Group for over 1 year and focused on the regulation of criteria air pollutants from fossil power plants, including drafting a petition and leading negotiations that resulted in landmark new standards requiring new emissions controls for older power plants in Massachusetts.</p> <p>Mr. Freedman joined TURN in February of 2000. Mr. Freedman has served as TURN’s lead attorney in practically all renewable energy proceedings over the past decade, on nuclear power issues (including both the SCE and PG&E applications seeking authority to replace steam generators at their nuclear plants), in several general rate cases (including the PG&E 2007 GRC, the PG&E 2007 GRC Phase 2, and the PG&E 2011 GRC Phase 2), a number of generation related proceedings (including the SCE Mountainview and PG&E’s Contra Costa 8 applications), and a wide array of other environmental and ratemaking proceedings.</p> <p>In 2011, Mr. Freedman was in his eleventh year on TURN’s staff (excluding a sabbatical year in 2008). Even discounting his pre-TURN experience by 50% to reflect Mr. Freedman’s lack of a completed law degree (although the nature of the work was very similar and directly related to energy regulation), his cumulative experience would move him into the 13-plus year category in 2013. Due to a quirk in the Commission’s rate structure, the lower end of the 13-plus year range is the same as the lower end of the 8-12 year experience range. However, even though the approved rate of \$325 for Mr. Freedman’s work in 2010 is above the low end of the 13-plus year range, the Commission should approve an hourly rate of \$350 to reflect the different range in which Mr. Freedman now belongs.</p> <p>The \$325 hourly rate for 2010 is approximately mid-way in the \$300-355 range set for attorneys with 8-12 years of experience, but is only 10% above the floor of the \$300-535 range for attorneys with more than 13 years experience. An increase to \$350 would put Mr. Freedman’s 2010 rate at approximately 20% above the floor of the higher range.</p> <p>TURN submits that this information is more than sufficient for the Commission to grant the requested increase to Mr. Freedman’s hourly rate. However, should the Commission disagree and believe that it needs more information to support the request, TURN asks that we be given an opportunity to provide additional information before a draft decision issues on this compensation request.</p>
<p>Comment 2</p>	<p>Hourly Rate for Kevin Woodruff in 2011 and 2012:</p> <p>For Kevin Woodruff’s work in 2008, 2009 and 2010, TURN seeks compensation at the already-approved hourly rate for his work in each of those years.</p> <p>This is the fourth request for compensation that includes a substantial amount of hours for Kevin Woodruff for work performed in 2011. The first such request was</p>

filed on August 30, 2011 in R.09-10-032 (for substantial contributions to D.11-06-022) and the second was filed on September 19, 2011 in A.10-01-017 (for substantial contributions to D.11-07-002) and updated with a supplement on January 26, 2012. The third request was in R.04-04-003. All three previous requests remain pending at this time.

The Commission had previously approved an hourly rate of \$225 for Mr. Woodruff's work beginning in 2006 (see D.07-06-045). As of January 1, 2011, Mr. Woodruff increased his hourly rate from \$225 to \$240, an increase of approximately 7% as compared to the rate in place since 2006.

Mr. Woodruff's experience on energy-related matters spans more than 25 years including 14 years as a member of Henwood Energy services. Since 2002, Mr. Woodruff has operated as a sole practitioner offering expert witness and consultant services on a wide variety of energy matters.

Because Mr. Woodruff did not change his billing rate from 2006 through 2010, TURN never had cause to seek any of the hourly rate increases made available under D.07-01-009 and D.08-04-010. Had Mr. Woodruff sought an increase in either 2007 or 2008, under those two decisions TURN could have justified a 3% cost of living adjustment (COLA) increase plus a 5% step increase in either of those years, and perhaps in both. An 8% increase would have resulted in a \$245 billing rate as early as 2007, and perhaps as high as \$265 in 2008. Of course, had Mr. Woodruff taken advantage of these opportunities, his increased rate would have applied to the substantial number of hours he worked in CPUC-related matters during 2007-2010. Furthermore, the \$240 billing rate is in the lower half of the rate range for an expert witness with 13+ years of experience (\$155-390 for 2009, 2010 and 2011 - Res. ALJ-267, p. 5). For these reasons, the Commission should find the \$240 billing rate Mr. Woodruff adopted beginning January 1, 2011 reasonable.

