

Decision \_\_\_\_\_

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

In the Matter of the Application of Pacific Gas and Electric Company for Adoption of its Smart Grid Pilot Deployment Project (U39E).	Application 11-11-017 (Filed November 21, 2011)
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**DECISION GRANTING COMPENSATION TO THE UTILITY REFORM NETWORK FOR SUBSTANTIAL CONTRIBUTION TO DECISION 13-03-032**

<b>Claimant: The Utility Reform Network</b>	<b>For Contribution to Decision 13-03-032</b>
<b>Claimed (\$): \$187,276.23</b>	<b>Awarded (\$): \$187,276.23</b>
<b>Assigned Commissioner: Michael R. Peevey</b>	<b>Assigned ALJ: Kelly A. Hymes</b>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief Description of Decision:</b>	Decision (D.) 13-03-032 approved, in part, and denied, in part, the application of Pacific Gas and Electric Company (PG&E) for approval of six Smart Grid deployment pilot projects. The Commission approved three distribution pilots and a short term demand forecasting pilot, but required a Pilot Implementation Plan for each that would contain additional information regarding scheduling details and evaluation, measurement and validation (EM&V) processes. The Commission also denied two other projects, and adopted a slight reduction to the adopted budgets for the approved pilots to reflect an adjustment to the requested contingency amounts.
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**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 3, 2012	Verified
2. Other Specified Date for NOI:	N/A	N/A

3. Date NOI Filed:	February 16, 2012	Verified
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:	See Comment #1	
6. Date of ALJ ruling:	See Comment #1	
7. Based on another CPUC determination (specify):	See Comment #1	
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.11-11-008	Verified
10. Date of ALJ ruling:	1/3/12	Verified
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.13-03-032	Yes
14. Date of Issuance of Final Order or Decision:	March 27, 2013	March 27, 2013
15. File date of compensation request:	May 28, 2013	August 27, 2013
16. Was the request for compensation timely?		Yes <sup>1</sup>

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

#	Intervenor’s Comment(s)	CPUC Discussion
	TURN understands that the ALJ Division has adopted a practice of only issuing a formal ruling on an intervenor’s notice of intent if the intervenor is seeking to demonstrate significant financial hardship, rather than relying on the rebuttable presumption created by an earlier finding of hardship. TURN’s showing on financial hardship (relying on the rebuttable presumption) and customer status was contained in our NOI. TURN has previously been found to satisfy these two standards -- for example <i>see</i> ALJ ruling on January 3, 2012 in R.11-11-008.	The Commission accepts TURN’s assertion.

<sup>1</sup> PU Code § 1804(c) allows an intervenor to file its request for an award within 60 days, but does not require it to be filed within 60 days. Rule 17.3 of the Commission’s Rules of Practice and Procedure requires the request to be filed no later than 60 days after issuance of the decision closing the proceeding. Rule 1.2 permits the Rules to be liberally construed to secure just, speedy, and inexpensive determination of the issues presented. It is reasonable to deviate from Rule 17. 3 here (given TURN’s long reasonable and successful practice before the Commission), and allow late filing of the request, to secure a just, speedy, and inexpensive determination of the issues on the merits.

**PART II: SUBSTANTIAL CONTRIBUTION**

**A. In the fields below, describe in a concise manner Claimant’s contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059).**

