

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's own motion to determine the impact on public benefits associated with the expiration of ratepayer charges pursuant to Public Utilities Code Section 399.8.

Rulemaking 11-10-003
(Filed October 6, 2011)

DECISION GRANTING INTERVENOR COMPENSATION TO THE UNION OF CONCERNED SCIENTISTS

Claimant: Union of Concerned Scientists	For contribution to: Decision (D.) D.11-12-035 (Phase 1) and D.12-05-037, as amended by D.12-07-001 (Phase 2)
Claimed (\$): \$10,084.00	Awarded (\$): \$8,808
Assigned Commissioner: Michael R. Peevey	Assigned Administrative Law Judge (ALJ): ALJ David M. Gamson (Phase 1), ALJ Julie A. Fitch (Phase 2)

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	Decision (D.) 12-05-037 establishes a framework for Commission oversight of the Electric Program Investment Charge (EPIC) established by D.11-12-035 in Phase 1 of this proceeding. The funding is to provide public interest investments in applied research and development, technology demonstration and deployment, market support, and market facilitation, of clean energy technologies and approaches for the benefit of electricity ratepayers of Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Edison (SCE). The decision establishes electricity ratepayer benefits as a mandatory guiding principle, adopts several other related and complementary principles designed to guide investment decision and determines that EPIC funds will be administered 80% by the California Energy Commission (CEC) and 20% by the three IOU's under the oversight and control of the Commission.
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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 (PHC):	10/27/2011	Correct
2. Other Specified Date for Notice of Intent (NOI):	N/A	
3. Date NOI Filed:	11/04/2011	Correct
4. Was the NOI timely filed?		
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on Administrative Law Judge (ALJ) ruling issued in proceeding number:	Rulemaking (R.) 11-10-003	Correct
6. Date of ALJ ruling:	December 29, 2011	Correct
7. Based on another CPUC determination (specify):	N/A	
8. Has the Claimant demonstrated customer or customer-related status?		
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.11-10-003	Correct
10. Date of ALJ ruling:	December 29, 2011	Correct
11. Based on another CPUC determination (specify):		

12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.11-12-035 (Phase 1) and D.12-05-037 (Phase 2), as amended by D.12-07-001	Correct
14. Date of Issuance of Final Order or Decision:	05/31/2012	Correct
15. File date of compensation request:	07/30/2012	Correct
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Claimant	CPUC	Comment
1	UCS	We commend UCS' collaboration with the Natural Resources Defense Council and The Vote Solar Initiative to provide valuable comments in this proceeding and to avoid duplication.	<p>In Phase 1, the following six "Joint Environmental Groups" collaborated and advocated as one group: the Union of Concerned Scientists (UCS), the Natural Resources Defense Council, The Vote Solar Initiative, Sierra Club California, Californians for Clean Energy and Jobs and The Nature Conservancy. In Phase 2, all parties (with the exception of Californians for Clean Energy and Jobs) continued the collaboration and single group advocacy. The Ella Baker Center joined the Joint Parties in Phase 2.</p> <p>UCS, the Natural Resources Defense Council, and The Vote Solar Initiative orchestrated the overall Joint Environmental Groups collaboration and performed all of the review, research and drafting work and are therefore referenced as the "Core Parties." The other parties reviewed the advocacy, provided feedback and consulted with the Core Parties, but only the Core Parties are seeking Intervenor Compensation because they were responsible for the vast majority of the substantive work.</p> <p>Because the work of the Core Parties was closely coordinated and all of the filings were joint, we also coordinated our request for intervenor compensation. As such the Core Parties are using the same issue areas and same numbered contributions (below). While each organization spent differing amount of times on each issue based on organizational expertise (which reduced duplication and was one of the key benefits of collaboration), all organizations reviewed, analyzed and approved of the final positions in each area that were contained in joint comments. For this reason, the contributions and benefits reflect the impacts of our joint filings, though each group is only claiming hours for the time</p>

			required for its unique additions to the proceeding.
	UCS	Acknowledged	Per Commission Rule 17.3, a “ <i>request for an award of compensation may be filed after the issuance of a decision that resolves an issue on which the intervenor believes it made a substantial contribution, but in no event later than 60 days after the issuance of the decision closing the proceeding.</i> ” Because this proceeding was divided into two phases, two decisions – D.11-12-035 and D.12-05-037 – were issued. A third decision – D.12-07-001 – was issued correcting a purely ministerial error in D.12-05-037. UCS submits that it made substantial contributions to both decisions and is thus claiming compensation for both decisions within <i>60 days after the issuance of the decision closing the proceeding.</i> Because D.12-05-037 was issued for purely ministerial purposes, UCS is calculating 60 days from the date of the issuance of D.12-05-037, which was May 31, 2012. Further, for the sake of brevity, future references to D.12-05-037 will not include the language “as amended by D.12-07-001,” but should be read as including such language.

PART II: SUBSTANTIAL CONTRIBUTION

A. In the fields below, describe in a concise manner Claimant’s contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059).

<p align="center">Contribution</p> <p>All Contributions include the letter of the corresponding issue area(s) included in Attachment A</p>	<p align="center">Specific References to Claimant’s Presentations and to Decision</p>	<p align="center">Showing Accepted by CPUC</p>
<p>1. The Joint Environmental Groups advocated for the justification for continuance of RD&D and renewable programs. (A)</p>	<p>“[H]owever, we agree with Efficiency Council and other parties that it is important that we act in Phase 1 of this proceeding to continue to collect funds at current levels to avoid a curtailment or gap in funding that would put at risk the continued pipeline of new technologies and strategies required to support the state’s clean energy and climate goals.” <i>D.11-12-035, at p. 10 and Oct. 20, 2011 Joint Opening Comments on OIR at 3-6, 20-25.</i></p> <p>“In order to ensure continuity and reduce uncertainty, it is both in the ratepayer’s interest and the public interest that continued, uninterrupted collection of funds for these types of RD&D programs continue.” <i>D.11-12-035, at.30 and Oct 20,</i></p>	<p>Correct, The Commission will require that current funding levels associated with the public goods charge for RD&D and renewables programs remain in effect on an interim basis through a new surcharge.</p>

