

Decision

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of California-American Water Company (U210W) for Authorization to Implement the Carmel River reroute and San Clemente Dam Removal Project and to Recover the Costs Associated with the Project in Rates.

Application 10-09-018
(Filed September 22, 2010)

**DECISION GRANTING COMPENSATION TO THE PLANNING
CONSERVATION LEAGUE FOUNDATION FOR SUBSTANTIAL
CONTRIBUTION TO DECISION 12-06-040**

Claimant: Planning Conservation League Foundation (PCLF)	For contribution to (D.) 12-06-040
Claimed (\$): 101,368.79¹	Awarded (\$): 78,938.95 (Reduced 22%)
Assigned Commissioner: Catherine J. K. Sandoval	Assigned ALJ: Christine Walwyn²

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	Approval of California-American Water Company's (Cal-AM) request to implement a joint ratepayer/public funded Carmel River Reroute and San Clemente Dam Removal Project
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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:	November 11, 2010	November 22, 2010

¹ PCLF's Intervenor Compensation Request, filed August 7, 2012, listed the total amount claimed by PCLF as \$94,423.60. After further inquiry PCLF admitted error in this total. The correct total is \$101,368.79. This new amount is reflected throughout this Decision.

² In the fall of 2012, ALJ Christine Walwyn retired. As such, PCLF's Intervenor Compensation Claim was assigned to Assistant Chief Administrative Law Judge (ACALJ) Richard Smith. ACALJ Smith prepared this decision.

2. Other Specified Date for NOI:	December 22, 2010	Correct
3. Date NOI Filed:	June 6, 2011	Correct
4. Was the NOI timely filed?		Yes ³
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	Application 10-09-018	See Comment(s)
6. Date of ALJ ruling:	May 10, 2012	See Comment(s)
7. Based on another CPUC determination (specify):	D.12-06-040, June 21, 2012	See Comment(s)
8. Has the Claimant demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:		See Comment(s)
10. Date of ALJ ruling:		See Comment(s)
11. Based on another CPUC determination (specify):		See Comment(s)
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.12-06-040	Correct
14. Date of Issuance of Final Order or Decision:	June 21, 2012	Correct
15. File date of compensation request:	June 6, 2011	August 7, 2012
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Claimant	CPUC	Comment
1	X		<p>PCLF had not anticipated the strong oppositional recommendation from DRA during the Prehearing Conference and thus, did not anticipate becoming involved in the proceedings. The Commission in Decision 12-06-040 notes that “We observe that PCLF had filed its NOI upon becoming aware of DRA’s recommendations, submitted testimony, testified, and provided comments and reply comments after the completion of Evidentiary Hearings before the August 4, 2011 formal ruling finding PCLF ineligible to seek intervenor compensation.”</p> <p>Thus the Commission states that “Given the unique circumstances surrounding PCLF’s NOI and consistent with Public Utility Code Section 1804(a)(1) we accept PCLF’s June 6, 2011 NOI and find it eligible to claim compensation.” (IBID, p. 45-46).</p>

³ D.12-06-040 found the NOI to be timely filed.

