

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Address Utility Cost and Revenue Issues Associated with Greenhouse Gas Emissions.

Rulemaking 11-03-012  
(Filed March 24, 2011)

**DECISION GRANTING COMPENSATION TO COMMUNITY ENVIRONMENTAL COUNCIL FOR CONTRIBUTION TO DECISION 12-12-033**

<b>Claimant: Community Environmental Council</b>	<b>For contribution to D.12-12-033</b>
<b>Claimed (\$): 25,153</b>	<b>Awarded (\$): 19,860.00 (~21.043% reduction)</b>
<b>Assigned Commissioner: Peevey</b>	<b>Assigned ALJs: Semcer and Halligan</b>

**PART I: PROCEDURAL ISSUES**

**A. Brief Description of Decision:** Adopted cap-and-trade greenhouse gas allowance revenue allocation methodology for the investor-owned electric utilities

**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 (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	Aug. 1, 2011	Correct.
2. Other Specified Date for NOI:	NA	
3. Date NOI Filed:	Jan. 4, 2012	Correct.

4. Was the notice of intent timely filed?		Yes. Although not filed within 30 days of the first PHC, the NOI is timely. Community Environmental Council (CEC) was granted permission to late-file the notice of intent since CEC did not enter the proceeding until after the original NOI deadline had passed.
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	R.08-08-009	Correct.
6. Date of ALJ ruling:	June 3, 2011	Correct.
7. Based on another CPUC determination (specify):	and D.11-10-040	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:	R.08-08-009	Correct.
10. Date of ALJ ruling:	D.11-10-040	June 3, 2011
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.12-12-033	Correct.
14. Date of Issuance of Final Decision:	Dec. 20, 2012	Date of issuance was December 28, 2012.
15. File date of compensation request:	Feb. 19, 2013	Correct.
16. Was the request for compensation timely?		Yes.

**PART II: SUBSTANTIAL CONTRIBUTION**

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

<b>Claimant’s Claimed Contribution(s)</b>	<b>Citation to Decision or Record</b>	<b>CPUC Discussion</b>
<p>1. The Council took part throughout the course of Phase II, working primarily as part of the Joint Parties coalition of environmental groups, but also submitting independent comments where we couldn’t find common ground with the Joint Parties. We were part of the Joint Parties’ Revised Proposal (1/6/12), Joint Parties’ reply comments on party proposals (2/14/12), Joint Parties’ opening comments on the impact of SB 1018 on party proposals (8/1/12), and reply comments on the impact of SB 1018 (8/13/12). The Council submitted its own comments on the Proposed Decision (12/06/12), joined by the Clean Coalition. The Council joined with the Joint Parties again in reply comments on the Proposed Decision (12/11/12).</p>		<p>Agreed.</p>
<p>The Council and the Joint Parties opposed calculating climate dividends volumetrically in general, and, more specifically, rejected a pure volumetric return of allowance revenues for small business customers</p>	<p>The Commission agreed with the Joint Parties with respect to non-volumetric return of revenues. The Decision describes in detail the Joint Parties position on this issue (pp. 34-35):</p> <p>“The Joint Parties recommend that revenues be used to compensate EITE and small business customers as well as for investments in clean energy or energy efficiency. The Joint Parties propose that any GHG revenues remaining after these actions be returned to all residential ratepayers, including residential</p>	<p>Agreed, but pp. 34-35 are part of the section of the Decision entitled “Proposals.” Summarizing the proposals of the Joint Parties, in this section, does not indicate contribution to the final decision.</p> <p>The final citation should be to p. 110 and not p. 71.</p>