	<p>2011 Joint Opening Comments on OIR at 3-8, 20-25.</p> <p>“Benefits associated with the expiring system benefits charge in § 399.8 in the areas of renewables and RD&D programs should continue to accrue to the ratepayers and citizens of California to the extent that such future programs are just and reasonable and consistent with law.” D.11-12-035, Conclusion of Law #1. Oct. 20, 2011 Joint Opening Comments on OIR at 3-8, 20-25.</p> <p>“The EPIC annual budget authorized in this decision is expressly designed to represent neither an increase nor a decrease compared to prior expenditure levels. It is intentionally revenue neutral and rate neutral.” D.12-05-037 at. 87. May 14, 2012 Joint Opening Comments on PD at.12; Oct. 20, 2011 Joint Opening Comments on OIR at. 3-8, 20-25.</p>	
<p>2. The Joint Environmental Groups presented legal authority supporting the Commission’s right to collect and oversee funding for research, development and demonstration and renewable energy. (B)</p>	<p>“...Joint Environmental Groups [] contend that the Commission has authority to continue funding these programs...” D.11-12-035 at.7 and Oct. 20, 2011 Joint Opening Comments on OIR at 4-6, October 25 Joint Reply Comments on OIR at 2-5.</p> <p>“Joint Environmental Groups argue that the Commission has the general authority to set rates for investor owned public utilities, and the specific ability to consider RD&D costs when setting those rates. For example, through the administrative hearing process, the Commission can “establish new rates, classifications, rules, contracts, or practices or schedule or schedules...” [footnote omitted] Specifically for the purposes of this proceeding, Joint Environmental Groups point to § 740, under which the Commission has the explicit authority to provide for RD&D in setting rates. Further § 740.1 sets out</p>	<p>Correct, D.11-12-035 found that the California Constitution and the Public Utilities Code provide authority for the Commission to require a surcharge by electrical corporations to ensure continuation of the ratepayer and public benefits associated with the expiring</p>

	<p>criteria for evaluating the research and development efforts of gas and electricity providers. Given the plain language of § 740 and the judiciary’s willingness to respect the Commission’s interpretation of its governing laws, Joint Environmental Groups contend the Commission has solid legal ground for continuing to factor in research and development costs when setting gas and electricity rates.”</p> <p><i>D.11-12-035 at 14. Oct. 20, 2011 Joint Opening Comments on OIR at 3-8.</i></p> <p>“By statute, the Commission is additionally authorized to “supervise and regulate every public utility in the State and may do all things, whether specially designated in this part or in addition thereto, which are necessary and convenient in the exercise of such power and jurisdiction.”¹⁰ FN 10 cites to San Diego Gas & Elec. Co. v. Superior Court, 13 Cal.4th 893, 914-15 (1996).</p> <p><i>D.11-12-035 at 15. Oct. 20, 2011 Joint Opening Comments on OIR at 5 n.13; Oct. 25, 2011 Joint Reply Comments at 3.</i></p> <p>“The Commission has general authority in § 701 to “do all things, whether specifically designated in this part or in addition thereto, which are necessary and convenient in the exercise of such power and jurisdiction.” For RD&D, §§ 74013 and 740.1,¹⁴ added in 1973 and 1984, respectively, together with § 701, provided this authority.” <i>D.11-12-035 at 16. Oct. 20, 2011 Joint Opening Comments on OIR at 4-6, October 25 Joint Reply Comments on OIR at 2-5.</i></p> <p>“The Commission has both broader Constitutional regulatory authority to do all things cognate and germane to the regulation of public utilities, and specific statutory authority to set regulatory policies regarding RD&D and renewables.</p>	<p>system benefits charge for renewables and RD&D programs.</p>
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	<p>[The Commission has] sufficient authority to require the utilities to impose a new surcharge for RD&D and renewables programs under... Constitutional authority, and under §§ 451, 701, 701.1, 701.3, 740, 740.1 and other relevant code sections specific to RD&D and renewables programs and the Commission’s ratemaking authority. This authority does not substitute for the expiring funding authority in § 399.8, but provides separate funding authority. Thus, any rates or charges... are not a continuation of the § 399.8 system benefits charge, but instead new or different charges for programs within the existing Constitutional and statutory framework.” <i>D.11-12-035 at 21. Oct. 20, 2011 Joint Opening Comments on OIR at 4-6, October 25 Joint Reply Comments on OIR at 2-5.</i></p> <p>“Further, as discussed above, the Commission has adequate authority through the combination of Constitutional authority and §§ 701, 701.1, 740, 740.1 to require the collection of RD&D funds which are cognate and germane to the regulation of public utilities.” <i>D.11-12-035, at p. 28. Oct. 20, 2011 Joint Opening Comments on OIR at 3-6, October 25 Joint Reply Comments on OIR at 2-5.</i></p> <p>“The California Constitution and the §§ 451, 701, 701.1, 701.3, 740, 740.3 provide authority for the Commission to require a surcharge by electrical corporations to ensure continuation of the ratepayer and public benefits associated with the expiring system benefits charge in Public Utilities Code Section 399.8 for renewables and RD&D programs.” <i>D.11-12-035, Conclusion of Law #2. Oct 20, 2011 Joint Opening Comments on OIR at 3-6, October 25 Joint Reply</i></p>	
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	<p>Comments on OIR at 2-5.</p> <p>“The principles articulated in law in § 740.1 and § 8360 offer useful guidance for the EPIC program. The administrators should be required to address in their investment plans how these statutory principles are applied.” D.12-05-037 Conclusion of Law #1. Oct. 20, 2011 Joint Opening Comments on OIR at 4-6, Oct. 25 Joint Reply Comments on OIR at 2-5.</p> <p>“The 2008 budget bill Assembly Bill (AB) 1338 does not prohibit EPIC expenditures on a program of ratepayer-benefit-focused investments related to reductions of GHG in the electricity sector and reducing costs to ratepayers of compliance with GHG emissions reduction regulations.” D.12-05-037 Conclusion of Law #2. Mar. 16, 2012 Joint Reply Comments on Scoping Ruling and Staff Proposal at 4.</p>	
<p>3. The Joint Environmental Groups presented legal authority supporting the Commission’s ability to select the Energy Commission to administer programs. (H)</p>	<p>“There are precedents for other transfers of funds for Energy Commission administration, subject to this Commission oversight. In D.04-08-010, Ordering Paragraph 18, we selected the Energy Commission over at least three other possible administrators, to administer natural gas RD&D funds. . . This authority is independent of Section 399.8 authority for electric RD&D funds, as the natural gas RD&D program was not based on Section 399.8.” D.11-12-035, at 21-22 and Oct. 25, 2011 Joint Reply Comments at 6.</p> <p>“The relevant section of D.06-01-024 discusses the limits of the Commission’s ability to fully transfer oversight of programs, as distinguished from administration: . . . while the Commission cannot delegate its authority and responsibility to determine recoverable</p>	<p>Correct, D.11-10-003 concluded that though the Commission cannot delegate its authority and responsibility to determine recoverable costs, program rules, regulations and policies, it does have authority to transfer the day to day administration of a program.</p>