PART II: SUBSTANTIAL CONTRIBUTION

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

Contribution	Specific References to Claimant’s Presentations and to Decision	Showing Accepted by CPUC
<p>PCLF made specific contributions to the Final Decision in four key areas:</p> <p>1. The Necessity for the Project (Final Decision starting at the top of page 13);</p>	<p>In the Rebuttal Testimony of PCLF witness Jonas Minton he testified that in July of 2000 he was appointed by the Governor to serve as Deputy Director of the California Department of Water Resources (DWR) and served in that capacity until January, 2004. As part of his responsibilities and authorities he directly oversaw the Division of Safety of Dams. He further testified that DSOD has responsibility to ensure the safety of over 1200 dams in California. Remediating the safety deficiencies of San Clemente Dam was the highest dam safety priority during his tenure as Deputy Director. Due to its unique circumstances it was also the most challenging. (Exhibit 39 lines 18 to 23.)</p> <p>Mr. Minton’s testimony went on to vividly describe the impact of sediment release from San Clemente Dam, “The first is that the released sediment would raise the bed of the Carmel River downstream of the dam. That would increase the threat of loss of life and property in those downstream areas during flood events. These include the rural subdivision known as Camp Steffani, many of whose homes are very near the existing high water elevation of the Carmel River. In total there are more than 1,000 structures in the floodplain downstream of San Clemente Dam.” (Exhibit 39, lines 89 to 94.)</p> <p>This testimony was reflected several times in the Final decision, “All parties to this proceeding agree that Cal-Am must address the seismic and flood safety issues of the current Dam and the project is the best alternative to do so.” (Final Decision at the top of page 13.) “The goal of the Project is to eliminate the San Clemente Dam’s (Dam) seismic safety hazard...” (Final Decision at the middle of Page 2). “Seismic safety is a primary concern, and the ability to re-route a river to ensure safe removal of the facility yields long-term ratepayer gains for acceptable expense.”</p>	<p>Yes; “Final Decision” refers to <i>D. 12-6-040</i>, adopted June 21, 2012.</p>

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	(Final Decision at the middle of page 3.)	
<p>2. The used and useful nature of San Clemente Dam (Final Decision, Section 5.1, starting at page 13);</p>	<p>This was identified in the Final Decision as one of the disputed issues to be decided in determining ratepayer responsibilities for the cost recovery requested by Cal-Am. (Final Decision at the middle of page 5.) The Final Decision specifically cites PCLF’s assertion, “... that the Dam should be considered used and useful because its retention of sediment reduces the threat of loss of life and property in downstream areas due to flood events.” (Final Decision at Page 14.)</p> <p>As is cited in the section above on PCLF’s contribution to the Necessity finding, Mr. Minton’s testimony on the Dam’s function in retaining sediment and avoiding loss of life and property is exactly on point. (Exhibit 39, lines 89 to 94).</p> <p>In addition, PCLF’s cross examination of DRA’s witness Joyce Steingass demonstrates that DRA failed or were unwilling to account for, or value, the Dam’s usefulness in retaining sediment to prevent loss of life and property. During the cross examination PCLF asked Witness and received responses from both Witness Steingass and DRA Attorney Barrera reiterating that DRA was solely concerned about ratepayers paying their fair share (RPT, June 10, 2011 Volume 5, pp 448-450)</p>	<p>Yes</p>
<p>3. Cal-Am’s Pursuit of Dam Buttreassing Prudency (Final Decision, Section 5.2, starting at page 17 and the Final Decision Summary starting at page 20)</p>	<p>Another of the issues cited as disputed in the Final Decision was the prudency of Cal-Am’s pursuit of buttressing. (Final decision at the middle of page 13.) The Rebuttal Testimony of PCLF’s witness Steven Kasower bore directly on this point. His testimony clarified that other major dam owners such as the California Department of Water Resources and the East Bay Municipal Water District also lack dam remediation expenditures as part of their operations and maintenance. (Exhibit 40, Rebuttal testimony of Steven Kasower, lines 167 to 170.)</p> <p>Mr. Kasower’s testimony also addressed whether there is a valid, scientifically based reason for predicting sedimentation problems such that agencies can justify saving funds for eventual remediation. His testimony demonstrated that,</p>	<p>Yes</p>