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p><b>1. Overall evaluation of proposed projects</b> – PG&amp;E’s application and testimony included no meaningful cost-benefit showing, as the utility compared the costs of the pilot projects to the potential benefits if there were full deployment at the level proposed in PG&amp;E’s Smart Grid Deployment Plan. TURN’s testimony and briefs called for an evaluation of costs and benefits even for proposed pilot projects, and presented such an analysis relying on the forecasted costs and benefits should each pilot achieve full implementation, as described in PG&amp;E’s Smart Grid Deployment Plan. The Commission agreed with TURN that costs and benefits should be considered, even if the costs are rougher estimates due to the pilot nature of the proposed projects, and recognizing that consideration of costs and benefits is just one of the criteria used to analyze the proposed projects.</p>	<p>Ex. TURN-7 (TURN Testimony of Garrick Jones), pp. 1-6.  TURN Opening Brief, pp. 1-4.  D.13-03-032, pp. 12-13.</p>	<p>Verified</p>
<p><b>2. Methodology for demonstrating reasonableness</b> -- TURN raised concerns that this application would serve as the Commission’s only opportunity to review the reasonableness of the costs forecasted for each pilot project and, given the “high level” nature of the utility’s estimates, it would be inappropriate to rely on those estimates to determine reasonableness. The Commission declined TURN’s proposed post-project reasonableness review. However, it adopted ongoing reporting requirements that should ensure an opportunity for in-depth review of each pilot project before it moves to the next stage of development, thus mitigating a substantial portion of the risk that TURN’s reasonableness review proposal sought to address.</p>	<p>Ex. TRN-09 (TURN Testimony of Robert Finkelstein), pp. 1-4.  TURN Opening Brief, pp. 4-6.  D.13-03-032, pp. 13-14 and 16.</p>	<p>Verified</p>
<p><b>3. Reporting methodology</b> -- TURN’s opening brief raised the concern that under PG&amp;E’s proposal, once a decision issued on the utility’s</p>	<p>TURN Opening Brief, p. 4.</p>	<p>Verified</p>

<p>application there would be no clear opportunity for the Commission to review and address its ongoing activities and spending associated with the pilot projects. This would extend to decisions about which projects to pursue, and which should move forward from initial evaluation to field testing, for example. When the Proposed Decision embraced this concern, but proposed reliance on Tier 1 Advice Letters as the vehicle for achieving sufficient Commission input and review, TURN pointed out that the contemplated level of review exceeded the “ministerial” tasks appropriate for Tier 1, and called for Tier 3 Advice Letters.</p> <p>In D.13-03-032, the Commission agreed that it should have more involvement in reviewing and assessing the progress of these pilots, and that PG&amp;E’s proposed approach was insufficient. To that end, the Commission required status reports filed by Tier 2 Advice Letters that were to include details regarding the activities and costs for each phase of the pilot, as well as the results and whether the pilot should advance to the next stage. The Commission noted that it had originally called for a Tier 1 Advice Letter to serve this purpose, but agreed that it would not provide the appropriate level of transparency and oversight for these reports.</p>	<p>TURN Opening Comments on PD, pp. 7-9.</p> <p>D.13-03-032, pp. 14-18.</p>	
<p><b>4. Contingencies</b> – TURN’s testimony and briefs challenged the amount of “contingencies” included in PG&amp;E’s cost forecasts for each proposed pilot project. The proposed decision was silent on this issue. TURN’s comments on the proposed decision urged the Commission to correct this omission and to reduce the contingency amounts. The final decision included a discussion of the contingency amounts and adopted reduced contingency figures, albeit at levels higher than TURN had recommended. For each authorized pilot project, the Commission authorized a reduced funding figure that reflects the adjustment for the lower contingency amount. TURN’s calculation is that the total reduction due to this reduced contingency approach is approximately \$1.2 million for the four authorized pilot projects.</p>	<p>Ex. TRN-7 (TURN Testimony of Garrick Jones), p. 11.</p> <p>TURN Opening Brief, pp. 8-10.</p> <p>D.13-03-032, pp. 68-69.</p>	<p>Verified</p>

