

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 WOMEN'S ENERGY MATTERS  
FOR SUBSTANTIAL CONTRIBUTIONS TO DECISIONS (D.) 12-04-046 AND  
D.12-01-033**

<b>Claimant: Women's Energy Matters (WEM)</b>	<b>For contribution to Decisions (D.) 12-04-046 and D.12-01-033</b>
<b>Claimed (\$): \$81,745.00</b>	<b>Awarded (\$): \$66,818.75 (reduced 18.2%)</b>
<b>Assigned Commissioner: Michael R. Peevey</b>	<b>Assigned ALJ: Peter Allen</b>

**PART I: PROCEDURAL ISSUES**

**A. Brief Description of Decisions:** D.12-01-033 was the decision in Track 2, the "IOUs bundled plans." D.12-04-046 was the decision in Track 1, the "system plans."

In this request, Women's Energy Matters (WEM) also claims compensation for our work in the prior Long-Term Procurement Plans (LTPP) proceeding Rulemaking (R.) 08-02-007. R.10-05-006 closed R.08-02-007, without issuing a decision in R.08-02-007.<sup>1</sup> The Commission has allowed parties to request compensation in subsequent proceedings for work that was unresolved in earlier dockets, especially when there wasn't any decision in the earlier docket.

<sup>1</sup> The prehearing conference (PHC) in R.08-02-007 was held April 2, 2008; WEM timely filed its notice of intent (NOI) on May 2, 2008. D.08-01-017 (January 10, 2008) in A.07-02-032 et al. ruled that WEM met the customer status and financial hardship requirements and was eligible for intervenor compensation (at 3-4).

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

	Claimant	CPUC Verified
<b>Timely filing of NOI claim compensation (§ 1804(a)):</b>		
1. Date of PHC:	June 14, 2010	Correct
2. Other Specified Date for NOI:		N/A
3. Date NOI Filed:	July 14, 2010	Correct
4. Was the NOI timely filed?		Yes
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on Administrative Law Judge (ALJ) ruling issued in proceeding number:		See Comment(s)
6. Date of ALJ ruling:		See Comment(s)
7. Based on another CPUC determination (specify):	D.10-05-049	Correct
8. Has the Claimant demonstrated customer or customer-related status?		Yes
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:		See Comment(s)
10. Date of ALJ ruling:		See Comment(s)
11. Based on another CPUC determination (specify):	D.10-05-049; D.12-02-034	Correct
12. Has the Claimant demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
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 <sup>2</sup>	Correct
16. Was the request for compensation timely?		Yes; the Commission accepts WEM’s

<sup>2</sup> **Rule 1.15 Computation of Time states:** When a statute or Commission decision, rule, order, or ruling sets a time limit for performance of an act, the time is computed by excluding the first day (i.e., the day of the act or event from which the designated time begins to run) and including the last day. If the last day falls on a Saturday, Sunday, holiday or other day when the Commission officers are closed, the time limit is extended to include the first day thereafter.

	application of Rule 1.15.
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**C. Additional Comments on Part I:**