	<p>“there is really no good engineering way to anticipate all the future conditions of dam projects designed to last a century or more.” (Exhibit 40, Rebuttal testimony of Steven Kasower, lines 110 to 121.)</p> <p>In addition the testimony of PCLF’s witness Jonas Minton reflected his experience as the Deputy Director of the Department of Water Resources who oversaw the Division of Safety of Dams, “The reason that resolution of this safety deficiency has taken so long was the unprecedented complexity of the problem. PCLF’s direct observation throughout this process has been that Cal Am complied with every direction of DSOD to fund and participate in studies required to analyze traditional and then nontraditional approaches. This finally led to the truly unique engineering solution for sequestering the sediment by rerouting a portion of the river channel and removing the dam.” (Exhibit 39, lines 89 to 94.)</p> <p>The Final Decision recognized this by saying “This project is a laudatory example of innovative thinking as it provides a creative solution to a host of problems.” (Final Decision at the bottom of Page 2.)</p>	
<p>4. And the Creative Solution to a Host of Problems (Final Decision, at the bottom of page 2.).</p>	<p>The Rebuttal Testimony of PCLF witness Jonas Minton describes how PCLF made the initial contact with the California Coastal Conservancy “... regarding the potential for State funding to support the public benefits portions of the project.” (Exhibit 39 lines 129 – 130). This resulted in a commitment from the California Coastal Conservancy to contribute \$34 million to the project. See Ms. Trish Chapman’s Rebuttal Testimony regarding the Coastal Conservancy’s commitment to secure up to \$34 million in public funding (Exhibit 3, page 11, lines 14 – 19).</p> <p>This was specifically lauded in the Decision Summary at the top of page 3, “Due to a ground-breaking public/private partnership, this project will not cost Cal-Am’s customers any more than the least-cost option of dam buttressing. We commend all of the entities that worked diligently to put this inventive Project together for the Commission’s review. We hope it will serve as an example to other utilities.”</p>	<p>Yes</p>

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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA)⁴ a party to the proceeding?	Yes	Yes
b. Were there other parties to the proceeding with positions similar to yours?	No	No
c. If so, provide name of other parties:		N/A
d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party: The Division of Ratepayer Advocates was a party in this proceeding. PCLF’s interest coincided with DRA’s in one important aspect. As noted in testimony referenced in Section 10 PCLF took the initiative to involve the California Coastal Conservancy. This lead directly to the conservancy’s commitment to provide up to \$34 million for the Dam project. However there were other issues where PCLF was the only intervening party to provide key testimony. These include: the Necessity for Project, the used and useful nature of San Clemente Dam, and Cal-Am’s Pursuit of Dam Buttressing Prudency. As such there was no duplication with other intervenors.		Verified

C. Additional Comments on Part II:

#	Claimant	CPUC	Comment
1.	The Decision in this proceeding recognized the unique circumstances in this proceeding and specifically authorized PCLF to claim compensation with the clear reminder that such finding of		As noted in the Final Decision, D. 12-06-040, beginning on page 44 - 46, “The PCLF filed its NOI to claim compensation in this proceeding on June 6, 2011, five months beyond the Public Utilities Code Section 1804(a)(1) 30- day deadline after holding a PHC. The PHC in this proceeding was held on November 22, 2010. Therefore, any request for eligibility to claim intervenor compensation was to be filed no later than December 22, 2010. Subsequently on August 4, 2011, the assigned ALJ issued a ruling that found PCLF ineligible to seek intervenor compensation in the proceeding due to PCLF having filed its NOI to claim compensation five months beyond the statutory deadline for filing its intent. Following is a time line summary of activities and dates applicable to PCLF’s NOI request and activities in this proceeding: EVENT DATE Prehearing Conference Held November 11, 2010

⁴ 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), which was approved by the Governor on September 26, 2013.

