Decision **PROPOSED DECISION OF ALJ YACKNIN** **(Mailed March 28, 2014)**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of San Diego Gas & Electric Company (U902E) for Authority to Enter into Purchase Power Tolling Agreements with Escondido Energy Center, Pio Pico Energy Center and Quail Brush Power.	Application 11-05-023 (Filed May 19, 2011)

DECISION DENYING COMPENSATION TO THE UTILITY CONSUMERS' ACTION NETWORK FOR FAILURE TO MAKE A SUBSTANTIAL CONTRIBUTION TO DECISION 13-03-029

Claimant: Utility Consumers' Action Network (UCAN)	**For contribution to D.13-03-029**
Claimed ($): **38,015.85**	**Awarded ($):** **$0.00** (reduced 100%)
Assigned Commissioner: Michael R. Peevey	**Assigned ALJ:** Hallie Yacknin

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	Denies San Diego Gas & Electric Company (SDG&E) authority to enter into purchase power tolling agreements with Pio Pico Energy Center and Quail Brush Power at this time and grants SDG&E authority to enter into a purchase power tolling agreement with Escondido Energy Center.

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

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	July 14, 2011	
2. Other Specified Date for Notice of Intent (NOI):	N/A	
3. Date NOI Filed:	August 3, 2011	
4. Was the NOI timely filed?		yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on Administrative Law Judge (ALJ) ruling issued in proceeding number:	Comment 1	
6. Date of ALJ ruling:	Comment 1	
7. Based on another CPUC determination (specify):	Comment 1	
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:	Decision (D.) 10-05-013	
10. Date of ALJ ruling:	May 10, 2010	
11. Based on another CPUC determination (specify):		
12. Has the Claimant demonstrated significant financial hardship?		yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.13-03-029	
14. Date of Issuance of Final Order or Decision:	March 21, 2013	
15. File date of compensation request:	May 28, 2013	
16. Was the request for compensation timely?		yes

C. Additional Comments on Part I:

#	Claimant	CPUC	Comment
1	X		Utility Consumers' Action Network (UCAN) filed its Notice of Intent with its showing of customer status on August 3, 2011. UCAN's NOI states the following with regard to its customer status:

			The CPUC has repeatedly found that UCAN's bylaws "represent the interests of residential ratepayers." (*e.g.* D.10-05-013.) UCAN's articles of incorporation and bylaws have not been modified since those earlier findings. D.98-04-059 directs groups such as UCAN to indicate the percentage of their members that are residential ratepayers. UCAN has approximately 31,000 dues paying members, of whom approximately 90% are residential ratepayers. Although we've been able to establish anecdotally that many of those residential members are also owners of small businesses.

PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Claimant substantially contribute to the final decision (*see* § 1802(i), § 1803(a) & D.98-04-059).

Intervenor's Claimed Contribution	CPUC Discussion
UCAN claims it substantially contributed to the Commission's recognition of the need to take into account reasonable forecasts of energy efficiency in evaluating SDG&E's resource needs. UCAN claims it substantially contributed to the Commission's disapproval of the PPTA's for the Quail Brush Energy Project and the Pio Pico Energy Center because this new capacity is not needed, and that UCAN provided evidence demonstrating the lack of need for this additional generation.	No substantial contribution: D.13-03-029 did not disapprove the PPTAs because this new capacity is not needed; it found that new capacity is needed beginning in 2018. UCAN's presentation did not contribute to D.13 02 029's determination of a reasonable forecast of energy efficiency. As UCAN states in Part II.B.d. of its compensation request, "UCAN's testimony focused on SDG&E's energy efficiency assumptions, recommending that SDG&E use the assumptions adopted in the Commission's Standardized Planning Assumptions." D.13 02 029 (at 11-12) rejected this recommendation, and instead adopted SDG&E's energy efficiency assumptions. UCAN did not participate with respect to challenging the results of the California Independent System Operator's Once-Through Cooling (OTC) Study for purposes of determining SDG&E's resource needs. In any event, D.13 03-029 evaluated SDG&E's resource needs based on the results of the OTC study, adjusted by SDG&E's assumptions of uncommitted energy efficiency, demand response, and incremental combined heat and power, which deviated from the "Standardized Planning Assumptions."