#	Claimant	CPUC	Comment
	X		<p>D.12-01-033 Track 2 was silent as to inadvertent or planned nuclear shutdown and replacement, which was a considerable part of WEM’s work in that track. We<sup>3</sup> waited to file for compensation until the Track 1 decision, believing that it might be more likely to address the issue — based on the ALJ’s statement in the May 23, 2011 hearing that Track 1 would be a more appropriate place to address nuclear issues. May 23, 2011 Transcript, at 36-37 (see further discussion of this hearing below).</p> <p>The final decision in Track 1 noted only, “Reid and Women’s Energy Matters argue that the proposed decision should have addressed issues they raised relating to the continued use of nuclear power. While issues relating to the need for various generation resources are appropriate to address in an LTPP proceeding, those issues have been deferred as a result of the settlement, and accordingly it is reasonable to not address them in this decision.” D.12-04-046, at 68-69.</p> <p>Indeed, the successor LTPP, R.12-03-014 is considering the issues of nuclear power shutdown and replacement resources. WEM’s procedural accomplishments in the R.10-05-006 proceeding were substantial, as our work established that nuclear issues are indeed relevant to the LTPP and are appropriate to be considered here. Although there was no final decision on nuclear power issues (other than Pacific Gas and Electric (PG&amp;E)’s nuclear fuel contract), we believe that the Commission should award full compensation for WEM’s work in this area. Alternatively, the Commission could consider compensation for our nuclear-related work in R.10-05-006 after a decision on those matters in R.12-03-014. However, the earliest decision in that case is expected in late 2012.</p> <p>Having to wait so long for compensation for work done in R.10-05-006 would be contrary to the Intervenor Compensation statute, which requires CPUC to administer its provisions in a way that <i>encourages</i> parties’ effective and efficient participation. Pub. Util. Code § 1801.3(b).</p>
	X		<p><b>The following is a list of WEM’s filings in R.10-05-006:</b></p> <p><b>2010</b> July 9, 2010 WEM Amended Reply LTPP EE.pdf</p> <p><b>2011</b> February 24, 2011 WEM Amended PHC statement.pdf</p>

<sup>3</sup> “We” in sections drafted by the claimant or intervenor refers to the Women’s Energy Matters.

		<p>(Note: the original PHC statement had two attachments, the ISO- New England Manual for Measurement of Demand Resources, and a 4-pg. extract from ISO-NE’s power point report on its 2009 Forward Capacity Auction; per ALJ request we re-filed the PHC statement with links to these documents instead of attachments.)</p> <p>May 11, 2011 WEM s Reply testimony.pdf</p> <p>May 23, 2011 WEM Testimony Track 2 Alternative Bundled Procurement Plan-errata.pdf (original filing May 4, 2012) (with Attachment A – CA_Excess_Energy_Without_Nuclear.pdf)</p> <p>May 23, 2011 WEM Response to PG&amp;E-SCE Motion to Strike.pdf</p> <p>August 4, 2011 WEM Testimony Track I and III.pdf</p> <p>September 16, 2011 WEM opening brief Track I &amp; III.pdf</p> <p>October 3, 2011 WEM Reply Brief Tracks I &amp; III.pdf</p> <p>December 5, 2011 WEM Reply re PD Track II.pdf</p> <p><b>2012</b></p> <p>March 12, 2012 WEM Comment PD Track 1.pdf</p> <p>March 19, 2012 WEM Reply Comments.pdf</p> <p><b>The following is a list of WEM’s filings in R.08-02-007:</b> R.08-02-007 WEM filings</p> <p><b>2009</b></p> <p>August 21, 2009 WEM Comment LTPP Planning Standards.pdf (with Attachment A – New England ISO EE Manual.pdf)</p> <p>August 31, 2009 WEM Reply LTPP Planning Standards.pdf</p>
<p>5-10</p>	<p>X</p>	<p>WEM satisfied the showings of (1) customer status and (2) significant financial hardship in its NOI to Claim Intervenor Compensation. WEM’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. WEM establishes significant financial hardship under Pub. Util. Code §1804(1)(b) 1804(1)(b) that specifies “a finding of significant financial hardship shall create a rebuttable presumption for eligibility for compensation in other Commission proceedings commencing within one year of the date of that finding.” A showing of significant financial hardship was established for WEM in D.10-05-049. Since D.10-05-049 was issued within one year of WEM filing its NOI in R.10-05-006, WEM may establish financial hardship via a rebuttable presumption.</p>