<p>eligibility in no way ensures that PCLF will be awarded any compensation.</p>	<p>NOI Statutory Due Date December 22, 2010 PCLF Request for Party Status May 24, 2011 PCLF Issues Proposed Testimony May 25, 2011 PCLF File its NOI June 6, 2011 Evidentiary Hearings Held June 8-13, 2011 PCLF Testifies June 13, 2011 DRA Protest to PCLF's NOI June 21, 2011 PCLF's Reply to DRA Protest July 5, 2011 PCLF's Opening Brief Filed July 6, 2011 PCLF's Reply Brief Filed July 19, 2011 PCLF's NOI is Denied August 4, 2011</p> <p>PCLF explained in its reply to DRA's protest that it did not timely file its NOI because until DRA filed its May 5, 2011 rebuttal testimony recommending a 99.85% disallowance of Cal-Am's \$69.7 million project costs and \$21.7 million disallowance of Cal-Am's San Clemente Dam Memorandum Account, it did not have adequate notice that the issue of whether shareholders should cover most of the costs of the project would be at issue in this proceeding. PCLF asserted that DRA's recommendation that shareholders should bear virtually all of the costs far exceeds any reasonable expectation the PCLF could have anticipated. DRA's disallowance recommendation was at odds with statements in its October 29, 2010 protest to the application stating that it would make recommendations to the Commission on whether Cal-Am's shareholders should bear some of the project costs related to the Project and whether Shareholders should bear some responsibility for San Clemente Dam Memorandum Account costs. Therefore, PCLF filed its NOI late.</p> <p>Public Utilities Code Section 1804(a)(1) provides that in cases where the schedule would not reasonably allow parties to identify issues within the timeframe set forth in statutes, or where new issues emerge subsequent to the time set for filing, the Commission may determine an appropriate procedure for accepting new or revised notices of intent.</p> <p>This is a unique case in which parties left the PHC with the understanding that there may be an issue regarding shareholders incurring some of the costs associated with the project and the memorandum account. However, it was not until six months beyond the PHC that it became known to parties that DRA was recommending that Cal-Am shareholders shoulder most all of these costs. We observe that PCLF had filed its NOI upon becoming aware of DRA's recommendations, submitted testimony, testified, and provided comments and reply comments after the completion of evidentiary hearings before the August 4, 2011 formal ruling finding PCLF ineligible to seek intervenor compensation.</p> <p>Given the unique circumstances surrounding PCLF's NOI and consistent with Public Utilities Code Section 1804(a)(1) we accept PCLF's June 6, 2011 NOI and find it eligible to claim compensation. However, PCLF should be aware that a finding of its eligibility in no way ensures that it will be awarded any</p>
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			compensation. This approval is unique to the circumstances in this proceeding and shall not be considered precedent setting in any other proceeding.”
2.	In addition to the list of PCLF’s activities in this proceeding PCLF was also a key and active participant in the “All Parties” meeting held with other parties and all of the CPUC Commissioners on February 13, 2012.		At the All Parties’ Meeting held on 2/13/2012, PCLF witness Jonas Minton described in detail to the Commissioners the significant public safety issues justifying the necessity of the project. He also provided specifics as to why San Clemente Dam should be considered used and useful. This is consistent with the assertion cited in the final CPUC Decision at page 14. “The Planning and Conservation League Foundation (PCLF) asserts that the Dam should be considered used and useful because its retention of sediment reduces the threat of loss of life and property in downstream areas during flood events.”

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:</p> <p>The Commission’s Decision reflects not only the benefits of the project but also reflects the public safety issues that the Planning Conservation League Foundation brought as intervenors. While it would be difficult to quantify the benefits to the ratepayers and public of PCLF’s role in this proceeding, it may easily be concluded that without assertion of the public safety perspective in this proceeding, the project itself may have been jeopardized over the perceived policy concern of the Division of Ratepayer Advocates that only the rate impacts and reasonable costs get borne by ratepayers. PCLF argued that ratepayers were at risk of their lives and properties should the dam break and the retained silt be released. Moreover, PCLF argued that such an eventuality would immensely and possibly irretrievably destroy any habitat values from the river and dam site. Both the public safety and environmental values were cited by the Commission in the Decision 12-06-040. (Findings of Fact #29, page 51.) The Dam is maintaining in place approximately 2.5 million cubic yards of accumulated sediment that would negatively impact property and the environment if it were released uncontrolled into the downstream environs of the Carmel River.</p>	<p style="text-align: center;">CPUC Verified</p> <hr/> <p>Verified; the CPUC accepts PCLF’s rationale and finds that its participation bears a reasonable relationship with benefits realized through its participation.</p>
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b. Reasonableness of Hours Claimed.

As the Commission's Decision 12-06-040 notes on page 44, PCLF participated in the proceeding. "We observe that PCLF had filed its NOI upon becoming aware of DRA's recommendations, submitted testimony, testified, and provided comments and reply comments after the completion of evidentiary hearings before the August 4, 2011 formal ruling finding PCLF ineligible to seek intervenor compensation.

In order to adequately prepare for this valuable participation and major contributions, PCLF was required to perform considerable legal and technical review in a short amount of time. Thus, both PCLF legal representative as well as technical witnesses were required to contribute long hours and weekend days in preparation for the proceedings. Furthermore, Mr. Kasower both legal representative and technical witness did not attend all the workshops and pre-conference meetings in order to save some hours and costs. Both Minton and Kasower divided technical work as to best economize on time expended.