	<p>ratepayers with usage in Tiers 1 and 2, in the form of an off-bill rebate. According to the Joint Parties, the purpose of including all residential ratepayers, even those without GHG costs included in their rates (Tiers 1 and 2 customers) is to mitigate both the direct and indirect costs associated with the Cap-and-Trade program. The Joint Parties consider “indirect costs” to be costs associated with the increased price of goods and services as a result of the Cap-and-Trade program that are passed on to all residential ratepayers. To the extent possible, the Joint Parties propose that rebates be provided to residential customers in advance of any rate increases. In order to determine the rebate amount per household, the Joint Parties propose that the Commission adopt a methodology to ensure that households that experience higher bill impacts (e.g. households in certain climate zones, with electric heat sources, etc.) receive proportionally larger refunds.” (pp. 62-63).</p> <p>The Decision states (p. 117):</p> <p>“This [non-volumetric] approach has the advantage of providing a greater return as a share of income to lower-income households, which, as argued by the Joint Parties, is</p>	
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	<p>appropriate given that energy costs in general, and the burden of the Cap-and-Trade program in particular, will fall more heavily on low-income households, as a percent of household income.”</p> <p>The Decision also states: “The impact of these price increases will likely be proportionally greater on lower income households as these households tend to spend a greater proportion of their incomes on basic goods and services” (p. 71).</p>	
<p>The Council and the Joint Parties argued consistently for re-investing some revenues into energy efficiency and renewable energy. For example, in Joint Party opening comments on the impact of SB 1018 on party allocation proposals (pp. 6-7); Council opening comments on Proposed Decision (p. 6).</p>	<p>The Decision states our position (pp. 36-37):</p> <p>“The Joint Parties propose that the Commission invest a portion of the total GHG allowance revenues in carbon mitigation programs and technologies in order to overcome existing market barriers to entry and/or expansion. The Joint Parties recommend that the Commission prioritize investment in three main categories: (1) expanding energy efficiency programs beyond the Commission’s current portfolio, including developing innovative financing strategies to support emerging clean energy technologies and implementation strategies, (2) expanding low and moderate energy efficiency programs, and (3) enabling better interconnection, integration</p>	<p>Agreed, although many of the citations to the Decision, while citing the correct language, include incorrect page numbers.</p>

	<p>and support for distributed renewable generation. The Joint Parties propose that funding should be made available to all utility customers, including DA, CCA, and commercial/industrial customers, and that funding should be made available in collaboration with local governments and community-based organizations. The Joint Parties assert that all of these activities are permitted under § 748.5(c).”</p> <p>And (p. 93):</p> <p>“The Joint Parties, in contrast, state that the adoption of § 748.5 reflects the Legislature’s support for using utility allowance revenues for investment activities. On this basis, the Joint Parties suggest that it would be appropriate for the Commission set aside the full 15% of revenues.”</p> <p>And (p. 132):</p> <p>“Many parties in this proceeding, including the Joint Parties, SEIA, DRA, GPI and others, argue that investment in AB 32 programs, such as energy efficiency or clean energy, is vital to the efficacy of the Cap-and-Trade program, it supports customers in a more targeted manner than the diffuse return of GHG</p>	
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	<p>allowance revenues to all customers (as proposed initially by the Joint Utilities), and it allows for maintenance of some, if not all, of the carbon price signal in rates.”</p> <p>And, with respect to the limitations on funding clean energy or energy efficiency, the Decision states (p. 94):</p> <p>“The Joint Parties argue that an overly restrictive reading of the provision would render subdivision (c) effectively meaningless and suggest that such a reading is inconsistent with longstanding canons of statutory interpretation as well as the asserted interest of the Legislature in exploring investment opportunities. The Joint Parties argue that a more reasonable interpretation of this language is that the Commission must stay within its jurisdictional purview by allocating revenues to buttress clean energy and energy efficiency projects that are authorized under the Commission’s existing statutory authority.”</p> <p>The Commission agreed with us regarding the authority conferred by section 748.5(c): (p. 95):</p> <p>“We find that, as argued by the Joint Parties, a restrictive read of § 748.5(c) would render the provision effectively meaningless, a</p>	
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	<p>perverse outcome that would require the Legislature to step into the role of adopting clean energy and energy efficiency programs and projects that have traditionally been under the Commission’s statutory jurisdiction. Nothing in the plain language of the statute leads us to believe the statutory authority of the Commission has been altered.”</p> <p>With respect to the meaning of “not otherwise funded” in section 748.5(c), the Decision states (p. 96):</p> <p>“The Joint Parties suggest that the intent of the Legislature was to avoid duplication and fund-shifting; therefore, a reasonable interpretation of this language is that revenues in this proceeding can be used to fund new and supplemental projects that build on and address gaps in the Commission’s current suite of customer programs.”</p> <p>The Commission agreed with us (pp. 96-97):</p> <p>“As suggested by the Joint Parties, we find that the most reasonable interpretation of the statute that promotes the statute’s general purpose is the requirement that any GHG allowance revenue directed toward clean energy project be additional to previously existing activities, regardless</p>	
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	<p>of whether a project is new or already in existence.”</p> <p>While the Commission agreed with us that re-investments were allowed and may constitute good policy, within the limitations of SB 1018, the Decision opted to instead return all revenues to ratepayers in various ways – but left open the strong possibility that this decision may change in the future. The Decision also stated that parties may present proposals in this or other proceedings for concrete ways to re-invest up to 15% of revenues in renewable energy and other GHG-reducing programs. The Commission was not persuaded to fund renewable energy programs, stating, “We decline, at this time, to allocate any portion of GHG allowance revenues toward clean energy or energy efficiency measures, preferring to focus our initial efforts on maximizing the amount of revenues returned directly to residential ratepayers.”(p. 55) The Decision states that the Commission “may forego allocating GHG allowance revenues towards energy efficiency or clean energy programs while remaining in compliance....” (p. 98).</p> <p>The Decision states (p. 133):</p> <p>“While such arguments have merit, we are not persuaded</p>	
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	<p>that it is appropriate to direct GHG allowance revenues towards energy efficiency or clean energy programs at this time.... The appropriate venue for deciding the manner in which GHG revenues should be allocated toward energy efficiency and clean energy programs is within the various proceedings specifically opened to make such decisions.”</p>	
<p>The Council argued, with the Joint Parties, for robust customer outreach programs. The Council differed from the Joint Parties in arguing for an off-bill rebate to ratepayers as a significant means for educating ratepayers about the cap and trade program, due to the fact that most ratepayers pay their bills online nowadays and thus avoid seeing any bill inserts. If customer education programs are purely on-bill, a major outreach and education opportunity would be missed. (Joint Parties revised revenue allocation proposal, 1/6/12, p 8, p. 45; Council opening comments on PD, 12/6/12, p. 10).</p>	<p>The Decision states the Joint Parties’ position (pp. 36-37):</p> <p>“Like most other parties, the Joint Parties support customer outreach that achieves a wide understanding of and engagement in the GHG allowance revenue allocation program. In contrast to other parties, including the Joint Utilities, the Joint Parties argue that providing an on-bill credit without creating the opportunity to apply the credit to other uses, such as energy efficiency, will make measurement of customer awareness difficult.”</p> <p>And (p. 55):</p> <p>“Finally, DRA and the Joint Parties suggested that the Commission adopt a policy objective to educate customers about the impacts and benefits of the Cap-and-Trade program.”</p> <p>And (p. 120):</p>	<p>Agreed. <i>But see</i> Decision at pp. 38-39.</p>