**PART II: SUBSTANTIAL CONTRIBUTION**

**A. Claimant’s claimed contribution to the final decision(s):**

Contribution	Specific References to Claimant’s Presentations and to Decision	Showing Accepted by CPUC
<p><i>Note: Generally, in this section, we first address WEM’s contributions to D.12-01-033, the Track 2 decision on bundled procurement plans, then our contributions to D.12-04-046, and finally our earlier contribution in the prior LTPP, R.08-02-007.</i></p>		
<p>WEM submitted an Alternative Bundled Procurement Plan to provide a more cohesive vision of how procurement issues could be addressed in ways that better fulfill California’s clean resource goals.</p>	<p>The ALJ ruled February 10, 2012 that parties could propose an alternative bundled resource plan and/or comment on the utilities’ bundled procurement plans. D.12-01-033 stated, “The changes to the utilities’ procurement authority that are made in this decision are largely technical revisions ... and clarifications based on past experience and issues raised by the parties.” D.12-01-033, at 4.</p> <p>While WEM is not specifically mentioned as one of “the parties,” we clearly raised issues that contributed to the decision, as we describe below in this Request.</p> <p><i>The Commission has found:</i></p> <p>PG&amp;E argues that WEM did not make a substantial contribution to D.07-12-052 and asserts the following: 1) The fact that WEM is only referred to once in D.07-12-052 shows that WEM did not make a substantial contribution to the proceeding; 2) The testimony WEM submitted consisted of unsupported and speculative statements that was neither cited nor referred to in D.07-12-052 ... 3) WEM often focused on issues that were outside the scope of the hearing.</p>	<p>Yes, subject to the discussion in Section II.C below.</p>

	<p>The flaw we find in PG&amp;E’s argument is three-fold. First, PG&amp;E parses and selectively reviews WEM’s participation. Second, the fact that WEM is not specifically credited with making a substantial contribution on a particular issue does not mean that a substantial contribution was not made. <u>Where a decision states a position that is consistent with that asserted by a party we may infer that the party made a contribution on that issue.</u> D.09-04-043, at 6-7 (<i>emphasis added</i>).</p>	
<p>The intervenor compensation statute, Pub. Util. Code §1802(i) states in part:</p> <p>“Substantial contribution” means that, in the judgment of the commission, the customer’s presentation has substantially assisted the commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, <u>or specific policy or procedural recommendations presented by the customer.</u>”</p> <p>WEM made a major procedural contribution by arguing for the commission to consider nuclear power in the context of the LTPP, which was accepted. WEM May 23, 2011 Reply to Utilities’ Motions to Strike (all), and B. George oral argument in May 23, 2011 hearing. While the ALJ suggested that the issue might be more pertinent to Track 1 than Track 2, we argued for addressing nuclear issues as soon as possible.</p> <p>“I’m basically saying we have a choice here. We could take a terrible risk of this steel in the ground taking itself out, you know, because of malfunction of parts which are about to break</p>	<p>At the May 23, 2011 hearing, ALJ Allen ruled that the issue of nuclear power was xxxin-scope/relevant to procurement and that xxxhe would hear/parties could submit arguments in this proceeding.</p> <p>The ALJ first stated:</p> <p>“I may want to hear a little more on this, because, Ms. George, a couple of things. One of them is this track, Track II, as I indicated, was this is a relatively short-term look and is designed not to result in new steel in the ground. Which by the same token I think would tend to mean we are not taking major chunks of steel out of the ground.</p> <p>Now, the question of more steel in the ground and more steel out of the ground I think could be a more relevant issue for Track I...</p> <p>If your testimony is designed as basically providing kind of a general policy guidance for the Commission in this proceeding as we move forward, these are overarching principles to keep in mind, then I would be inclined to leave your testimony in place.” May 23, 2011 Hearing Transcript, at 35-36.</p> <p>At the hearing the ALJ denied utilities’</p>	<p>Yes, subject to the discussion in Section II.C below.</p>