	<p>costs, program rules, regulations and policies, it does have authority to transfer the day to day administration of a program, as it does with a variety of programs. The Commission can and should accept the input of the Energy Commission in its oversight, planning, rule and policy making, but can and should maintain appropriate responsibility for final authority of the program. . . We conclude that we have continued authority to provide funding for RD&D programs, which may be administered by the Energy Commission, through a surcharge other than the existing system benefit charge.” <i>D.11-12-035, at 22-23 and Oct. 25, 2011 Joint Reply Comments at 6-7.</i></p> <p>“While the Commission cannot delegate its authority and responsibility to determine rates, program rules, regulations and policies, it does have authority to transfer the day to day administration of a program.” <i>D.11-12-035, Conclusion of Law # 3 and Oct. 25, 2011 Joint Reply Comments at 6.</i></p> <p>“The Commission should retain policy oversight over all EPIC electric ratepayer funds.” <i>D.12-05-037 Conclusion of Law #3. Oct. 25, 2011 Joint Reply Comments on OIR at 6-7.</i></p>	
<p>4. The Joint Environmental Groups advocated for a robust level of research, development, demonstration and renewable energy investment. (A)</p>	<p>“Joint Environmental Groups...claim California’s public interest RD&D investments have produced multiple benefits for electricity ratepayers, resulting in breakthroughs in energy efficiency and renewable energy, clean energy technology, energy security, environmental protection, and significant bill savings. Regarding renewable programs, Joint Environmental Groups believe that there is unique added value to using ratepayer funds to invest in technologies that have moved past the research and development phase, but are</p>	<p>Correct. In D.11-12-035 the Commission concluded that there are both ratepayer and public benefits associated with current RD&D programs funded by the PGC.</p>

	<p>not yet mature enough to compete successfully in a Renewables Portfolio Standard solicitation. Supporting such technologies will ultimately create a larger pool of resources for utilities to choose from and create additional and lower cost options for renewable energy investments.” <i>D.11-12-035 at 7-8 and Oct. 20, 2011 Joint Opening Comments on OIR at 6-9, 19-25.</i></p> <p>“As many parties have stated, there are both ratepayer and public benefits associated with the current RD&D programs funded by the PGC.” <i>D.11-12-035 at 28 and Oct. 20, 2011 Joint Opening Comments on OIR at 6-7, 19-25.</i></p> <p>“It is in the public interest to impose an interim surcharge, subject to refund, on distribution customers of electric corporations at the same rates as the expiring system benefits charge in Public Utilities Code Section 399.8 (subtracting out the portion of the rates collected for energy efficiency programs), for renewables and RD&D programs that are just and reasonable, and in the ratepayer interest and the public interest.” <i>D.11-12-035, Conclusion of Law #3. D.11-12-035 at 28 and Oct. 20, 2011 Joint Opening Comments on OIR at 3-7, 19-25.</i></p>	
<p>5. The Joint Environmental Groups recommended continuing to collect renewable and RD&D funding at the current level. (A)</p>	<p>“Many parties have stated that there are significant ratepayer and public benefits associated with the current renewables programs funded by the PGC.” <i>D.11-12-035 at p. 25 and Oct. 20, 2011 Joint Opening Comments on OIR at 6-7.</i></p> <p>The Commission will “continue to collect funds for future renewables programs at approximately the same level as currently collected.” <i>D.11-12-035 at 27. D.11-12-035 at 28 and Oct. 20, 2011</i></p>	<p>Correct. Decision.11-12-035 concluded that the Commission would continue to collect funds for RD&D programs at</p>

	<p><i>Joint Opening Comments on OIR at 3-7, 19-25.</i></p> <p>The Commission will “continue to collect funds for RD&D programs at approximately the same level as currently collected...” <i>D.11-12-035 at 30. D.11-12-035 at p.28 and Oct. 20, 2011 Joint Opening Comments on OIR at 3-7, 19-25.</i></p> <p>“Energy RD&D funding is vital to achieving our state’s aggressive policy goals related to energy efficiency, renewable energy, petroleum reduction, smart grid integration and reliability, and GHG reductions. Investments in energy RD&D stimulates innovation, attracts new businesses, and create jobs in academia and the private sector. Ratepayers receives the benefit of more cost efficient, lower environmental impact and higher reliability solutions.” <i>D.11-12-035 at 29-30. Oct. 20, 2011 Joint Opening Comments on OIR at 19-25.</i></p>	<p>approximately the same level as currently collected and would explore how those funds could best be used for ongoing RD&D efforts. The Commission required the utilities to collect the funds under a new surcharge.</p>
<p>6. The Joint Environmental Groups advocated for guiding principles for investment that incorporate public, societal and environmental benefits. . (C)</p>	<p>“Many parties support the basic policy rationale for funding and supporting public purpose activities in the electricity industry. AEE, the Joint Environmental Groups, Efficiency Council, PFT/WRTC, TURN, University of California, and Waste Management all generally support the policy case for ratepayer support and the guiding principles laid out in the staff proposal.” <i>D.12-05-037 at 10 and May 14, 2012 Joint Opening Comments on PD at 3.</i></p> <p>“The Joint Environmental Groups also support the principles, with the linkage to providing ratepayer benefits, which they suggest should be broadly defined.” <i>D.12-05-037 at 15 and May 14, 2012 Joint Opening Comments on PD at 3.</i></p> <p>The “Joint Environmental Groups, in comments on the proposed decision, point</p>	<p>Correct</p>