	<p>“DRA and the Joint Parties argue that an off-bill rebate (delivered through a separate payment not included in the customer’s monthly bill) is preferable because it is independent of the customer’s bill and allows for increased customer understanding of the Cap-and-Trade program.”</p> <p>The Commission decided against off-bill return of revenue, but recognized the many factors weighing in favor of off-bill return (pp. 120-121):</p> <p>“We share the concern of DRA and others [such as the Joint Parties] that customers may perceive the GHG allowance revenue return, even if calculated non-volumetrically, as a rate reduction if it is returned via an on-bill credit against each customer’s bill. Therefore, from the policy standpoint of preserving the carbon price signal, it is preferable to return revenues separate from customer bills through a check or some other form of off-bill rebate 82. As argued by DRA, the Joint Parties, and IEP, customers would essentially receive the revenues as cash or a cash equivalent, wholly independent of their electricity bills; thus, there would be no risk that customers would interpret the</p>	
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	<p>refund as a reduction in electricity rates. ... We share the concerns of the utilities that implementation of an off-bill rebate will likely be costly and administratively burdensome. As a matter of policy, we prefer to preserve as much of the allowance revenue value as possible for direct return to customers, and we are aware that our adopted method of return for EITE and small business customers may entail significant administrative costs.”</p>	
<p>The Joint Parties argued that any distribution of revenue to EITE customers should at a minimum include those qualifying for industry assistance. (Joint Parties revised revenue allocation proposal, 1/6/12, pp. 12-13).</p>	<p>The Decision states the Joint Parties’ position as follows (p. 40):</p> <p>“Most parties (e.g. the Joint Utilities, the Joint Parties, the Large Users, Tesoro) agree that any distribution of GHG allowance revenue to EITE customers by this Commission should, at a minimum, include those entities qualifying for Industry Assistance under the Cap-and-Trade regulation.”</p> <p>And (p. 41):</p> <p>“The Joint Parties propose that EITE customers receive allowance revenues based on a formula that accounts for EITE customers’ historical consumption, leakage assistance factors in ARB’s Cap-and-Trade regulation, and incremental rate impacts</p>	<p>Agreed.</p>