Both Mr. Minton and Mr. Kasower lowered their hourly rate by \$25/hour from their original NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION, filed on June 6, 2011 where it was stated that their hourly rates were set at \$375.00.

A note about Kasower's rate increase from a past CPUC case: Kasower participated in A04-09-019 as a technical witness on behalf of Surfrider Foundation, Intervenors. That case resulted in compensation awarded to the intervenor including Mr. Kasower whose rate at that time was recorded as \$325.00/hour. The actual work was performed in 2009 and 2010 with the claim for compensation filed in January of 2011. Kasower's rate increase from \$325/hour to \$375/hour is based on three areas:

1. Since Kasower performed the technical work on A04-09-019 back in 2009-2010 he has increased his understanding and experience of CPUC regulatory processes and CPUC practices. Contemporarily, Kasower's hourly rate has increased for subsequent technical work on CPUC rate setting and CPCN issues such as Application A.10-07-007 where Mr. Kasower is providing technical expert witness testimony for \$350.00/hour.
2. Kasower's expertise resulted in rate increases since 2009. Steve Kasower is a recognized expert in his field of economics. Additionally, Kasower is recognized as an expert in CPUC processes and is increasingly sought after for his knowledge and experience. As a result, his rate of \$350.00/hour has been widely accepted over the past two years.
3. Mr. Kasower undertook **two distinct roles** during this proceeding Application #A10-09-018. Kasower was not only a technical expert witness, a role he has and continues to play at the CPUC whereby he receives \$350.00/hour, but, Mr. Kasower was primarily acting as the legal representative of his client the Planning Conservation League Foundation

Kasower's adopted rate for work done in proceeding A. 04-09-019 was set as \$315 per hour (D.11-05-017) and not \$325 per hour.

<p>providing the legal expertise and conducting PCLF’s examination of witnesses, preparation of briefs, and all manner of legal representation during the A10-09-018 process. These dual responsibilities challenged Mr. Kasower to perform at a more focused and expert level for Application # A10-09-018 representation of PCLF’s interests. As such, Mr. Kasower charges \$375.00/hour for dual roles at the CPUC. This rate is highly competitive for legal representation at CPUC processes and reflects the dual role that Mr. Kasower undertook on behalf of PCLF.</p> <p>In conclusion, considering additional expertise and experience gained over the past three years, and, considering the dual roles that Mr. Kasower undertook during application # A10-09-018, it is reasonable to grant Mr. Kasower an increase in hourly rate to \$375.00</p>	
<p>c. Allocation of Hours by Issue</p> <ul style="list-style-type: none"> • 40% of the total hours were allocated to: Reviewing all relevant historical documents and document the historic facts and potential financial, economic, and environmental implications of the Project and DRA’s suggesting, preparing Rebuttal Testimony by May 25, 2011 and participating in the Settlement Discussion scheduled for June 1 and 2, 2011, and lastly participating in the A-10-09-018 Hearings beginning on June 8, 2011. • 60% of the total hours were allocated to: Reciting facts associated with the process leading to the establishment of the Carmel River Reroute and San Clemente Dam Removal Project; evaluating alternative economic, regulatory, and environmental impacts without the project; project alternative future scenarios most probable to occur if DRA’s recommendations were adopted by the CPUC, and lastly evaluating the financial impacts to Cal Am ratepayers under alternative futures including those where DRA’s recommendations are adopted. 	<p>Verified</p>

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Steven Kasower	2010	0	\$350	Attachment A ⁵	\$0	0	\$315 ⁶	\$0
Steven	2011	159.5	\$375	Attachment A	\$59,812.50	159.5	\$315 ⁷	\$50,242.50

⁵ In this section, the Commission requires an intervenor to cite to a Commission decision that adopts an hourly rate for the intervenor’s work in that particular year. Here, PCLF fails to cite to a prior Commission decision. We will use the most recent decision (D.11-05-017) for guidance in establishing rates for Kasower. As attachments are not included in the final decision, Attachment A to PCLF’s Request is a Biography of Jonas Minton and Steven Kasower and Attachment B lists the expenses claimed by Jonas Minton in this proceeding.