	<p>out that the additional principles articulated below, rather than being subordinate to electricity ratepayer benefits, are actually components of those benefits. [The Commission agrees] with this clarification as well.” <i>D.12-05-037 at 19 and May 14, 2012 Joint Opening Comments on PD at 3.</i></p> <p>“The following guiding principles for EPIC expenditures, while complements to the principle of electricity ratepayer benefits, are also reasonable: societal benefits; GHG emissions reductions in the electricity sector at the lowest possible cost; the loading order; low-emission vehicles and transportation; economic development; and efficient use of ratepayer monies.” <i>D.12-05-037, Finding of Fact #2 and May 14, 2012 Joint Opening Comments on PD at 3.</i></p>	
<p>7. The Joint Environmental Groups supported retaining CEC administration. (H);</p>	<p>“The Joint Environmental Groups... agree that the Commission should retain policy oversight with the CEC as administrator.” <i>D.12-05-037 at 24. March 7, 2012 Joint Opening Comments on the Scoping Ruling and Staff Proposal at 12.</i></p>	<p>Commission disagreed. Though the Joint Environmental groups supported retaining CEC administration of the EPIC program the Commission found otherwise. After consideration of comments from parties, the Commission found that it makes more sense to conceive of the EPIC</p>

		<p>program as a set of coordinated public interest activities with two sets of administrators: the CEC and the utilities.</p>
<p>8. Joint Environmental Groups supported consolidating utility RD&D activities into one proceeding. (H)</p>	<p>“The EPIC funds will be administered 80% by the California Energy Commission (CEC) and 20% by the three IOUs, with the IOU role limited to the area of technology demonstration and deployment. All funds will be administered under the oversight and control of the Commission, which will conduct a public proceeding every three years to consider investment plans presented by the administrators for coordinated public interest investment in clean energy technologies and approaches, including both the supply side and the demand side of electricity use.” <i>D.12-05-037 at 2-3. May 14, 2012 Joint Opening Comments on PD, at 4.</i></p> <p>“The Joint Environmental Groups suggest that the CEC EPIC program should not supplant all utility RD&D, but support staff’s proposals to consider the review and approval of all utility RD&D activities into one proceeding.” <i>D.12-05-037 at 26. March 7, 2012 Joint Opening Comments on the Scoping Ruling and Staff Proposal at 14-15.</i></p> <p>The Commission will “consider utility RD&D investments as part of the EPIC program...” <i>D.12-05-037 at 28. March 7, 2012 Joint Opening Comments on the Scoping Ruling and Staff Proposal at 4-15.</i></p> <p>“[I]nstead of having the utilities propose RD&D investments in parallel with the EPIC process, we will have both the CEC and utilities present their investment plans</p>	<p>Agreed, the Joint Environmental Groups supported the staff proposals to consider the review and approval of all utility RD&D activities into one proceeding. The process the Commission adopted is similar to the staff proposal.</p>

	<p>as part of EPIC at the same time, for joint consideration by the Commission.” <i>D.12-05-037 at 28. March 7, 2012 Joint Opening Comments on the Scoping Ruling and Staff Proposal at 14-15.</i></p> <p>“The Commission should retain policy oversight over all EPIC electric ratepayer funds.” <i>D.12-05-037, Conclusion of Law # 3. March 7, 2012 Joint Opening Comments on the Scoping Ruling and Staff Proposal at 12.</i></p>	
<p>9. Joint Environmental Parties recommend investment categories and guiding principles for investment including climate change research.(C)</p>	<p>“The Joint Environmental Groups also believe that the scope of applied research should be expanded to include research on the impact of electricity sector on the environment and public health.” <i>D.12-05-037 at 34. March 7, 2012 Joint Opening Comments on the Scoping Ruling and Staff Proposal at 6-7.</i></p> <p>“In addition, applied research and development that addresses the environmental and public health impacts of electricity-related activities is also included.” <i>D.12-05-037 at 36. May 14, 2012 Joint Opening Comments on PD at 6-7.</i></p> <p>“Clean transportation is also an acceptable funding area, as long as there is a linkage to the electricity sector and ratepayer benefits.” <i>D.12-05-037 at 36. March 7, 2012 Joint Opening Comments on the Scoping Ruling and Staff Proposal at 6.</i></p> <p>“We generally support the other activities described in the comments or in the staff proposal and \$15 million is a reasonable sum annually to fund these combined activities.” <i>D.12-05-037 at 61. May 14, 2012 Joint Opening Comments on PD at 12.</i></p> <p>“Applied research and development</p>	<p>Correct</p>

	<p>should include activities that address environmental and public health impacts of electricity-related activities, support building codes and appliance standards, as well as clean transportation with a linkage to electricity sector ratepayer benefits.”</p> <p><i>D.12-05-037 Finding of Fact # 14. March 7, 2012 Joint Opening Comments on the Scoping Ruling and Staff Proposal at 6-7.</i></p> <p>“All clean energy technologies and approaches/methods should be eligible for EPIC funding, on both the supply side and demand side.” <i>D.12-05-037 Finding of Fact #16. March 7, 2012 Joint Opening Comments on the Scoping Ruling and Staff Proposal at 4-5.</i></p>	
<p>10. The Joint Environmental Groups strongly supported the Staff Proposal’s recommendation to invest in the demonstration of emerging and pre-commercial clean energy technologies. (D)</p>	<p>“The Joint Environmental Groups generally support using EPIC funds to support pre-commercial clean energy technologies and emphasize that ‘information about the funded demonstration projects should be made public to the greatest extent possible, to ensure market participants are able to learn from the experiences of previously-funded projects.’” <i>D.12-05-037 at 38 and Oct.20, 2011 Joint Parties Opening Comments on OIR at 11-13.</i></p> <p>“The Electric Program Investment Charge program shall fund investments in the following defined areas: ...b. Technology demonstration and deployment. The installation and operation of pre-commercial technologies or strategies at a scale sufficiently large and in conditions sufficiently reflective of anticipated actual operating environments to enable appraisal of the operational and performance characteristics and the financial risks.[...]” <i>D.12-05-037 Ordering Paragraph #3 and March 7, 2012 Joint Opening Comments on the Scoping Ruling and Staff Proposal</i></p>	<p>Correct. The Commission identified the installation and operation of pre-commercial technologies or strategies and a range of activities including support of clean energy technology and strategy deployment as areas where the EPIC program should fund investments.</p>