	<p>forecast by the utilities on the customer class to which each EITE belongs. For DA customers that are classified as EITE, the Joint Parties propose the Commission apply the same formula as to bundled EITE customers. The Joint Parties argue that by relying on historical usage patterns, the proposed methodology will retain strong incentives for EITE customers to maximize efficient electricity consumption.”</p> <p>The Decision disagreed with our specific recommendation but agreed with our goals (p. 100):</p> <p>“We reject the proposal of the Joint Parties, which suggests that revenues be returned to EITE customers based upon historical electricity consumption, leakage risk and the incremental rate impacts forecast by the utilities on the customer class to which each EITE customer belongs. We believe that the methodology we adopt here achieves the goals of the Joint Parties to preserve a carbon price signal but does so using formulas that mirror the existing ARB process, which has been thoroughly developed and publicly vetted.”</p>	
<p>With respect to ranking policy objectives, the Council and Joint Parties supported the Commission’s proposed objectives but recommended</p>	<p>The Decision states the Joint Parties position, and then proceeds through an extensive analysis of each policy</p>	<p>Agreed.</p>

<p>another be added (to further customer understanding of and support for California’s climate change programs) and that the Commission seek to implement policies that met the most objectives (Joint Parties’ revised revenue allocation proposal, 1/6/12, pp. 9-10).</p>	<p>objective, generally supporting the Joint Parties positions (p. 58):</p> <p>“Rather than ranking the policy objectives, the Joint Parties suggest that the Commission should evaluate proposals according to all of the objectives suggested in the scoping memo for this proceeding, along with a new objective that they propose. This new objective, which is also proposed by DRA, is the facilitation of customers’ understanding of and support for California’s climate change programs. The Joint Parties recommend that the Commission should prioritize proposals that advance the most policy objectives, rather than focusing on one or a few key objectives to the exclusion of others.”</p>	
<p>With respect to Commission authority under section 748.5(a), the Council and Joint Parties argued that this section doesn’t limit return of revenues to other customer groups. (Joint Parties opening comments on SB 1018 impact on party proposals, 8/1/12, pp. 4-5).</p>	<p>The Decision states (p. 72):</p> <p>“The Joint Parties, however, argue that § 748.5(a) does not expressly limit the return of allowance revenues to other customer groups.”</p> <p>The Commission disagreed with our position, however (p. 73):</p> <p>“A plain language reading of § 748.5(a) yields no ambiguity. Section 748.5(a), by designating specific customer classes (namely residential, small business, and emissions-intensive and trade-exposed) as the</p>	<p>Agreed.</p>

	<p>recipients of directly credited GHG allowance revenues prohibits us from granting direct relief to customer groups outside those classifications.”</p>	
<p>With respect to the meaning of “maximum feasible public awareness” under section 748.5(b), the Council and Joint Parties argued that revenues should be retained in a way that is visible, understandable and leverages new and existing clean energy programs (Joint Parties opening comments on SB 108, 8/1/12, pp. 5-6).</p>	<p>The Decision states our position (p. 89):</p> <p>“In contrast, the Joint Parties argue that in order to achieve maximum feasible public awareness, revenues must be returned in a way that is visible, understandable and leverages new and existing customer clean energy programs. Otherwise, the Joint Parties assert that the Commission will have limited means of gauging customer awareness.”</p> <p>Unfortunately, the Commission disagreed with our position (p. 90):</p> <p>“We do not agree with the Joint Parties that adopting clean energy or energy efficiency programs will increase our ability to measure or result in maximization of public awareness as required under § 748.5(b). We are persuaded that the education program under § 748.5(b) must be modest in 2013.”</p>	<p>Agreed.</p>
<p>With respect to returning revenues to small business customers, the Joint Parties argued that energy costs are a small fraction of small business costs and, accordingly, the Commission</p>	<p>The Decision agreed with our recommendations (pp. 104-105):</p> <p>“In their August 1, 2012,</p>	<p>Agreed.</p>