<p>anyway, or some, you know, earthquake catastrophe. So I'm not necessarily saying that...the Commission is going to take these resources off-line, although I would certainly recommend that. ... [W]hat we are proposing is that if we had a plan for what to do if these resources were – took themselves off-line, or if the Commission decided that it was prudent to take the step, or if PG&amp;E decided to protect its shareholders by saving them the embarrassment and problem of, you know, a catastrophe that hadn't been planned for, then we would be able to take that step; but if we hadn't made any kind of plans, we wouldn't." May 23, 2011 Hearing Transcript, at 38-40.</p> <p>Throughout our testimony, briefs and hearings, WEM discussed the need to create a plan for clean replacement resources for nuclear power, because they could shut down at any moment — either in an unexpected outage or in the event that the state decided they were not needed because of reliability and/or cost concerns. We pointed out that the sudden loss of such large units could create emergency reliability problems, especially if a nuclear outage persisted through hot summer months without sufficient advance planning. We also discussed the high costs of dealing with this problem in an emergency, and the potential for catastrophic reliability problems and costs if a nuclear disaster occurred because of earthquakes, tsunamis, equipment failures or human errors. e.g. WEM May 23, 2011 Testimony Track 1, at 8-10, WEM August 4, 2011 Testimony Track 1, at 24-30, WEM October 3, 2011 Reply Brief Track 1, at 16-22.</p>	<p>Motion to Strike, meaning that WEM's Track 2 testimony on nuclear issues was indeed admissible:</p> <p>"I think what I'm going to do based on what I've heard and my reading is I'm going to deny PG&amp;E's motion to strike the testimony of Women's Energy Matters." <i>Ibid</i>, at. 41.</p> <p>The Track 2 decision was silent on the nuclear issues raised by WEM; the Track 1 decision mentioned that these issues were left unresolved because of the settlement, and would be deferred to the next LTPP proceeding (see section marked with red 8, above).</p> <p>Subsequently The OIR for the successor LTPP proceeding, R.12-03-014, recognized the need to consider nuclear shutdown and replacement issues, and also stated that the record in R.10-05-006 would be incorporated into the new proceeding.</p>	
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<p>As news dribbled out about the ongoing Fukushima disaster, WEM provided updates on the negative impacts on Japan’s electricity reliability and costs, and overall economic woes resulting from the Fukushima disaster —pointing out that California could experience similar problems if California nuclear reactors became similarly disabled.</p> <p>We analyzed why utilities assume that replacement of nuclear power will be so expensive and time consuming: pursuant to NRC guidelines, they assume they must use a single resource as an alternative to nuclear power, which pushes them towards natural gas or coal, rejecting all clean resources. WEM Reply to Proposed Decision Track 1, at xxx.</p>		
<p>WEM recommended adoption of the standardized planning assumptions. We discussed the large glut of power in California currently, which will persist through 2020. May 23, 2011 Track 2 Testimony, at 5. We also created the “Excess Energy with Nuclear Power” chart based on the CPUC’s assumptions attached to the February 10, 2011 Ruling, which we submitted as an attachment with WEM’s May 23, 2011 Testimony. Our chart graphically illustrated the energy glut in California, demonstrating that the state would still have 46% more power than it needs in 2021, even if both California nuclear power plants were retired.</p> <p>WEM’s work on development of planning assumptions, particularly with regard to Excess Energy (EE), began in R.08-02-007 and continued in R.10-05-006. For example, WEM July 9, 2010 Reply (amended). (Also</p>	<p>The Track 2 decision endorsed the Planning assumptions as follows:          “Accordingly, the record in this proceeding relies heavily upon the standardized planning assumptions that the utilities were required to use in preparing their proposed procurement plans... While we should not force utility procurement to precisely conform to the standardized planning assumptions, the utilities cannot just disregard the standardized planning assumptions and procure whatever they want.” D.12-01-033 at 6-7.</p>	<p>Yes, subject to the discussion in Section II.C below.</p>