	<p><i>at 7-8.</i></p>	
<p>11. The Joint Environmental Groups opposed the prohibition on utility funding of generation-only projects. (H)</p>	<p>“...the Joint Environmental Groups... oppose this prohibition as too restrictive, potentially defeating the purpose of some technology demonstration and deployment funding.” <i>D.12-05-037 at 41. May 14, 2012 Joint Opening Comments on PD at 4-5.</i></p> <p>“... there may be instances where utility investments in generation-only projects could be desirable and appropriate.” <i>D.12-05-037 at 42. May 14, 2012 Joint Opening Comments on PD at 4-5.</i></p> <p>“Thus, the prohibition on funding generation-related demonstration and deployment projects with EPIC funds does not apply to the CEC.” <i>D.12-05-037 at 42-43. May 14, 2012 Joint Opening Comments on PD at 4-5.</i></p> <p>“Utilities should be authorized to propose generation-only projects in their triennial investment plans utilizing non-EPIC funding.” <i>D.12-05-037 Conclusion of Law # 14 and May 14, 2012 Joint Opening Comments on PD at 4-5.</i></p>	<p>Correct. The commission found it appropriate to prohibit IOU investment in generation only projects using EPIC funds. This position was supported by the Joint Environmental Groups in their opening comments.</p>
<p>12. Joint Environmental parties support use of matching funds. (A)</p>	<p>“Finally, we ask the administrators to propose in their investment plans any requirements to seek or obtain matching funds from other sources. In general, consistent with the comments on the proposed decision from several parties . . . we encourage the use and leveraging of matching funds whenever possible.” <i>D.12-05-037 at 44. March 7, 2012 Joint Opening Comments on Staff Report at 8.</i></p>	<p>Correct. The Joint Environmental Groups supported the concept of minimum matching requirements in their March 7, 2012 comments. In the decision the Commission urged</p>

		<p>administrators to propose investment plans that included requirements to seek or obtain matching funds from other sources.</p>
<p>13. The Joint Environmental Groups advocated for consolidating the Emerging Renewable Program with the Small Generator Incentive Program (“SGIP”), provided that funding levels for the SGIP are monitored for adequacy and scope is expanded to wholesale generation technologies. (I)</p>	<p>“Because the ERP and SGIP had different rebate levels and rules, continuing both programs would perpetuate inconsistent program support for similar technologies of different sizes and would not necessarily be positive for the long-term sustainability of these programs or technologies.... Longer term, the Commission would also support further augmenting the SGIP budget to allow additional opportunities for former ERP-eligible technologies to receive funding.” <i>D.12-05-037 at 51. May 14, 2012 Joint Opening Comments on PD 10, March 7, 2012 Joint Opening Comments on the Scoping Ruling and Staff Proposal at 9-10.</i></p> <p>“Consolidating the ERP and SGIP programs now is preferable to perpetuating two competing programs that serve the same types of technologies and policy purposes.” <i>D.12-05-037 Finding of Fact #22. May 14, 2012 Joint Opening Comments on PD 10, March 7, 2012 Joint Opening Comments on the Scoping Ruling and Staff Proposal at 9-10.</i></p>	<p>Agreed. The Commission found that consolidating the technologies funded by the ERP into the SGIP is logical and should serve to streamline programs and reduce program duplication and confusion over time.</p>
<p>14. The Joint Environmental Groups demonstrated the need to focus on environmental performance and funding flexibility for new bioenergy projects. (F)</p>	<p>“The Joint Environmental Groups... conceptually support dedicating funding toward bioenergy projects, but suggest that 20% may be too high [and reevaluation of] the funding amount during each investment plan process.” <i>D.12-05-037 at 45. March 7, 2012 Joint</i></p>	<p>Correct</p>

	<p><i>Opening Comments on the Scoping Ruling and Staff Proposal at p.8.</i></p> <p>A coherent strategy and/or program for encouraging more bioenergy in the state, capturing not only the electricity benefits but also the non-energy benefits, should be a continuing priority. But EPIC funds alone are not the appropriate source for funding such a program.” <i>D.12-05-037 at 53.</i></p> <p>“The Joint Parties recommend that the triennial investment plans not only prioritize ‘technologies and/or operational approaches that have been proven to be technically viable, offer meaningful prospects to enhance the economics of bioenergy within a reasonable timeframe/at reasonable scale...’ but also offer meaningful prospects to enhance the environmental performance of utilizing bioenergy feedstocks for electricity generation. This is consistent with the <i>Ratepayer and Societal Benefits</i> principle contained in the Staff Proposal to justify and guide the use of EPIC monies.”</p> <p><i>March 7, 2012 Joint Opening Comments on the Scoping Ruling and Staff Proposal at 9.</i></p> <p>“For subsequent investment plan cycles, [the Commission] will reevaluate this set aside, depending on the results during 2012-2014. The proposed decision applied the 20% set-aside for bioenergy from both the utility and CEC budgets for technology demonstration and deployment. In comments on the proposed decision... the Joint Environmental Groups... argue that a 20% set-aside only makes sense in the context of the CEC’s portion of the EPIC program, especially when the utility funds are divided across utilities. [The Commission agrees and clarifies] that the 20% set-aside for bioenergy for the first investment plan</p>	
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	<p>cycle should only apply to the CEC’s funding for technology demonstration and deployment.” <i>D.12-05-037 at 46. May 14, 2012 Joint Opening Comments on PD at 9-10.</i></p> <p>“It is reasonable to set aside 20% of the technology demonstration and deployment funds for 2012-2014 being administered by the CEC to fund bioenergy projects or activities. This percentage should be re-evaluated in the second triennial investment plans.” <i>D.12-05-037 Finding of Fact #20. May 14 Joint Opening Comments on PD at 9-10, March 7, 2012 Joint Opening Comments on the Scoping Ruling and Staff Proposal at 8.</i></p>	
<p>15. The Joint Environmental Groups supported elimination of the Existing Renewables Program. (F)</p>	<p>“The Joint Environmental Groups also support discontinuing funding for the ERFP, arguing that mature renewable technologies, including existing biomass facilities, can compete for contracts in the RPS solicitations.” <i>D.12-05-037 at 52. May 14, 2012 Joint Opening Comments on PD at 11.</i></p> <p>“Thus, it is unclear why electricity ratepayers should be the sole funding source, via EPIC, for subsidizing commercialized technologies using these fuels for their potential non-energy benefits.... biomass and other bioenergy facilities are free to compete in RPS solicitations and other related programs such as the feed in tariff.... EPIC funds alone are not the appropriate source for funding such a program.” <i>D.12-05-037 at 53-54. March 7, 2012 Joint Opening Comments on the Scoping Ruling and Staff Proposal at 10.</i></p> <p>“EPIC funds should not be used to subsidize output from existing facilities indefinitely and thus the ERFP program should be discontinued.” <i>D.12-05-037, Finding of Fact #23. May 14, 2012 Joint</i></p>	<p>Agreed. While this support of existing renewables programs may have been an important funding source to spur development and or support, continued operation of biomass facilities as part of the ERFP in the past, it is unclear why the Commission should continue this support indefinitely.</p>