<p>should determine the ability to pass through increased costs from cap and trade (Comments of the Joint Parties on the Impact of SB 1018, August 1, 2012, at 5, citing J.Weiss and M. Sarro, <i>The Economic Impact of AB 32 on California Small Businesses</i>, prepared by the Brattle Group for the Union of Concerned Scientists, December 2009.</p>	<p>comments, the Joint Parties argue that, for the majority of small businesses in California, energy related costs represent only a small fraction of total revenue. We are inclined to agree with the Joint Parties’ assessment. Though we are directed to return allowance revenue to small businesses, we do not believe the presence of carbon pricing in electricity rates for small businesses will necessarily result in emissions or economic leakage, excluding those businesses that operate in industries eligible for Industry Assistance.”</p>	
<p>The Council and the Joint Parties argued consistently for the need to preserve the carbon price signal in order to have an effective program and, accordingly, to not return revenues to ratepayers in a manner that would entirely negate this pricing signal (Joint Parties revised proposal, 1/6/12, p. 17; Council opening comments on PD, 12/6/12, p. 5).</p>	<p>The Decision agreed with us that preserving the carbon price signal should be paramount (p. 59):</p> <p>“We believe that preservation of the carbon price signal is a high priority objective. Indeed, it represents a foundational element of the Cap-and-Trade program that guides our thinking throughout this decision. ... In order to preserve the incentives the Cap-and-Trade program is intended to provide, the costs of carbon should generally be reflected in the price of electricity so that these costs can, in turn, be appropriately reflected in the price of goods and services that rely on electricity.... The efficacy of the regime in encouraging these positive behavioral and</p>	<p>Agreed.</p>

	<p>economic decisions rests fundamentally on the presence of a carbon price signal.”</p> <p>The Decision again cited our position (p. 113): “The Joint Parties, on the other hand, advocate that GHG costs remain fully present in retail electric rates in order to maintain a carbon price signal.”</p> <p>Though the Commission agreed with us on this key principle, it deviated from this principle with respect to residential ratepayers (p. 113):</p> <p>“While our decision to use allowance revenue to eliminate Cap-and-Trade-related costs from residential rates is seemingly at odds with our general preference to preserve the carbon price signal in electricity rates, we believe an exception in the residential rate class is appropriate given the differences in cost burden that exist in tiered rates.”</p> <p>The Decision disagreed with our climate zone proposal for returning revenues to residential ratepayers (p. 117):</p> <p>“We note that the Joint Parties also advocate for the distribution of GHG allowance revenue to all residential customers; however, their recommended</p>	
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	<p>approach, which would allocate revenues based upon energy costs for different climate zones, is not necessary given that we are offsetting GHG costs in residential rates at this time. However, the Joint Parties' proposed methodology raises an important issue regarding the most equitable way of distributing allowance revenues among residential customers. There are many differences among residential accounts, including size of household and electricity usage (in addition to differences between climate zones, as mentioned by the Joint Parties), and there simply is no way to ensure that revenues are distributed in a manner that recognizes each of these factors. Furthermore, aside from the climate-zone approach offered by the Joint Parties, no other party offered a different distribution methodology for our consideration other than via a per account basis. At this time, we believe that the distribution of all remaining GHG allowance revenue on an equal per residential account basis, as described in more detail below, ensures the most equitable treatment of residential customers available."</p>	
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**B. Duplication of Effort (§§ 1801.3(f) & 1802.5):**

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?<sup>1</sup></b>	Y	Correct.
<b>b. Were there other parties to the proceeding?</b>	Y	Correct.
<p><b>c. If so, provide name of other parties:</b></p> <p>Comments in this proceeding were filed by: California Cogeneration Council (CCC), jointly by the California Farm Bureau Federation, the Agricultural Council of California, the California League of Food Processors, and the Agricultural Energy Consumers Association (collectively, the Agricultural Parties), the Direct Access Customer Coalition (DACC), the Division of Ratepayer Advocates (DRA), the Green Power Institute, (GPI), jointly the California Large Energy Consumers Association (CLECA), the California Manufacturers and Technology Association, and the Energy Producers and Users Coalition (EPUC) (collectively, the Large Users), Marin Energy Authority (MEA), jointly the Natural Resources Defense Council (NRDC), Sierra Club California, the Greenlining Institute, Union of Concerned Scientists (UCS), Local Government Sustainable Energy Coalition, National Consumer Law Center, Climate Protection Campaign, California Housing Partnership Corporation, and the Community Environmental Council (collectively, the Joint Parties), Noble Americas Energy Solutions, LLC (Noble Americas), PG&amp;E; SCE; SDG&amp;E (the Joint Utilities), PacifiCorp, the Solar Energy Industries Association (SEIA) (formerly the Solar Alliance), and The Utility Reform Network (TURN).</p>		Correct.

