

Decision **PROPOSED DECISION OF ALJ YACKNIN**  
(Mailed 10/1/2013)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of Application of Southern California Edison Company (U338E) for Approval of Agreements to Sell Its Interests in Four Corners Generation Station.

Application 10-11-010  
(Filed November 15, 2010)

**DECISION GRANTING COMPENSATION TO SIERRA CLUB FOR  
SUBSTANTIAL CONTRIBUTION TO DECISION 12-03-034**

<b>Claimant:</b> Sierra Club	<b>For contribution to Decision (D.) 12-03-034</b>
<b>Claimed (\$):</b> 88,684	<b>Awarded (\$):</b> 30,017
<b>Assigned Commissioner:</b> Michael Peevey	<b>Assigned ALJ:</b> Hallie Yacknin

**PART I: PROCEDURAL ISSUES**

**A. Brief Description of Decision:** In D.12-03-034 the Commission generally approved the agreement by which Southern California Edison Company (SCE) proposed to sell its partial ownership interest in Four Corners Generating Station (Four Corners). The decision addressed a range of issues concerning whether the plant was necessary and useful in providing utility service to SCE customers and the environmental impacts from the proposed transaction.

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

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	February 1, 2011	Correct
2. Other Specified Date for NOI:		

3. Date NOI Filed:	February 28, 2011	Correct
4. Was the NOI timely filed?		Yes
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	Application (A.) 10-11-015	Correct
6. Date of ALJ ruling:	June 3, 2011	Correct
7. Based on another CPUC determination (specify):		
8. Has the Claimant demonstrated customer or customer-related status?		Yes
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	A.10-11-015	Correct
10. Date of ALJ ruling:	June 3, 2011	Correct
11. Based on another CPUC determination (specify):		
12. Has the Claimant demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.12-03-034	Correct
14. Date of Issuance of Final Order or Decision:	03/30/2012	Incorrect. The Final Decision was issued on March 22, 2013.
15. File date of compensation request:	05/29/2013	Correct
16. Was the request for compensation timely?		Yes

**PART II: SUBSTANTIAL CONTRIBUTION**

**A. Claimant’s description of its contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059).**

<b>Contribution</b>	<b>Specific References to Claimant’s Presentations and to Decision</b>	<b>Showing Accepted by CPUC</b>
<p>Sierra Club made a substantial contribution to the Commission’s evaluation of the environmental impacts of the sale. Sierra Club further raised a number of significant issues that the Commission addressed in various rulings, including, but not limited to the following.</p> <p><b>1. SCOPING RULING AND PROCEDURAL ISSUES:</b></p>	<p>SCE Amended Application, at 2; Club’s Motion to Intervene at 4-6. SCE’s Response to Club’s Motion to Intervene at 4; Scoping Ruling at 2-6; ALJ Proposed Decision at 2, 5-7; Final Decision at 2, 5-7.</p> <p>Sierra Club’s April 11, 2011 Motion to Compel Discovery at <i>passim</i>; Reporter’s Transcript of April 25, 2011 Discovery</p>	<p>1. A. D.12-03-034 does not address the issue of whether or not CEQA applies to the application. Sierra Club addressed the issue in its motion for party</p>