<p>16. The Joint Environmental Groups supported the objectives of the New Solar Homes Partnership. (E)</p>	<p><i>Opening Comments on PD at p.11.</i></p> <p>“The Joint Environmental Groups also support continuing the NSHP, but agree it must be done statutorily.” <i>D.12-05-037 at 6. May 14, 2012 Joint Opening Comments on PD at 11.</i></p> <p>“Thus, although conceptually we would be willing to allocate EPIC funds to help continue the NSHP, we would have to reduce the budget of the CSI general market program in order to do so. . . it could be appropriate for EPIC funds to be used to cover the NSHP program funding that has not yet been collected from ratepayers.” <i>D.12-05-037 at 57. March 7, 2012 Joint Opening Comments on the Scoping Ruling and Staff Proposal at 11.</i></p> <p>“To resolve this situation, [the Commission urges] the Legislature, in 2012, to...modify both the total CSI funding cap and/or the funding source for the NSHP to allow the Commission to continue to fund the NSHP without reducing the budget for the CSI general market program.” <i>D.12-05-037 at 58. May 14, 2012 Joint Opening Comments on PD at 11, March 7, 2012 Joint Opening Comments On Staff Proposal, at 10-11.</i></p> <p>“There is a strong policy rationale for continuing to fund the NSHP because it supports the state’s goals for zero net energy new housing by 2020 and solar on new homes.” <i>D.12-05-037 Finding of Fact #26. May 14, 2012 Joint Opening Comments on PD at p.11, March 7, 2012 Joint Opening Comments On Staff Proposal, at 10-11.</i></p> <p>“The Commission should support Legislative action in 2012 to authorize funding for the NSHP or otherwise</p>	<p>Agreed. The Joint Environmental Groups supported the objectives of the New Solar Homes Partnership (NSHP) if it could be accomplished under statute. The Commission adopted a similar position and urged the Legislature, in 2012, to return the PGC funds to the CEC for NSHP use.</p>
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	<p>remove the CSI budget cap that currently limits general market program and NSHP funding.” <i>D.12-05-037 Conclusion of Law #20. May 14, 2012 Joint Opening Comments on PD at 11.</i></p>	
<p>17. The Joint Environmental Groups recommended governance and administrative policies designed to encourage robust participation cost consolidation, transparency, and fund protection. (H)</p>	<p>“Next, we agree with the rationale put forward in the staff proposal that collections of the EPIC funds should continue through 2020.” <i>D.12-05-037 at 3. May 14, 2012 Joint Opening Comments on PD at 12.</i></p> <p>“The Joint Environmental Groups believe the Commission should not impose a hard cost cap, but instead should direct the CEC program administrator to minimize and explain administrative expenses to the fullest extent possible.” <i>D.12-05-037 at 65. May 14, 2012 Joint Opening Comments on PD at 13.</i></p> <p>“... as a general matter, it is important to minimize administrative costs for overseeing the EPIC funds to ensure that the greatest possible amount of funding can be used to support the policy purposes. . . [The Commission wants] to send a clear signal about the need to minimize these costs by setting an administrative cost cap. This cap will be, like the overall program budget, a soft cap.” <i>D.12-05-037 at 66. May 14, 2012 Joint Opening Comments on PD at 13, Joint Opening Comments on Staff Proposal, at 12-13.</i></p> <p>“Utilizing IOU ratepayer funds from EPIC only for the purposes described herein is an important consideration. The best way to accomplish this protection is a hybrid of the two options presented by staff. That is, funds devoted to administration and staffing costs should be transferred by the IOUs to the CEC on a quarterly basis.” <i>D.12-05-037 at 69-70. May 14, 2012 Joint Opening Comments</i></p>	<p>Correct</p>

	<p><i>on PD at 14.</i></p> <p>“Thus, many of the types of workshops and processes requested above by parties will be conducted during the process of evaluating the investment plans, and need not be done in phase 2 of this proceeding.” <i>D.12-05-037 at 81. March 16, 2012 Joint Reply Comments on the Scoping Ruling and Staff Proposal at 3.</i></p> <p>“The EPIC funding amounts collected in rates are the default budgets for the EPIC program in each investment plan. These are guidelines that may be proposed to be adjusted by the program administrators in each investment plan to be considered by the Commission. Amounts that are uncommitted at the end of a triennial investment funding period should be used to offset future program funding requirements.” <i>D.12-05-037, Finding of Fact # 32. May 21, 2012 Joint Opening Comments on PD at 4.</i></p>	
<p>18. The Joint Environmental Groups recommended that the Commission eliminate geographical restrictions on funding awards. (A, H)</p>	<p>“In reply comments, the Joint Environmental Groups agree that ‘ensuring that EPIC funds are not awarded to generation projects that plan to sign a power purchase agreement with a POU and serve POU electricity customers is appropriate and easy to implement. But categorically excluding major research institutions in POU service territories, including Stanford University and the University of California at Los Angeles, does not serve the public interest or IOU customers.’” <i>D.12-05-037 at 71-72. March 16, 2012 Joint Reply Comments on the Scoping Ruling and Staff Proposal at 11.</i></p> <p>“... consistent with those of the Joint Environmental Groups, there is no evidence that a research or demonstration project undertaken by an entity that happens to be located within the service</p>	<p>Agreed. The Commission found that technology breakthroughs that occur in areas located within POU territories are just as beneficial to ratepayers as those taking place within IOU territories. As such, the Commission declined to set explicit limits on the</p>