<p>see last item, below, re R.08-02-007).</p>		
<p>Throughout both tracks of R.10-05-006 and the prior LTPP R.08-02-007, WEM discussed the Loading Order at length and recommended specific ways to cut through barriers to the use of all grid-reliable resources in procurement. We focused particularly on ensuring that the Loading Order applies in an ongoing way to EE, DG and small renewables, contrary to utilities’ assumptions that after they meet their preferred resource targets set in other proceedings, from then on they can procure conventional resources. See, e.g. WEM Testimony Track 2, at 16-21, June 20, 2011 WEM Track 2 Opening Brief, at 4-20, June 30, 2011 WEM Track 2 Reply Brief, at 10.</p> <p>We noted the utilities’ opposition to the loading order in hearings, e.g. WEM Opening Brief, Track 1, at 18.</p>	<p>D.12-01-033 ordered utilities to follow the Loading Order, clarified that it is “ongoing” and discussed at length how to apply the loading order including with regards to EE. D.12-01-033, at 16-22.</p> <p>“Given the differing interpretations of the loading order offered in this proceeding, it is important that we clarify the correct implementation of the loading order... Accordingly, to clarify the Commission’s position, we expressly endorse the general concept that the utility obligation to follow the loading order is ongoing. The loading order applies to all utility procurement, even if pre-set targets for certain preferred resources have been achieved.” D.12-01-033, at 20. COL 7 and OP5 made similar statements.</p> <p>The Track 1 decision reiterated the previous decision’s commitment to the loading order, at 43.</p>	<p>Yes, subject to the discussion in Section II.C below.</p>
<p>WEM discussed the fact that the CPUC’s independent evaluation, measurement &amp; verification reports (EM&amp;V) reports on 2006-08 stated that EE results fell far short of the goals, differing significantly from the EE accomplishments claimed by utilities, which formed the basis of a bitterly contested May 3 EE decision (D.10-12-049). We cited Grueneich’s dissent to IOU EE exaggerations in at 18, fn. 12.</p> <p>In many filings in this case, we warned that there is a lack of enforcement and accountability for EE results, which could result in procurement shortfalls. We pointed out that utilities resist orders in the EE proceedings to make up shortfalls. E.g. WEM Opening</p>	<p>The Track 2 decision recognized the potential for utilities to miss their goals, urged them not to pretend to have met them, and took the additional step of requiring them to make up shortfalls under certain circumstances.</p> <p>The decision’s language echoed WEM’s concerns and recommendations:</p> <p>“Our priority here is ensuring that there is adequate overall procurement within the requirements of section 454.5. For example, if the Commission, in an energy efficiency proceeding, ordered the utilities to obtain 1000 units of energy efficiency, that order is still in effect, and the utilities still need to comply with that order. But if for some reason the utilities only obtained 900</p>	<p>Yes, subject to the discussion in Section II.C below.</p>

<p>Testimony in Track 2, at 19-20.</p> <p>On the other hand, WEM noted the potential for EE savings to be much larger than current goals, and contribute much more to procurement. We provided a chart showing that independent, non-utility EE program providers in Texas achieve 4.5 x the savings per dollar as California. WEM May 11, 2011 Reply Testimony Track 2, at 5. Thus, WEM demonstrated that IOUs could in fact make up past shortfalls.</p> <p>We discussed procurement-related EE issues further in our Oct. 3, 2011 Reply Brief, including a detailed analysis of the Incremental EE Report. at 1-16.</p> <p>It is clear that WEM made significant contributions to these proceedings with regards to EE.</p>	<p>units of energy efficiency, the utilities do not need to pretend that they actually got 1000 and refrain from procurement to make up the shortfall. For procurement purposes, the utilities need to make up the shortfall. The utilities may have to explain to the Commission elsewhere why they failed to comply with the energy efficiency requirement, but if the procurement needed to make up the shortfall is within the parameters specified in this decision, for procurement purposes the utilities do not need to seek Commission approval for the variation.” D.12-01-033, at 22.</p> <p>While WEM is not specifically mentioned, it is clear that WEM contributed substantially to the Commission’s thinking on this issue.</p>	
<p>WEM provided the Commission with alternative methodology such as ISO-New England’s Manual for Measurement of Demand Side Resources, the use of which would ensure more robust, grid-reliable EE alternatives to current EE programs, as well as DG. Links to ISO-NE resources, including its Manual and Forward Capacity Auction were included in WEM’s February 24, 2011 Amended PHC Statement, at 3, as well as May 23, 2011 WEM Testimony Track 1, at 18-19.</p> <p>WEM’s Testimony also described the interconnection problems of small renewables (Rule 21). <i>Ibid</i>, at 13-14.</p>	<p>At the May 23, 2011 hearing, PG&amp;E specifically asked the Judge to strike the portions of WEM’s testimony pertaining to EE and the interconnection problems of small renewables (Rule 21). The judge denied PG&amp;E’s request. May 23,2011 Transcript, at 41.</p>	<p>Yes, subject to the discussion in Section II.C below.</p>
<p>WEM’s participation in R.08-02-007 raised issues of the loading order in procurement, particularly EE. For example, this is the first LTPP where</p>	<p>The R.08-02-007 proceeding mainly addressed Standardized Planning Assumptions. This work was further developed in R.10-05-006.</p>	<p>Yes.</p>