TURN is confident that the Commission will agree that that Mr. Woodruff's decision to leave his 2006 authorized rate in place for five years and, in effect, to forego a number of annual increases he might otherwise have received under the Commission's treatment of hourly rates in 2007 and 2008 is a sufficient basis to approve the requested hourly rate of \$240 for 2011. For that reason, TURN has opted to not provide the comparison to peer rates for Mr. Woodruff's work in 2011. While we are confident such a comparison would provide further support for the reasonableness of the requested rate, such a comparison requires additional time and resources that TURN hoped to avoid unnecessarily devoting to this request. However, should the Commission wish to consider such peer rates to confirm that they are comparable to the requested rate for Mr. Woodruff's work in 2011, TURN asks that we be provided an opportunity to supplement this showing.

D. CPUC Disallowances & Adjustments:

#	Reason
1. Adoption of Mr. Freedman's 2011 hourly rate.	The Commission finds TURN's assertion of Mr. Freedman's education and experience compelling, and therefore adopts a rate of \$350 per hour for work Mr. Freedman completed in 2011.
2. Increase in 2012 hourly rates.	Abiding by Resolution ALJ-281 2012 hourly rates have been raised to reflect the 2.2% Cost-of-Living Adjustment adopted by the resolution.
3. Travel costs disallowed.	The Commission has a practice of disallowing routine travel costs (D. 10-11-032). Those travel costs which are deemed routine are defined as travel resulting in less than 120 miles. Thus, the Commission has disallowed costs for travel less than 120 miles. The only travel resulting in more than 120 miles is Ms. Mitchell's trip from her home in Reno, Nevada to San Francisco, California. The Commission will allow TURN to recover \$228.84 for Ms. Mitchell's San Francisco hotel accommodations from June 23-25, 2010.
4. Meal costs disallowed.	The Commission does not compensate for meals (D. 07-12-040); all meals claimed by Mr. Woodruff have been deducted from the total award amount.

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(2)(6))?	Yes

FINDINGS OF FACT

1. The Utility Reform Network has made a substantial contribution to Decisions (D.) 10-12-034, 11-05-005, 12-01-033, 12-04-046 and Resolution E-4471.
2. The requested hourly rates for Claimant's representatives 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 are reasonable and commensurate with the work performed.
4. The total of reasonable contribution is \$358,572.05.

CONCLUSION OF LAW

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

ORDER

1. The Utility Reform Network is awarded \$358,572.05.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas and Electric Company, and Southern California Edison Company shall pay 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 September 8, 2012, the 75th day after the filing of the 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 Carmel-by-the-Sea, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	Decisions (D.) 10-12-034, 11-05-005, 12-01-033, 12-04-046 and Resolution E-4471		
Proceeding(s):	R1005006		
Author:	ALJ Peter Allen		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas and Electric Company, and Southern California Edison Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
TURN	Pre-Amended: 6/25/2012 Amended: 10/30/12	\$359,361.95	\$358,572.05	No	Resolution ALJ-281; Travel and Meal cots disallowed.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Mike	Florio	Attorney	TURN	\$535	2008	\$535
Mike	Florio	Attorney	TURN	\$535	2009	\$535
Mike	Florio	Attorney	TURN	\$535	2010	\$535
Mike	Florio	Attorney	TURN	\$535	2011	\$535
Marybelle	Ang	Attorney	TURN	\$280	2011	\$280
Matthew	Freedman	Attorney	TURN	\$325	2010	\$325
Matthew	Freedman	Attorney	TURN	\$350	2011	\$350
Matthew	Freedman	Attorney	TURN	\$350	2012	\$360
Marcel	Hawiger	Attorney	TURN	\$325	2008	\$325
Marcel	Hawiger	Attorney	TURN	\$350	2010	\$350
Marcel	Hawiger	Attorney	TURN	\$350	2011	\$350
Robert	Finkelstein	Attorney	TURN	\$470	2011	\$535
Cynthia	Mitchell	Expert	TURN	\$180	2010	\$180
Gillian	Court	Expert	TURN	\$150	2010	\$150
Kevin	Woodruff	Expert	TURN	\$225	2008	\$225
Kevin	Woodruff	Expert	TURN	\$225	2009	\$225
Kevin	Woodruff	Expert	TURN	\$225	2010	\$225
Kevin	Woodruff	Expert	TURN	\$240	2011	\$235
Kevin	Woodruff	Expert	TURN	\$240	2012	\$240

(END OF APPENDIX)