<p>In its Scoping Ruling for this proceeding, the Commission found California Environmental Quality Act (CEQA) to be applicable to the sale despite SCE claim of exemption.</p> <p>During the course of discovery, Sierra Club successfully compelled SCE to produce information related to the existing condition of Units 4 and 5 of the Four Corners power plant. At the close of the nearly two-hour discovery hearing, Judge Yacknin directed SCE to produce much of the contested materials.</p> <p><b>2. Compliance With SB 1368 And The Commission’s Emissions Performance Standard</b></p> <p>In the first phase of this proceeding, Sierra Club made extensive arguments related to the sale’s compliance with SB 1368 and the Commission’s Emissions Performance Standard (EPS). More specifically, Sierra Club argued that the EPS bans any post -2011 investment in the power plant and that a number of the investments proposed by SCE were life-extending and/or capacity-increasing. Sierra Club further argued that SCE had failed to meet its burden of proof to demonstrate otherwise.</p> <p><b>3. California Environmental Quality Act – Negative Declaration</b></p> <p>The second phase of this proceeding involved comments and briefing on the CPUC’s CEQA document – the negative declaration (Neg Dec). Sierra Club’s extensive comments on the Neg Dec included an expert report from Dr. Petra Pless. Sierra Club’s comments raised concerns related to the adequacy of the document’s project description and its substantive environmental analysis, including its initial lack of quantitative significance thresholds, its conclusion of no significant environmental impact and its failure to consider cumulative impacts.</p>	<p>Conference at p.64: lines 6-8 and at 67: lines 4-5.</p> <p>Sierra Club’s Interim Opening Brief at <i>passim</i>; Proposed Decision at 12-15 and Final Decision at 12-16.</p> <p>Sierra Club’s November 3, 2011 CEQA comments on the Neg Dec., at <i>passim</i>; Dr. Petra Pless’s November 2011 CEQA comments on the Neg Dec; Sierra Club’s February 6, 2012 Opening Brief at <i>passim</i>, Sierra Club’s February 16, 2012 Reply Brief at <i>passim</i>; Proposed Decision at 25-28; Final Decision at 25-28.</p> <p>Draft initial study and negative declaration dated September 2011; See Sierra Club’s November 3, 2011 comments on draft initial study and negative declaration; see Dr. Petra Pless’s November 2011 comments on the draft initial study and negative declaration; See staff’s response to comments and Final initial study and negative declaration, marked as Exhibits 19 and 26 to the evidentiary record.</p>	<p>status. The scoping memo recognized Energy Division’s determination that it would conduct a CEQA review on the application. Though Sierra Club did not prevail on the issues of the scoping memo, Sierra Club’s hours for preparing its motion for party status are reasonable.</p> <p>A. D.12-03-034 does not address issues of whether or not Sierra Club is entitled to its requested discovery. To the extent that Sierra Club made a substantial contribution to issues addressed in D.12-03-034, its associated, reasonable costs of litigation, including costs of pursuing discovery, are compensated. Procedural motions do not constitute independent issues and prevailing on motions does not generally constitute a</p>
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<p>After spending a considerable amount of time reviewing and responding to Sierra Club’s comments, Commission staff made significant modifications to the Neg Dec, including major revisions to the project description and emissions analyses. The final negative declaration further introduced quantitative significance thresholds for the first time.</p> <p>Although Sierra Club did not prevail in persuading the Commission to disapprove Edison’s proposed investments or in persuading the Commission to prepare an environmental impact report on the sale and associated capital investment in Four Corners, the Club spent considerable amount of time and effort commenting on and briefing these issues for the purpose of establishing a robust legal and factual record for the Commission to consider. The significant modifications to the Neg Dec and the Final Decision’s detailed response to Sierra Club’s arguments are clear indications of the Sierra Club’s role in aiding the Commission’s deliberation on this issue.</p> <p>Moreover, in awarding intervenor compensation, the Commission evaluates whether the intervenor made a substantial contribution to the Commission’s decision, not whether the intervenor prevailed on a particular issue. For example, in D.11-010-041, the Commission awarded compensation to the Center for Biological Diversity (CBD) despite having denied CBD’s motion to reconsider and revise the scoping order and leave to file testimony on CEQA issues. In granting CBD’s request for compensation, the Commission explained that “although it is difficult to assign a dollar value to [CBD’s] participation in this proceeding, its participation assisted the Commission in developing a complete record” on the CEQA issues related to the case. <i>Id.</i> at 5.</p> <p>Here, Sierra Club not only submitted detailed comments on the Commission’s Neg Dec,</p>		<p>substantial contribution to the issues in the proceeding. The lack of depth and breadth as well as their lack of success result in a decrease in their compensation.</p> <p>2. No, the Commission rejected Sierra Club’s position on compliance with SB 1368 and EPS. The Commission found that divesture of SCE’s interest in Four Corners was consistent with SB 1368 mandating a greenhouse gas EPS, and the Commission’s decisions establishing and implementing the EPS for SCE. Sierra Club’s compensation request has been decreased on this issue.</p> <p>3.A. The Commission disagreed with Sierra Club’s arguments that CEQA requires an Environmental Impact Report (EIR) on the</p>
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<p>but motivated detailed and lengthy responses which led to significant modifications to the final Neg Dec for the project. Just as in the above-mentioned CBD decision(D.11-010-041), by improving the Neg Dec’s environmental analysis , the Club’s participation was “productive and will likely result[] in future benefits to ratepayers...” <i>Id</i> at 6.</p> <p>In the past, the Commission has recognized that it “may benefit from an intervenor’s participation even where the Commission did not adopt any of the intervenor’s positions or recommendations.”</p> <p>D.08-04-004 (in the review of SCE’s contract with Long Beach Generation, A.06-11-007), at 5-6. In that case, the intervenor’s The Utility Reform Network (TURN’s) opposition focused on the need for the generation resource and its cost-effectiveness. The Commission stated, “The opposition presented by TURN and other intervenors gave us important information regarding all issues that needed to be considered in deciding whether to approve SCE’s application. As a result, we were able to fully consider the consequences of adopting or rejecting the LBG PPA. Our ability to thoroughly analyze and consider all aspects of the proposed PPA would not have been possible without TURN’s participation.” <i>Id.</i>, at 6. The Commission thus found that TURN had made a substantial contribution even though its positions had not been adopted, and awarded TURN intervenor compensation for all of the reasonable hours devoted to the proceeding.</p> <p>The Commission reached yet another similar conclusion in D.09-04-027, awarding intervenor compensation for TURN’s efforts in the SCE AMI proceeding (A.07-07-026). There, the Commission found that TURN made a substantial contribution even on issues where TURN did not prevail, as TURN’s efforts “contributed to the inclusion of these issues in the Commission’s deliberation” and caused the Commission to “add more discussion on the issue, in part to address TURN’s comments.” D.09-04-027, at 4.</p>		<p>application.</p> <p>B. Yes, Energy Division revised the draft Mitigated Negative Declaration (MND) based on Sierra Club’s comments, which substantially contributed to the final MND that the CPUC adopted in D. 12-03-034.</p> <p>C. The Commission did not ultimately adopt the Sierra Club’s recommendations on the CEQA review. However their time contributing on this issue is compensable, in part. The amount of time spent on this issue is excessive given the lack of contribution to the decision and Sierra Club’s claim has been reduced to reflect this inefficiency and lack of success.</p>
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<p>Although the Commission did not ultimately adopt the Club’s recommendations, Sierra Club’s participation resulted in CEQA review, helped “develop a complete factual record” and caused the Commission to “add more discussion” to its environmental analysis, thus warranting an award of intervenor compensation in this case. D.11-010-041 at 5-6; D.09-04-027, at 4.</p>		
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**B. Duplication of Effort (§§ 1801.3(f) & 1802.5):**