<p>we submitted the ISO-New England Manual for Measurement of Demand Resources in capacity markets. WEM Comment LTPP Planning Standards, August 21, 2009.</p>		
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**B. Duplication of Effort (§§ 1801.3(f) & 1802.5):**

	<b>Claimant</b>	<b>CPUC Verified</b>
<p><b>a. Was the Office of Ratepayer Advocates (ORA)<sup>4</sup> a party to the proceeding?</b></p>	<p><b>Yes</b></p>	<p><b>Yes</b></p>
<p><b>b. Were there other parties to the proceeding with positions similar to yours?</b></p>	<p><b>Yes</b></p>	<p><b>Yes</b></p>
<p><b>c. If so, provide name of other parties:</b> Pacific Environment, Sierra Club, CBE, TURN, Green Power Institute, Jan Reid.</p>		<p><b>Yes</b></p>
<p><b>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:</b></p> <p>WEM has pioneered the effort to ensure that procurement follows the loading order, through three procurement dockets; our work (particularly on EE) has informed most of the other parties who are now joining us to address this issue in the LTPP. Each of us has different types of expertise that we bring to bear in different ways. While DRA and other parties in this proceeding limited their work to analyzing the utilities’ plans, WEM also provided a comprehensive vision of practical alternatives in our Alternate Procurement Plan. WEM’s EE analysis was unique in several ways, for example that it offered a detailed, insider’s view of the inputs to the uncommitted EE report, which add to its uncertainty, and the utilities’ failure to meet their targets according to the CPUC staff and consultants EM&amp;V reports. WEM also provided perspectives on how other states are fully incorporating EE, DR and DG resources into procurement. We analyzed what needs to change in the measurement of EM&amp;V and accountability of EE providers to meet their targets, in order for EE to be grid-reliable.</p> <p>WEM discussed our approach to the nuclear issues with Jan Reid. While Reid proposed a new proceeding to discuss all nuclear issues, WEM recommended the LTPP proceeding as the appropriate place to consider replacement resources for nuclear power, as well as the inadvertent or planned shutdown of nuclear power plants.</p>		<p>Yes; we make no reduction of this claim for duplication of effort.</p>

<sup>4</sup> “The Division of Ratepayer Advocates was renamed effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.”

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

#	Claimant	CPUC	Comment
1		X	WEM’s participation in matters relating to Tracks 1 and 3 of this proceeding is generally reasonable to compensate. However, WEM did not make a substantial contribution to this proceeding’s Track 2. WEM was very inefficient in the hearing room for issues relating to Track 2 and did not help in the production of D. 12-01-033. As such, all work done in relation to D.12-01-033 is eliminated from the total amount claimed by WEM.