⁶ See (D.) 11-05-017.

⁷ See Part III A (b).

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Kasower								
Steven Kasower	2012	0	\$375	Attachment A	\$0	0	\$320 ⁸	\$0
Jonas Minton	2010	0	\$350	Attachment B ⁹	\$0	0	\$315 ¹⁰	\$0
Jonas Minton	2011	73.83	\$350	Attachment B	\$25,840.50	73.83	\$315	\$23,256.45
Jonas Minton	2012	5	\$350	Attachment B	\$1,750.00	5	\$320	\$1,600.00
				Subtotal:	\$87,403.00		Subtotal:	\$75,098.95
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Steven Kasower	2010	0	\$187.50	Attachment A	\$0	0	\$157.50	\$0
Steven Kasower	2011	9.5	\$187.50	Attachment A	\$1,781.25	0	\$157.50	\$0
Steven Kasower	2012	0	\$187.50	Attachment A	\$0	0	\$160	\$0
Jonas Minton	2010	0	\$175.00	Attachment B	\$0	0	\$157.50	\$0
Jonas Minton	2011	18.5	\$175.00	Attachment B	\$3,237.50	0	\$157.50	\$0
Jonas Minton	2012	9	\$175.00	Attachment B	\$1,575.00	0	\$160	\$0
				Subtotal:	\$6,593.75		Subtotal:	\$0
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Steven Kasower	2012	24	\$187.50	Attachment A	\$4,500.00	24	\$160	\$3,840.00

⁸ Resolution ALJ-281; 2.2% COLA.

⁹ The Commission will use Resolution ALJ-281 to establish Minton's rate. As attachments are not included in the final decision, Attachment B lists the expenses claimed by Jonas Minton in this proceeding.

¹⁰ See CPUC Disallowances & Adjustments #2.

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35	Minton, Amtrak Ticket	Attachment B, Amtrak ticket, Sacramento to Bay Area	\$49.30	\$0	\$0
36	Minton, BART Ticket	Attachment B, BART from Amtrak Station to Civic Center	\$8.00	\$0	\$0
37	Minton Lunch	6/1/11	\$7.06	\$0	\$0
41	Mileage, Minton	Attachment A, 90 miles @ \$.51/mile, San Francisco to Sacramento	\$45.90	\$0	\$0
42	Minton Dinner	6/7/11 dinner	\$34.74	\$0	\$0
43	Minton Breakfast	6/8/11 Breakfast	\$14.86	\$0	\$0
44	Minton Lunch	6/6/11 lunch	\$11.16	\$0	\$0
45	Minton Dinner	6/8/11 Dinner	\$38.50	\$0	\$0
47	Minton Breakfast	6/9/11 Breakfast	\$4.92	\$0	\$0
48	Minton Lunch	6/9/11 lunch	\$13.14	\$0	\$0
49	Minton Dinner	6/9/11 dinner	\$1.68	\$0	\$0
50	Minton Breakfast	6/10/11 Breakfast	\$4.92	\$0	\$0
51	Minton Lunch	6/10/11 lunch	\$7.12	\$0	\$0
52	Minton, Lodging	6/7/11 to 6/10 lodging (three nights) Handlery, San Francisco	\$608.70	\$0	\$0
54	Minton Lunch	6/13/11 lunch	\$12.41	\$0	\$0
55	Minton Parking	6/13/11 parking in San Francisco	\$9.00	\$0	\$0
57	Minton, AMTRAK RT	1/9/12 Amtrak roundtrip Sacramento to San Francisco	\$40.00	\$0	\$0
58	Minton, Parking	1/9/12 Sacramento train station parking	\$8.00	\$0	\$0
60	Minton, AMTRAK RT	2/11/12 Amtrak roundtrip Sacramento to San Francisco	\$40.00	\$0	\$0
61	Minton Parking	2/11/12 Sacramento train station parking	\$8.00	\$0	\$0
Subtotal:			\$2,872.04	Subtotal:	\$0
TOTAL REQUEST:			\$101,368.79	TOTAL AWARD:	\$78,938.95

*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 ½ of preparer's normal hourly rate.