	<b>Claimant</b>	<b>CPUC Verified</b>
<p>a. <b>Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?</b><sup>1</sup></p>	<p><b>Yes</b></p>	<p><b>Correct</b></p>
<p>b. <b>Were there other parties to the proceeding with positions similar to the comments?</b></p>	<p><b>No</b></p>	<p><b>Correct</b></p>
<p>c. <b>Name of other parties (if applicable):</b></p>		
<p>d. <b>Claimants description of how it coordinated with ORA and other parties to avoid duplication or how claimant’s participation supplemented, complemented, or contributed to that of another party:</b></p> <p>Although Environmental Defense Fund (EDF) also raised environmental arguments in this proceeding, EDF’s arguments were separate and distinct from those raised by Sierra Club. In fact, the proposed and final decisions address each group’s arguments separately. In addition, Sierra Club actively communicated with EDF before submitting comments and briefing to avoid any duplication of arguments.</p>		<p>Sierra Club’s coordination is supported by their submitted time sheets.</p>

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

<p>a. <b>Explanation by claimant of how the cost of Claimant’s participation bore a reasonable relationship with benefits realized through participation</b></p> <p>Sierra Club’s request for compensation is reasonable because it substantially contributed to the proceeding and raised issues that no other</p>	<p><b>CPUC Verified</b></p> <p>Sierra Club did not prevail on the issues from the scoping memo and</p>
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<sup>1</sup> The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates 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.