	<p>territory of a POU would necessarily produce fewer ratepayer benefits than the same activity by an entity located anywhere else.... Therefore, [the Commission declines] to set any explicit limits on the geographic eligibility for funding..." <i>D.12-05-037 at 72-73. March 16, 2012 Joint Reply Comments on the Scoping Ruling and Staff Proposal at 11.</i></p> <p>"For example, there are a number of world-class academic institutions in California that happen to be located within POU territories, and it seems potentially self-defeating to exclude them from the ability to compete for relevant research funds." <i>D.12-05-037 at 73. March 16, 2012 Joint Reply Comments on the Scoping Ruling and Staff Proposal at 11.</i></p>	<p>geographic eligibility for funding.</p>
<p>19. The Joint Environmental Groups advocated for intellectual property policies that are as broad and inclusive as possible. (G)</p>	<p>"The Joint Environmental Groups recommend that the Commission structure its intellectual property policies to ensure that important research funded by EPIC is shared in an open and transparent manner." <i>D.12-05-037 at p.78. March 7, 2012 Joint Opening Comments on the Scoping Ruling and Staff Proposal at 3-14.</i></p> <p>[Intellectual property policies] "should also strive to be consistent with the current statutory requirements regarding intellectual property treatment for other state RD&D programs, as suggested by the Joint Environmental Groups." <i>D.12-05-037 at 79. May 14, 2012 Joint Opening Comments on PD at 14.</i></p> <p>"Thus, we ask the administrators to propose, in each investment plan, the treatment of intellectual property rights either in the investment plan as a whole, or for particular areas of investment within the investment plan." <i>D.12-05-037</i></p>	<p>The Commission did not adopt the Joint Environmental Groups position on intellectual property policies for EPIC funded technology. Rather than decide this policy for EPIC overall, the Commission instead suggested that intellectual property rules be designed when applied to particular</p>

	<p>at 79. May 14, 2012 Joint Opening Comments on PD at 14.</p> <p>“The administrators should be required to make specific proposals for intellectual property rights in each investment plan where the specific types of projects proposed will be provided in more detail.” D.12-05-037 Finding of Fact # 40. May 14, 2012 Joint Opening Comments on PD at 14.</p> <p>“Intellectual property rules should be tailored to the specific types of projects proposed.” D.12-05-037 Conclusion of Law # 28. May 14, 2012 Joint Opening Comments on PD at 14.</p> <p>“The Commission should decline to adopt an overall policy on intellectual property rights at this time.” D.12-05-037 Conclusion of Law # 29. May 14, 2012 Joint Opening Comments on PD at 14.</p>	<p>areas of investment and asked administrators to propose the treatment of intellectual property rights in each investment plan.</p>
<p>20. The Joint Environmental Groups advocated for a competitive bidding system for funding of research projects. (H)</p>	<p>“Finally, on the issue of competitive bidding, this is generally our selection process of choice in all areas. However, there may be limited and unique circumstances where it is not possible or desirable. In each investment plan, the administrators may propose a limited authorization for non-competitive bidding for particular purposes.” D.12-05-037 at 6-37. March 16, 2012 Joint Reply Comments on the Scoping Ruling and Staff Proposal at 8.</p> <p>“Projects should be selected for award of EPIC funding on a competitive basis unless the administrators have specifically detailed and justified exceptions to this in their approved investment plans.” D.12-05-037 Finding of Fact #18. March 16, 2012 Joint Reply Comments on the Scoping Ruling and Staff Proposal at 8.</p>	<p>The Commission recognizes that competitive bidding is generally the Commission’s selection process in all areas but there may be limited and unique circumstances where it is not possible or desirable. As such D.12-05-037 allows administrators to propose limited</p>

		authorization for non-competitive bidding for particular purposes.
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Division of Ratepayer Advocates (DRA) a party to the proceeding?	yes	Correct
b. Were there other parties to the proceeding with positions similar to yours?	yes	Correct
<p>c. If so, provide name of other parties:</p> <p>Natural Resources Defense Council, the Vote Solar Initiative, Sierra Club California, The Nature Conservancy, Californians for Clean Energy and Jobs (CCEJ), the Ella Baker Center for Human Rights, Department of Ratepayer Advocates, the Center for Biological Diversity (CBD), Solar Energy Industries Association (SEIA), The Center for Energy Efficiency and Renewable Technologies, and the University of California.</p>		Correct
<p>d. Describe how you coordinated with DRA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:</p> <p>The Core Parties worked extensively together to ensure maximum collaboration and coordination to ensure there was no duplication, as discussed below in 12 (a). The Core Parties actively worked together to develop a single set of comments, design consistent advocacy strategy efforts, and streamlined the work wherever possible. Furthermore, whenever possible, the Parties consulted with Commission Staff and cross referenced with other parties that had similar positions to assess whether there were areas to minimize duplication. However, the majority of the work and resources substantive contributions, thereby minimizing duplication as well as ensuring resolution of any issues before filing comments to reduce the amount of differences across parties, therefore reducing the time needed to address differing viewpoints. The beneficial efforts of the Joint Environmental Groups is described in more detail in III.b below.</p>		Correct. Coordination with other parties is verified in the UCS timesheets and in their filing of joint comments in the proceeding.