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

	Claimant's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA)[1] a party to the proceeding?	**Yes**	**Verified**
b. Were there other parties to the proceeding with positions similar to Claimant's?	**Yes**	**Verified**
c. If so, provide name of other parties: Natural Resources Defense Council (NRDC) and California Environmental Justice Alliance (CEJA)		**Verified**
d. Intervenor's Claim of Non-Duplication: UCAN claims that ORA's testimony addressed the energy efficiency assumptions at a high level only, in less than one page of testimony, while UCAN's testimony, in contrast, provided a critique of each of SDG&E's adjustments to the Commission's Standardized Planning Assumptions and quantitatively demonstrated how each adjustment contributed to an apparent resource need that is greater than the expected actual need. UCAN notes that in supplemental testimony filed in May 2012, DRA, CEJA, and NRDC each submitted testimony stating that the CAISO should have assumed the same amount of energy efficiency as adopted by the Commission in the Standardized Planning Assumptions, consistent with UCAN's opening testimony position, and that UCAN did not file supplemental testimony.		Because we find no substantial contribution, we do not reach the issue of whether the participation duplicated that of other intervenors.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

Intervenor's Claim of Cost Reasonableness	CPUC Discussion
UCAN claims that it incurred relatively low costs of participating in the proceeding.	Because we find no substantial contribution, we do not reach the issue of whether the participation bears a reasonable relationship with benefits realized through participation.

[1] 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.

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	**Year**	**Hours**	**Rate**	**Basis for Rate***	**Total $**	**Hours**	**Rate**	**Total $**
Michael Shames	2011	12.20	$535	Rate requested in attachment 1	$6,527			
Michael Shames	2012	6.60	$535	Rate requested in attachment 1	$3,531.00			
David Peffer	2012	41.25	$200	Rate requested in attachment 2	$8,250			
Laura Norin (MRW)	2011 (through Nov)	25.75	$220	Rate requested in attachment 3	$5,665			
Laura Norin (MRW)	2011 (Dec)	0.25	$230	Rate requested in attachment 3	$57.5			
Laura Norin (MRW)	2012	8.75	$230	Rate requested in attachment 3	$2,012.5			
Steven McClary (MRW)	2011	10.0	$300	Rate requested in attachment 3	$3,000			
Briana Kobor (MRW)	2011	50.75	$135	Rate requested in attachment 3	$6,851.25			
Briana Kobor (MRW)	2012	1.0	$135	Rate requested in attachment 3	$135			
				Subtotal:	$36,029.25		***Subtotal:***	
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 $**
Peffer - Travel	2012	8	$100	½ of $200 hourly rate	800.00			
[Person 2]								
				Subtotal:			***Subtotal:***	
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	**Year**	**Hours**	**Rate**	**Basis for Rate***	**Total $**	**Hours**	**Rate**	**Total $**
Laura Norin	2013	4.75	$122.5	Half of	$582			

				standard rate				
Steven McClary	2013	1	$150	Half of standard rate	$150			
				Subtotal:	$732		***Subtotal:***	
COSTS								
#	**Item**	**Detail**			**Amount**	**Amount**		
	Travel	Airport parking, Airfare, taxi, BART to airport.			454.60			
				Subtotal:	**454.60**		***Subtotal:***	
				TOTAL REQUEST $:	**38,015.85**	**TOTAL AWARD $:**		

*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

Attorney	Date Admitted to CA BAR[2]	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Michael Shames	June 3, 1983	108582	No; please note from January 1, 1986 until January 15, 1987 and January 1, 1988 until October 5, 2011, Michael Shames was an inactive member of the California State Bar.
David Peffer	June 2, 2010	270479	No

C. CPUC Disallowances & Adjustments:

#	Reason
	Because we find no substantial contribution, we do not reach the issue of whether the claimed attorney, expert and advocate fees are reasonable.

[2] This information may be obtained at: http://www.calbar.ca.gov/.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No

B. Comment Period: Was the 30-day comment period waived (*see* Rule 14.6(2)(6))?	No

If not:

Party	Comment	CPUC Disposition
	No comments were filed.	

FINDINGS OF FACT

1. Claimant has not made a substantial contribution to Decision 13-03-023.

CONCLUSION OF LAW

1. The Claim should be denied.

ORDER

1. The Utility Consumer Action Network's request for an award of compensation for substantial contribution to Decision 13-03-039 is denied.

2. The comment period for today's decision is not waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		**Modifies Decision?**	no
Contribution Decision(s):	D1303029		
Proceeding(s):	A1105023		
Author:	ALJ Yacknin		
Payer(s):	N/A		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Utility Consumers Action Network	5/28/2013	$38,015.85	$0.00	No	No substantial contribution

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
n/a	n/a	n/a	n/a	n/a	n/a	n/a

(END OF APPENDIX)