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

<b>a. Concise explanation as to how the cost of Claimant’s participation bears a reasonable relationship with benefits realized through participation:</b>	CPUC Verified
<p>WEM introduced cost-effective alternatives to current procurement planning, including “systems thinking” and better ways to incorporate “loading order” resources (Demand Side and Distributed Generation technologies) — which have proved effective in other states or countries or CA publicly owned utilities like SMUD — all of which result in lower energy costs and rates than CA IOUs. WEM also established that the potential shutdown and replacement of nuclear power is appropriate to address in the LTPP. Both Track 1 and 2 decisions clarified the loading order and ordered utilities to embrace it in “ongoing” procurement. While the future savings that this is likely to produce are in the billions of dollars, it is not possible to exactly quantify the amounts, given the varying effectiveness with which utilities may implement the Commission’s orders and actually realize these savings. Many questions of rules, methodology, renewables “integration,” local capacity and replacement of specific resources, including nuclear power, were kicked forward into the next LTPP.</p>	<p>After the reductions and disallowances made to this claim, we find the remaining hours and costs to be reasonable and worthy of compensation.</p>
<p><b>b. Reasonableness of Hours Claimed.</b></p> <p>WEM’s claim is very reasonable. The Commission had the benefit of our deep knowledge of EE issues from a decade of involvement in CPUC EE proceedings as well as our familiarity with best practices from around the nation for utilizing EE in procurement; our nuclear expertise draws on 30 years experience with this issue and close involvement with international efforts to learn from the Fukushima nuclear disaster.</p>	<p>After the reductions and disallowances made to this claim, we find the remaining hours claimed to be reasonable.</p>

<p><b>c. Allocation of Hours by Issue</b></p> <p>Issues</p> <ul style="list-style-type: none"> <li>10% Unreliability and costs of nuclear power given what we are learning from Fukushima</li> <li>10% Alternative procurement plan (methodology for planning and utilizing clean alternatives to replace nuclear power and OTC gas resources according to the Loading Order)</li> <li>3% Short-term clean resource planning (e.g. for potential sudden loss of nuclear power)</li> <li>10% IOUs bundled program plans</li> <li>10% System planning</li> <li>1% Relationship of utility procurement to CCAs and DAs</li> <li>8% Local capacity area planning</li> <li>8% Loading Order</li> <li>3% IOUs procurement methodology as a barrier to the Loading order</li> <li>5% Standardized Planning Assumptions – overall issues</li> <li>5% Uncertainty of “uncommitted incremental energy efficiency” assumptions (current EE programs)</li> <li>4% Difficulties of planning with EE and local solar resources “embedded” in demand forecasts</li> <li>8% Use of energy efficiency as capacity, as ISO-New England is doing</li> <li>4% Participation of demand resources in RFOs</li> <li>2% Renewables integration</li> <li>3% Interconnection of small renewables</li> <li>1% Use of EE for GHG reductions</li> <li>5% General Participation (not associated with particular issue)</li> </ul>	<p>Verified.</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 \$
Barbara George R0802007	2008	7.25	170	D. 10-09-039	\$1,232.50	7.25	\$170	\$1,232.50
Barbara George R0802007	2009	21	179 <sup>5</sup>	D. 10-09-039	\$3,570.00	15.25	\$175	\$2,668.75
Barbara George R.10-05-006	2010	20 <sup>6</sup>	\$175	D. 12-02-034	\$3,500.00	19.5	\$175	\$3,412.50
Barbara George R.10-05-006	2011	370.5	\$175	D. 12-02-034	\$64,837.5	299	\$175	\$52,325.00
Barbara George R.10-05-006	2012	35.5	180	request increase based on added years of experience	\$6,390.00	31.5	\$180	\$5,670.00
<b>Subtotal:</b>					<b>79,530.00</b>	<b>Subtotal:</b>		<b>\$65,308.75</b>
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Barbara George R0802007	2008	5.75	85	D1009039	488.75	3.75 <sup>7</sup>	\$85	\$318.75
Barbara George R.10-05-006	2010	2.5	87.50	D1202034	\$218.75	0.5 <sup>8</sup>	\$87.50	\$43.75
Barbara George R.10-05-006	2012	16.75	87.50	D1202034	\$1,507.50	12.75	\$90	\$1,147.50
<b>Subtotal:</b>					<b>\$2,215.00</b>	<b>Subtotal:</b>		<b>\$1,510.00</b>

<sup>5</sup> D. 10-09-039 sets Ms. George's 2009 hourly rate at \$175, not \$179. WEM's math suggests they meant to write \$170 in this box (21 x \$170 = \$3,570). The Commission will apply the established rate of \$175 per hour moving forward.

<sup>6</sup> After reviewing WEM's timesheets, the correct amount of time they claim for work in 2010 is 23.5 hours, not 20. The correct amount of time will be used moving forward.