C. Planning Conservation League Foundation's Additional Comments and Attachments:

Attachment or Comment #	Description/Comment
1	Certificate of Service (Transmitted as a separate electronic attachment)
Attachment A	Time, and Expenses for Steven Kasower
Attachment B	Time, and Expenses for Jonas Minton
Attachment C	Resumes/CVs; Additional Explanation of Reasonableness of Requested Rates

D. CPUC Disallowances & Adjustments:

#	Reason
1. Adoption of Steven Kasower hourly rates.	Resolution ALJ-281 sets 2010 rates for experts with 13-plus years of experience at \$155-\$390 per hour. Steven Kasower has worked in the water field for over thirty years. In D.11-05-017, the Commission adopted the rate of \$315 per hour for work Kasower completed as an expert for the Surfrider Foundation in 2009 and 2010. The Commission feels this rate is reflective of Kasower's years of experience and work performed in this proceeding. As such, the Commission awards Kasower the following rates: (1) for 2010, \$315 per hour; (2) for 2011, \$315 per hour; and (3) for 2012, \$320 per hour. The 2012 rate applies the 2.2% Cost-of-Living Adjustment (COLA) adopted in Resolution ALJ-281.
2. Adoption of Jonas Minton hourly rates.	Resolution ALJ-281 sets 2010 rates for experts with 13-plus years of experience at \$155-\$390 per hour. Minton has been in the water industry for 20 years. After reviewing Minton's credentials, the Commission awards Minton the rate of \$315 per hour for work he completed in 2010 and 2011. For 2012, the Commission awards Minton the rate of \$320 per hour, applying the 2.2% COLA adopted in Resolution ALJ-281. These rates are consistent with the level of experience as other experts in this field.
3. Disallowance of Adobe software.	The charge of the Adobe Software is an inappropriate claimed expense and is disallowed. The Commission does not award intervenors for costs of basic operational services. In addition, an individual can download Adobe software at no cost online, and produce PDF/A-B documents free of charge. PDF/A-B documents comply with the Commission's Docket Office's filing rules.
4. Disallowance of travel costs.	The Commission does not compensate intervenors for routine travel costs. ¹² Routine travel costs are defined as travel of less than 120 miles. All travel costs claimed by PCLF are for travel of less than 120 miles.

¹² See D.10-11-032.

5. Disallowance of meal costs.	The Commission does not compensate intervenors for meals. ¹³ All meal costs are disallowed.
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PART IV: OPPOSITIONS AND COMMENTS

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

1. The Planning Conservation League Foundation has made a substantial contribution to Decision (D.) 12-06-040.
2. The requested hourly rates for the Planning Conservation League Foundation's representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses are reasonable and commensurate with the work performed.
4. The total of reasonable contribution is \$78,938.95.

CONCLUSION OF LAW

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

ORDER

1. The Planning Conservation League Foundation is awarded \$78,938.95.
2. Within 30 days of the effective date of this decision, California-American Water Company (U210W) shall pay the Planning Conservation League Foundation 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 October 21, 2012, the 75th day after the filing of the Planning Conservation League Foundation's request, and continuing until full payment is made.

¹³ See D.07-12-040.

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

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1206040		
Proceeding(s):	A1009018		
Author:	Assistant Chief ALJ Richard Smith (Retired ALJ Christine Walwyn)		
Payer(s):	California-American Water Company (U210W)		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Planning Conservation League Foundation (PCLF)	8/7/12	\$101,368.79	\$78,938.95	No	Adjustment to hourly rates; disallowance for travel; disallowance for operational costs; disallowance for meals.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Steven	Kasower	Expert	PCLF	\$350	2010	\$315
Steven	Kasower	Expert	PCLF	\$375	2011	\$315
Steven	Kasower	Expert	PCLF	\$375	2012	\$320
Jonas	Minton	Expert	PCLF	\$350	2010	\$315
Jonas	Minton	Expert	PCLF	\$350	2011	\$315
Jonas	Minton	Expert	PCLF	\$350	2012	\$320

(END OF APPENDIX)