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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><b>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:</b></p> <p>The Council’s compensation in this proceeding should not be reduced for duplication of the showings of other parties. In proceedings such as this one, involving multiple participants (and there were many in this proceeding), it is nearly impossible for the parties to completely avoid some duplication of the work by other parties. (The Commission itself has noted that duplication may be practically unavoidable in a proceeding such as this where many stakeholder groups are encouraged to participate.)</p> <p>Here, the Council took all reasonable steps to prevent duplication, and to ensure that our work served to complement the showings of the other parties. As members of a coalition, each of the individual Joint Parties (which sometimes varied during different aspects of the proceeding) collaborated with the others to clarify positions and arguments prior to final submission to the Commission. This was accomplished through numerous conference telephone calls, during which strategies and points of view were deliberated in detail. Follow-up emails amongst the parties were used to communicate any modifications and to perfect position statements. This careful methodology ensured the absence of duplicative work product between the parties, resulting in concise expressions of our joint perspective throughout the proceedings. The Council regularly attended and participated in these activities, the cumulative result of which ensured the absence of duplicated work. Moreover, additional effort by the Council to avoid duplication was undertaken by presentation of its strongest points of view (some differing from the Joint Parties) in additional, separately filed comments on the PD. Under the circumstances described, no reduction to our compensation for this proceeding is warranted.</p>	<p>Agreed.</p>
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**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

<p><b>Explanation by claimant of how the cost of Claimant’s participation bore a reasonable relationship with benefits realized through participation (include references to record, where appropriate)</b></p>	<p><b>CPUC Discussion</b></p>

<p>The Commission should treat this compensation request as it has treated similar past requests with regard to the difficulty of establishing specific monetary benefits associated with the Council’s participation.</p> <p>We cannot identify precise monetary benefits to ratepayers stemming from our contributions to this proceeding because our contributions were directed primarily at policy matters, rather than the establishment of specific rates, funding levels, or particular dollar amounts. Indeed, much of the policy discussion concerning renewable energy centers on the difficulty of quantifying the environmental and other benefits because these benefits are not generally internalized by electricity markets at this time. The Decision puts into place a new plan for the allocation of allowance revenues via customer bill relief among utility ratepayers. The Council’s contributions focused on the establishment of a revenue allocation methodology that would fund investment in energy efficiency and clean energy programs <i>in addition</i> to providing rate relief to consumers, under the rationale that such investments will benefit all ratepayers in the mid- to long-term through lower-cost energy and reduced greenhouse gas emissions. The Joint Parties/Council’s proposal would augment California’s extant GHG emission reduction and renewable energy objectives while supporting further price reductions through smart investments.</p>	<p>Verified, <i>but see</i> “CPUC Disallowances &amp; Adjustments,” Part III (C).</p>
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**B. Specific Claim:**

CLAIMED						CPUC AWARD				
ATTORNEY AND ADVOCATE FEES										
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate	Total	
Hunt	2011	8.25	330	D.12-09-014 Res. ALJ-281	\$2,722.50	2011	8.25	\$330.00	\$2722.50	
Hunt	2012	33.5	337	D.12-09-014 Res. ALJ-281	\$11,298	2012	33.5	\$340.00 [1]	\$11,390.00	
Hunt	2013	1.25	337	D.12-09-014 Res. ALJ-281	\$412.58	2013	0 [2]	\$345.00 [3]	\$00.00	
Hartfield	2011	43.25	150	Res. ALJ-281	\$6,487.50	2011	42.25	\$75.00 [4]	\$3,168.75	
Hartfield	2012	13	153	Res. ALJ-281	\$1,993	2012	13	\$75.00 [5]	\$975.00	
Hartfield	2013	3.75	153	Res. ALJ-281	\$573.75	2013	3.75	\$75.00	\$281.25	
					<b>Subtotal \$:</b>	<b>23,487</b>			<b>Subtotal:</b>	<b>18,537.50</b>