<p>party raised. Sierra Club’s participation resulted in a significantly improved Neg Dec that included quantitative significance thresholds and an expanded environmental impact analysis. These improvements would not have occurred otherwise.</p> <p>The proposed and final Decision in this case contained extensive discussion of Sierra Club’s arguments and paid particular attention to Sierra Club’s CEQA arguments and the Club’s arguments against allowing post-2011 investment in the plant.</p> <p>The Final Decision identified the following issues raised by Sierra Club and contained an extensive discussion of them: (1) The propriety of SCE’s proposed 2012 investments under SB 1368 and the Commission’s EPS as amended by D.10-10-016 (Final Decision at 12-16); and (2) The adequacy of the Neg Dec under CEQA (Final Decision at 25-28).</p> <p>While CEQA compliance does not provide a direct and immediate economic benefit to ratepayers, Sierra Club’s comments and briefing “go to the heart” of many of the issues identified and considered in this proceeding. Sierra Club’s participation resulted in the Commission’s application of CEQA to the sale and the consideration of a wider range of issues than would have otherwise occurred.</p>	<p>we reduce their compensation claim to reflect inefficiency in their time preparing briefs lacking sufficient breadth and depth to positively contribute to the record.</p> <p>Sierra Club’s participation in the CEQA review process substantially contributed to the development of a sound environmental review document, which we find in the decision certified as in compliance with CEQA and reflective of its independent judgment. The cost of Sierra Club’s participation in the CEQA review process bears a reasonable relationship with the benefits of their participation..</p>
<p><b>b. Reasonableness of Hours Claimed.</b></p> <p>Sierra Club’s request for compensation covers Club’s attorney and consultant time. Sierra Club engaged in extensive discovery in this case, including a lengthy discovery hearing to resolve various discovery disputes. Sierra Club further briefed issues related to the EPS in the first phase of the proceeding. The Club was also active in the CEQA process (the second phase of this proceeding) by submitting extensive comments and briefing to the Commission supported by expert testimony. Although Ms. Peesapati worked with colleagues on various issues, she is the only attorney claiming time in this proceeding. All other attorney and law clerk time has been omitted from this request. Sierra Club’s request also includes 8 hours of time spent on preparing this request for compensation. This is a reasonable figure consistent with the scale of the proceeding and Sierra Club’s active level of involvement therein. Sierra Club is voluntarily omitting time spent on discovery (127.6 hours) from its request. And, after exercising billing judgment, the Club has applied a voluntary 20% reduction of the remaining attorney time spent on this case in recognition of the fact that Sierra Club did not successfully persuade the</p>	<p>Review of Sierra Club’s time sheet, in comparison with their submitted briefs, require reductions for lack of efficiency, as well as the overstatement of their success on the issues they presented in the proceeding. The reductions occurred in the area of general participation and activities listed under capital expenditures on the time sheets.</p> <p>Of the eleven issues listed in the scoping</p>

<p>Commission to adopt its ultimate recommendations in this case. Given the complexity of the environmental issues associated with SCE's past and current investment in the plant, and the detailed comments and briefing that Sierra Club provided to the Commission on these issues, this amount of time is reasonable.</p>	<p>memo, Sierra Club focused on issues three and eleven and did not find success on them. Nevertheless we are awarding Sierra Club partial compensation for their contribution to the CEQA discussion, a threshold issue.</p>
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<p><b>c. Allocation of Hours by Issue</b></p> <p>Sierra Club has allocated its daily time entries by activity codes to better reflect the work the nature of the work represented by each entry. Sierra Club has used the following categories to allocate its work:</p> <p><b>General Participation (GP):</b> work that is common to any proceeding, including review of the utility application and testimony and review of the proposed and final decision.</p> <p><b>Coordination with other parties (COOR):</b> This activity covers coordination with other parties to this proceeding, including TURN and EDF to ensure non-duplication of work and to consult on procedural issues.</p> <p><b>Discovery (Disc):</b> This activity covers time spent in discovery of factual matters, including drafting data requests, reading responses and moving to compel discovery responses.</p> <p><b>California Environmental Quality Act (CEQA):</b> This activity covers time spent on the CEQA issues in this proceeding, including ensuring CEQA review, commenting on the CEQA document and briefing the various CEQA issues in this case.</p> <p>Based on the number of hours recorded and included in the attached timesheets, the allocation by activity code is approximately:</p> <p><b>GP 27%</b>  <b>COOR 2%</b>  <b>Disc 30%</b>  <b>CEQA 41%</b></p> <p>If the Commission believes that a different approach to issue-specific allocation is warranted here, Sierra Club requests the opportunity to supplement this section of the request.</p>	<p>Initially, Sierra Club did not properly allocate its time by major issue on their submitted timesheet as detailed in Rule 17.4, discussed in D.98-04-059. On May 7, 2013, the ALJ corresponded with Sierra Club to coordinate the filing of updated time sheets because the original time sheets submitted with the intervenor compensation claim were both not useful and unacceptable. The original timesheet failed to identify and allocate costs to the issues as identified in the scoping memo, along with general participation expenses.</p> <p>On June 14, 2013 Sierra Club filed an amendment to their Intervenor Compensation claim with updated time sheets.<sup>2</sup> These timesheets, again, did not satisfy the requirements for submitted timesheets as explained above. Accordingly the calculation of compensable hours is based on our independent review of the submitted timesheets.</p>
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<sup>2</sup> A copy of the e-mail can be found in the “Correspondence” file for this proceeding.