<sup>7</sup> See Disallowances & Adjustments number 1 and 2 in Section D below.

<sup>8</sup> See Disallowances & Adjustments number 1 and 2 in Section D below.

COSTS					
#	Item	Detail	Amount	Amount	
<i>Subtotal:</i>				<i>Subtotal:</i>	
<b>TOTAL REQUEST \$:</b>			<b>81,745.00</b>	<b>TOTAL AWARD \$:</b>	<b>\$66,818.75</b>
<p>*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant's records should identify specific issues for which it 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>					

### C. CPUC Disallowances & Adjustments:

#	Reason
1. Disallowance for Clerical and Administrative work.	The Commission disallows awards for administrative overhead. <sup>9</sup> In accordance with this practice, we disallow WEM's claimed clerical and administrative tasks (i.e. filing, formatting, serving, etc.). Thus we reduce WEM's claim by the following amounts: 1 hour for work completed in 2008 (this amount was counted under half-time compensation); 2 hours for work completed in 2009; 2 hours for work completed in 2010; 3 hours for work completed in 2011; and 2 hours for work completed in 2012.
2. Disallowance for Rule 17.4(b) violation.	Rule 17.4(b) in the Commission's Rules of Practice and Procedure specifies that intervenors shall include time records of hours worked and identify each issue/task performed. Issues and/or tasks that are combined in one timesheet entry are a violation of Rule 17.4(b). Thus we reduce WEM's entries that combine tasks by 1 hour each. We reduce WEM's claim by the following amounts: 1 hour for work completed in 2008 (this amount was counted under half-time compensation); 2 hours for work completed in 2009; 2 hours for work completed in 2010; 3 hours for work completed in 2011; and 2 hours for work completed in 2012.
3. Disallowance for unproductive effort(s).	WEM's participation in matters relating to Tracks 1 and 3 of this proceeding is generally reasonable to compensate. However, WEM did not make a substantial contribution to Track 2 in this proceeding. WEM was very inefficient in the hearing room for issues relating to Track 2 and did not help in the production of D.12-01-033. As such, all work done in relation to D.12-01-033 will be eliminated from the total amount claimed by WEM. Thus we reduce WEM's claim by 65.5

<sup>9</sup> See D.12-02-034 at 13; D. 11-07-024.

	hours for work completed in 2011 related to Track 2 issues.
4. Increase in 2012 hourly rates.	Abiding by Resolution ALJ-281 Ms. George's 2012 hourly rate has been raised to reflect the 2.2% Cost-of-Living Adjustment adopted by the resolution.

**PART IV: OPPOSITIONS AND COMMENTS**

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

1. Women's Energy Matters has made a substantial contribution to Decision 12-04-046.
2. The requested hourly rates for Women's Energy Matters' 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 \$66,818.75.

**CONCLUSION OF LAW**

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

**ORDER**

1. Women's Energy Matters is awarded \$66,818.75.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company shall pay Women's Energy Matters their respective shares of the award, based on their California-jurisdictional electric revenues for the 2011 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning September 8, 2012, the 75<sup>th</sup> day after the filing of Women's Energy Matters' request, and continuing until full payment is made.

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

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

## APPENDIX

## Compensation Decision Summary Information

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D1204046, D1201033		
<b>Proceeding(s):</b>	R1005006, R0802007		
<b>Author:</b>	ALJ Peter Allen		
<b>Payer(s):</b>	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
Women's Energy Matters	6/25/12	\$81,745.00	\$66,818.75	No	Disallowance for Clerical and Administrative Work; Disallowance for Rule 17.4(b) violation; Disallowance for Unproductive Efforts; Resolution ALJ-281.

## Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Barbara	George	Advocate	WEM	\$170	2008	\$170
Barbara	George	Advocate	WEM	\$179	2009	\$175
Barbara	George	Advocate	WEM	\$175	2010	\$175
Barbara	George	Advocate	WEM	\$175	2011	\$175
Barbara	George	Advocate	WEM	\$180	2012	\$180

(END OF APPENDIX)