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>UCS consistently advocates for policies to reduce the long term environmental, public health, and economic costs of electric generation. UCS’s continued focus in this and other proceedings is on policies that ensure a reliable, affordable, and environmentally sustainable energy resource portfolio that has a lasting benefit to billpayers. UCS contributed substantially to the resolution of a nearly every issue addressed in D.11-12-035 (Phase 1) and D.12-05-037, as amended by D.12-07-001 (Phase 2), which will allow create a framework for ongoing electric RD&D investments.</p> <p>California has a long history of clean energy policy leadership and RD&D continues to be a core component of its success. In our comments we presented a strong case for the creation of an RD&D program at a robust funding level (issue A); made a clear and successful legal argument for the CPUC’s legal authority to fund the program (issue B); recommended specific investment categories and principles for customer benefit (issue C); brought forward the importance of technology demonstration investments for the emerging renewables sector (issue D); provided support and analysis for the Commission’s review of the New Solar Homes Partnership (issue E); demonstrated the need to focus on environmental performance and funding flexibility for new bioenergy projects, and the need to cease funding of existing biomass projects (issue F); recommended intellectual property policies that are as broad and inclusive as possible (issue G); recommended governance and administrative policies designed to encourage robust participation and cost consolidation (issue H); and advocated for consolidating the Emerging Renewable Program with the Small Generator Incentive Program (SGIP), provided that funding levels for the SGIP are monitored for adequacy and scope is expanded to wholesale generation (issue I).</p> <p>Our participation contributed to the creation and direction of a significant electricity related RD&D program that will expand clean energy and energy efficiency technologies, intellectual capital and opportunities, leading to continued economic growth, reduced energy consumption, lower rates of pollution, improved public health and environmental degradation from fossil fuel consumption and will ultimately help California succeed in achieving its environmental and energy policy mandates.</p>	<p>CPUC Verified</p> <p>Agreed. The joint comments filed by UCS were very valuable and substantially contributed to the decisions.</p>
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<p>The final decisions closely tracked our recommendations in most areas and, where there were differences or the Commission ultimately decided against our position, our advocacy shaped the analysis and discussion, ultimately improving the final outcome customers.</p>	
<p>b. Reasonableness of Hours Claimed.</p> <p>The substantial contributions to Commission policy described above would not have been possible without the individual contributions of the Joint Environmental Parties. Furthermore, our joint advocacy in this proceeding sets a hallmark for Commission collaboration. The difficulty of keeping a six party coalition (unaffiliated but for the purposes of advocacy in R.11-10-003) together throughout the entirety of the proceeding is a feat that should not be underestimated.</p> <p>The time and resource savings are exceptional. Not only are the hours claimed and resources expended by the three members of the Core Parties extremely conservative and far below what all seven Joint Environmental Groups would have claimed and expended had each party intervened individually, but the hours claimed and resources expended by the members of the Core Parties were also highly leveraged and streamlined as much as possible to reduce duplication. Where more than one party worked on a single issue area, it was because the parties were adding new research and information or working out differences in advance, to provide the Commission a single strong recommendation.</p> <p>UCS maintained detailed time records indicating the number of hours that were devoted to proceeding activities. All hours represent substantive work related to this proceeding. When staff ‘reviewed’ other staff work, this involved detailed comments, additional language, clarity of position, and effectiveness of recommendations, to ensure that the work product delivered to the Commission was substantive and useful. This activity was not merely grammar checking, but added significant value to the end product.</p> <p>Each of the Core Parties possessed particular expertise in distinctly different areas (e.g. NRDC – RD&D and legal and administrative structure, UCS – renewables, including bioenergy, and technology demonstration, Vote Solar – solar energy), providing all of the Joint Environmental Groups with information that each would have had to individually research. The Core Parties were also able share the responsibility of outreach to the larger Joint Environmental Groups, thus avoiding duplication of efforts</p> <p>Similarly, because the core parties filed only one set of pleadings representing six parties, other parties and the Commission were spared the need to review five additional sets of pleadings.</p>	<p>The hours claimed by UCS are reasonable given the breadth and quality of the joint comments they submitted.</p>

Ultimately, the Joint Environmental Groups truly captured the essence of productive, beneficial collaboration. Robust and substantial contributions were made through exceptionally efficient resource sharing and allocation. UCS is sincerely proud to have been a part of this effort.	
c. Allocation of Hours by Issue: See Attachment B	The allocation of hours by issue in attachment B have been compared to UCS time records and verified.

B. Specific Claim:

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Laura Wisland	2011	24.3	\$155	D.08-04-010, p.8; Res ALJ - 267	\$3,766.50	24.3	\$135	\$3280
Laura Wisland	2012	37.5	\$160	D.08-04-010, p.8; Res ALJ - 267	\$6,000.00	37.5	\$140	\$5250
Subtotal:					\$9,766.50	Subtotal:		\$8,530
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Laura Wisland	2011	1	\$77.50	D.08-04-010, p.8; Res ALJ - 267	\$77.50	1	\$67.5	\$67.50
Laura Wisland	2012	3	\$80	D.08-04-010 p.8; Res ALJ - 267	\$240.00	3	\$70	\$210
Subtotal:					\$317.50	Subtotal:		\$277.50
TOTAL REQUEST \$:					\$10,084.00	TOTAL AWARD \$:		\$8,808***

* 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.

**Travel and Reasonable Claim preparation time typically compensated at 1/2 of preparer's normal hourly rate.

*** Rounded to the nearest whole number.

C. CPUC Disallowances, Adjustments, and Comments:

#	Reason
Laura Wisland Hourly Rate 2012	An hourly rate of \$140 an hour is adopted for Laura Wisland’s work in 2012. Union of Concerned Scientists requested an hourly rate of \$160 for Ms. Wisland’s work in 2012. The Commission has established a 2011 hourly rate for Ms. Wisland of \$135 and hour in D.11-07-022. The resume and experience provided in the current claim for intervenor compensation are substantially similar to that used to establish Ms. Wisland’s rate in D. 11-07-022. We apply the 2011 rate in this decision and apply the 2.2% Cost of Living Adjustment adopted by the Commission in Resolution ALJ-281 to adopt Ms. Wisland’s 2012 hourly rate of \$140 hour. Wisland’s hourly rate for her work in 2011 and 2012 on intervenor compensation claims represents one half of the rate of \$135 and \$140 respectively. We adopt these rates.

PART IV: OPPOSITIONS AND COMMENTS
Within 30 days after service of this Claim, Commission Staff
or any other party may file a response to the Claim (see § 1804(c))

A. Opposition: Did any party oppose the Claim?	No
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B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(2)(6))?	Yes
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FINDINGS OF FACT

1. Union of Concerned Scientists has made a substantial contribution to Decisions (D.) 11-12-035 and D.12-05-037.
2. The requested hourly rates for Union of Concerned Scientists’ 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 are reasonable and commensurate with the work performed.
4. The total of reasonable contribution is \$8,808.

CONCLUSION OF LAW

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

ORDER

1. Union of Concerned Scientists is awarded \$8,808.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company shall pay Union of Concerned Scientists their respective shares of the award, based on their California-jurisdictional electric revenues for the 2011 calendar year, reflecting the year in which the proceeding was primarily litigated. Payment of the award shall include interest compound at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning October 13, 2012, the 75th day after the filing of The Utility Reform Network's request for intervenor compensation, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated _____, at Redding, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision? No
Contribution Decision(s):	D1112035; D1205037	
Proceeding(s):	R1110003	
Author:	ALJs David Gamson; ALJ Julie Fitch	
Payer(s):	Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company.	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier	Reason Change/Disallowance
Union of Concerned Scientists (UCS)	7/30/2012	\$10,084	\$8,808	No	Laura Wisland's hourly adopted rate for 2011 and 2012 has been adopted at a lower rate than requested because they were not sufficiently supported. The 2012 COLA from Res. ALJ-281 has been applied.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Laura	Wisland	Expert	Union of Concerned Scientists	\$155	2011	\$135
Laura	Wisland	Expert	Union of Concerned Scientists	\$160	2012	\$140

(END OF APPENDIX)