**B. Specific Claim:**

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Suma Peesapati	2011	134.96	\$355	D.11-10-041	47,911	43	\$330	14,190
S. Peesapati	2012	98.88	\$355	D.11-10-041	35,102	32	\$340	10,880
Petra Pless	2011	20.50	\$200	See comment #7 below	4,100	20.50	\$200	4,100
<b>Subtotal:</b>					<b>\$87,113</b>	<b>Subtotal:</b>		<b>\$29,170</b>
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Suma Peesapati	2012	8	\$178	Half of the hourly rate requested for 2011 and 2012.	1,424	4	\$170	680
<b>Subtotal:</b>					<b>\$1,424</b>	<b>Subtotal:</b>		<b>\$660</b>
COSTS								
#	Item	Detail			Amount	Amount		
	copying, postage, online research costs	See Attachment 3			147	147		
<b>Subtotal:</b>					<b>\$147</b>	<b>Subtotal:</b>		<b>\$147</b>
<b>TOTAL REQUEST :</b>					<b>\$88,684</b>	<b>TOTAL AWARD:</b>		<b>\$30,017</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>								
Attorney				Date Admitted to CA BAR		Member Number		
Suma Peesapati				December 1999		203701		

**C. CPUC Disallowances, Adjustments, and Comments :**

#	Reason
<p>Reductions for lack of efficiency and lack of success</p> <p>Suma Peesapati</p>	<p>Suma Peesapati's time is reduced over the course of the proceeding. Several of Ms. Peesapati's timesheet entries appeared to be excessive in light of the depth and breadth of the filings in the proceeding and the lack of success on the issues outlined in the scoping memo. Hours have been reduced as necessary from general participation and activities listed under capital expenditures. Additionally, Ms. Peesapati's time preparing for law and motion and evidentiary hearings has been reduced for inefficiency. Finally, the number of hours that Ms. Peesapati billed to prepare a routine filing like intervenor compensation claims was excessive and has been reduced.</p>
<p>Adoption of Suma Peesapati's hourly rates for 2011 and 2012</p>	<p>Sierra Club seeks an hourly rate of \$355 for the work Ms. Peesapati performed in 2011-2012. Ms. Peesapati has not requested intervenor compensation from the Commission in the past. Ms. Peesapati's rate is based on a similar hourly rates assigned to Lisa Belenky in October 2011, a staff attorney for the Center for Biological Diversity with similar experience. D.11-10-041. According to this filing, Ms. Peesapati has worked with Earthjustice since February of 2010. From 2011-2012, Ms. Peesapati was a practicing attorney with 10+ years of experience, with experience mostly outside the scope of work before the Commission but on similar issues including mitigation of greenhouse gas emissions, Clean Air Act permitting, CEC licensing proceedings, and Coastal Act Issues. Though Ms. Peesapati and Ms. Belenky were both admitted to the bar in 1999 and are environmental law practitioners, Ms. Belenky's final rate in D. 11-10-041 of \$355 accounts for step increases for Commission specific work over the years of the proceeding. These step increases are not applicable to Ms. Peesapati's 2011 work, her first year working before the Commission. Sierra Club's request of \$355 for Ms. Peesapati's 2011-2012 work is unreasonable given her lack of Commission experience because a rate of \$355 is at the highest end of the range for attorneys in the 8-12 year experience level.<sup>3</sup> The Commission adopts a rate of \$330 for Ms. Peesapati's 2011 work.</p> <p>We apply a Cost of Living Adjustment (COLA) of 2.2% to intervenor rates for work done during the 2012 calendar year. <sup>4</sup> This COLA adjustment, after rounding results in a rate for Ms. Peesapati for 2012 of \$340.</p>
<p>Hourly Rate of Petra Pless</p>	<p>The Sierra Club requests an hourly rate of \$200 an hour for Petra Pless' 2011 work in this proceeding. Dr. Pless is a court-recognized expert with over 20 years of experience in environmental consulting, conducting and managing interdisciplinary environmental research projects, and preparing and reviewing environmental permits and other documents for U.S. and European stakeholder groups. Her broad-based experience includes air quality and air pollution control; water quality, water supply,</p>