<b>INTERVENOR COMPENSATION CLAIM PREPARATION **</b>									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Hunt	2013	6.25	169	D.12-09-014, Res. ALJ-281	1054	2013	6.25	\$170.00	\$1062.50
Hartfield	2013	8	77	Res. ALJ-281	612	2013	8	\$32.50	\$260.00
					<b>Subtotal:</b>	<b>Subtotal:</b>			
					<b>1,666</b>	<b>\$1,322.50</b>			
					<b>TOTAL REQUEST \$:</b>	<b>TOTAL:</b>			
					<b>25,153</b>	<b>\$19,860.00</b>			

\*\*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

<b>ATTORNEY INFORMATION</b>			
Attorney	Date Admitted to CA BAR <sup>2</sup>	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Tamlyn Hunt	January 29, 2002	218673	No. Hunt was inactive with the California Bar from January 1, 2005 until April 27, 2009.

**C. CPUC Disallowances & Adjustments:**

Item	Reason
[1]	The Commission previously approved a rate of \$340 for Hunt in 2012. See D.13-12-021.
[2]	Hunt’s time sheet for 2013 contains only one entry, which states “Prepare for ex parte with Tisdale; convene ex parte re GHG PD; file ex parte notice.” This ex parte contact is not listed on the Commission’s docket card for the proceeding and compensation for this request is disallowed.

<sup>2</sup> This information may be obtained at: <http://www.calbar.ca.gov/>.

[3]	The Commission approves a rate of \$345 for Hunt in 2013, which applies a 2% cost-of-living-adjustment (COLA). <i>See</i> Resolution ALJ-287.
[4]	CEC did not justify or explain Hartfield’s rate in the compensation request. Although Hartfield is an attorney, she is not a member of the California Bar and will not, in this proceeding, be granted an attorney rate by the Commission. Her experience with the Commission started in 2011. According to the time sheets filed in conjunction with the request for compensation, most of Hartfield’s work consisted of document review, general review, and editing of documents – not the work normally associated with either attorneys or experts. As such, Hartfield will be granted a rate similar to that of a Research Associate. Hartfield’s 2011 rate is set at \$75.00. <i>See</i> D.13-10-012.
[5]	The Commission applied a 2.2% cost-of-living adjustment (COLA) to Hartfield’s 2012 rate. <i>See</i> Res.ALJ-281. Once this rate was rounded to the nearest \$5, Hartfield’s 2012 remained unchanged.

**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(c)(6)) (Y/N)?	Yes

**FINDINGS OF FACT**

1. Community Environmental Council has made a substantial contribution to Decision 12-12-033.
2. The requested hourly rates for Community Environmental Council’s 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 compensation is \$19,860.00.

**CONCLUSION OF LAW**

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

**ORDER**

1. Community Environmental Council is awarded \$19,860.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas and Electric Company shall pay Community Environmental Council their respective shares of the award, based on their California-jurisdictional gas and electronic 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 05/05/2013, the 75<sup>th</sup> day after the filing of Community Environmental Council's 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 A****Compensation Decision Summary Information**

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	No.
<b>Contribution Decision(s):</b>	D1212033		
<b>Proceeding(s):</b>	R1103012		
<b>Author:</b>	ALJ Halligan		
<b>Payer(s):</b>	Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas and Electric 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>
Community Environmental Council (CEC)	2/19/2013	\$25,153.00	\$19,860.00	No.	See Part III (C), above.

**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>
Tamlyn	Hunt	Attorney	CEC	\$330.00	2011	\$330.00
Tamlyn	Hunt	Attorney	CEC	\$337.00	2012	\$340.00
Tamlyn	Hunt	Attorney	CEC	\$337.00	2013	\$345.00
Karen	Hartfield	Research Associate	CEC	\$150.00	2011	\$75.00
Karen	Hartfield	Research Associate	CEC	\$153.00	2012	\$75.00
Karen	Hartfield	Research Associate	CEC	\$153.00	2013	\$75.00

(END APPENDIX)