<sup>3</sup> Resolution ALJ-267.

<sup>4</sup> Resolution ALJ-281.

	<p>and water pollution control; biology; public health and safety; and noise studies; CEQA, Clean Air Act (CAA), and National Environmental Policy Act (NEPA) review; industrial ecology and risk assessment; and use of a wide range of environmental software. Dr. Pless holds a doctorate in Environmental Science and Engineering (D. Env.) from the University of California Los Angeles. In her professional practice, she has reviewed and commented on hundreds of CEQA documents including numerous CEQA documents involving power plants. Here, Dr. Pless reviewed and analyzed the draft mitigated negative declaration and greenhouse gas calculations, testimony and rebuttal testimony in the proceeding, reviewed clean air markets data for Four Corners, and prepared comments and exhibits. Dr. Pless' education and work experience supports her expertise on the CEQA policy matters in the proceeding. Dr. Pless' relevant experience places her within the range of \$155-\$390 for experts with 13+ years of experience, in the middle of the range.<sup>5</sup> We also consider a factor of the specific work performed by a new participant in the proceeding, such as her role in the proceeding and the level of the work performed. Based on this criteria we adopt the hourly rate of \$200 for Dr. Pless' work in 2011, as reasonable.</p>
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<sup>5</sup> Resolution ALJ-267.

**PART IV: OPPOSITIONS AND COMMENTS**

<b>A. Opposition: Did any party oppose the Claim?</b>	Yes
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If so:

<b>Party</b>	<b>Reason for Opposition</b>	<b>CPUC Disposition</b>
SCE	Lack of substantial contribution	We find that Sierra Club may receive compensation for their substantial contribution on the issue of CEQA applicability and accompanying general participation and coordination work.

<b>B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?</b>	No
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If not:

<b>Party</b>	<b>Comment</b>	<b>CPUC Disposition</b>
SCE	SCE submitted documents agreeing with the proposed decision.	The Commission reviewed and accepted these comments.

**FINDINGS OF FACT**

1. Sierra Club has made a substantial contribution to Decision 12-03-034.
2. The requested hourly rates for Sierra Club representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable contribution is \$30,017.

**CONCLUSION OF LAW**

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

**ORDER**

1. Sierra Club is awarded \$30,017.
2. Within 30 days of the effective date of this decision, Southern California Edison Company shall pay Sierra Club the total award. 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 August 8, 2012, the 75th day after the filing of Sierra Club's request, and continuing until full payment is made.
3. The comment period for today's decision is not 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>	D1203034	
<b>Proceeding(s):</b>	A1011010	
<b>Author:</b>	ALJ Hallie Yacknin	
<b>Payer(s):</b>	Southern California Edison Company	

**Intervenor Information**

<b>Intervenor</b>	<b>Claim Date</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier</b>	<b>Reason Change/Disallowance</b>
Sierra Club	05/29/12	\$88,684	\$30,017	No	Adopted a lower rate for Ms. Suma Peesapati than requested. Compensable hours reduced due to lack of efficiency and lack of contribution on all issues claimed. Cost of Living Allowance adjustment to hours for 2012 as directed by ALJ-281.

**Advocate Information**

<b>First Name</b>	<b>Last Name</b>	<b>Type</b>	<b>Intervenor</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Suma	Peesapati	Attorney	Sierra Club	\$355	2011	\$330
Suma	Peesapati	Attorney	Sierra Club	\$355	2012	\$340
Petra	Pless	Expert	Sierra Club	\$200	2011	\$200

**(END OF APPENDIX)**