<p><b>5. Escalation Factors</b> – TURN’s testimony raised concerns about the labor escalation factors PG&amp;E had used in developing its cost forecasts, and proposed a lower factor. PG&amp;E disputed TURN’s reasoning but provided an updated factor that was slightly lower than the factor TURN had proposed. The resulting revenue requirement reduction over the four-year period analyzed in this proceeding is approximately \$900,000.</p>	<p>Ex. TRN-7 (TURN Testimony of Garrick Jones), p. 12. Ex. PGE-08, revised Table 6-1.  TURN Opening Brief, p. 10, fn. 42.</p>	<p>Verified</p>
<p><b>6. Smart Grid Line Sensors Pilot:</b> TURN’s testimony and briefs criticized the proposed Smart Grid Line Sensor pilot project as failing to meet the pilot program criteria, and lacking sufficient detail upon which to base a finding of reasonableness. The Commission’s discussion of the pilot agreed with TURN that PG&amp;E had not fully met all of the required pilot criteria for this pilot project, and the costs exceeded the benefits when the pilot project was viewed on a stand-alone basis. The Commission also noted the insufficient detail regarding EM&amp;V for the pilot project. While the Commission authorized the pilot project, it did so with conditions intended to address or mitigate several of the points raised in TURN’s concerns identified in testimony and briefs.</p>	<p>Ex. TRN-7 (TURN Testimony of Garrick Jones), p. 21-29.  TURN Opening Brief, pp. 11-20.  D.13-03-032, pp. 18-31.</p>	<p>Verified</p>
<p><b>7. Smart Grid Volt/VAR Optimization Pilot:</b> TURN’s testimony and briefs criticized the proposed Smart Grid Volt/VAR Optimization pilot project as failing to meet the pilot program criteria, and lacking sufficient detail upon which to base a finding of reasonableness. The Commission’s discussion of the pilot agreed with TURN that PG&amp;E had not fully met all of the required pilot criteria for this pilot project. The Commission also noted the insufficient detail regarding EM&amp;V for the pilot project. While the Commission authorized the pilot project, it did so with conditions intended to address or mitigate several of the points raised in TURN’s concerns identified in testimony and briefs.</p>	<p>Ex. TRN-7 (TURN Testimony of Garrick Jones), pp. 33-38.  TURN Opening Brief, pp. 20-25.  D.13-03-032, pp. 31-37.</p>	<p>Verified</p>
<p><b>8. Smart Grid Detect &amp; Locate Pilot:</b> TURN’s testimony and briefs criticized the proposed Smart Grid Detect &amp; Locate pilot project as failing to meet the pilot program criteria, and</p>	<p>Ex. TRN-7 (TURN Testimony of Garrick Jones), pp. 29-33.</p>	

<p>lacking sufficient detail upon which to base a finding of reasonableness. The Commission’s discussion of the pilot agreed with TURN that PG&amp;E had not fully met all of the required pilot criteria for this pilot project, and the costs exceeded the benefits when the pilot project was viewed on a stand-alone basis. The Commission also noted the insufficient detail regarding EM&amp;V for the pilot project. While the Commission authorized the pilot project, it did so with conditions intended to address or mitigate several of the points raised in TURN’s concerns identified in testimony and briefs.</p>	<p>TURN Opening Brief, pp. 25-30.  D.13-03-032, pp. 38-45.</p>	
<p><b>9. Smart Grid Short-Term Demand Forecasting Pilot:</b> TURN’s testimony and briefs criticized the proposed Smart Grid Short-Term Demand Forecasting pilot project as failing to meet the pilot program criteria, and lacking sufficient detail upon which to base a finding of reasonableness. The Commission’s discussion of the pilot agreed with TURN that PG&amp;E had not fully met all of the required pilot criteria for this pilot project, and the costs exceeded the benefits when the pilot project was viewed on a stand-alone basis. The Commission also noted the insufficient detail regarding EM&amp;V for the pilot project. While the Commission authorized the pilot project, it did so with conditions intended to address or mitigate several of the points raised in TURN’s concerns identified in testimony and briefs.</p>	<p>Ex. TRN-7 (TURN Testimony of Garrick Jones), pp. 38-40.  TURN Opening Brief, pp. 30-35.  D.13-03-032, pp. 45-54.</p>	<p>Verified</p>
<p><b>10. Smart Grid Customer Outreach and Education Pilot:</b> TURN’s testimony and briefs criticized the proposed Smart Grid Customer Outreach and Education pilot project because it lacked key details and was unduly vague in its overall intent and purpose, lacked metrics necessary to measure success or performance, was premature until Smart Grid technologies emerged that might warrant such an outreach and education effort, and was insufficiently distinguished from similar ongoing outreach and education efforts. The Commission agreed with a number of these criticisms and concerns, and rejected PG&amp;E’s request due to a lack of specificity and justification. The decision</p>	<p>Ex. TRN-1 (TURN Testimony of Barbara Alexander), pp. 1-17.  TURN Opening Brief, pp. 36-50.  D.13-03-032, pp. 59-68.</p>	<p>Verified</p>

<p>specifically notes the lack of metrics that would permit measuring success or progress toward an understandable goal.</p>		
<p><b>11. Conclusion on Substantial Contribution:</b> In this proceeding TURN did not achieve its ultimate objective – denial of PG&amp;E’s request for ratepayer funding for its Smart Grid pilot projects. However, it is equally clear that TURN’s showing in opposition to the utility’s request played an important role in the Commission’s decision-making process, and helped to shape the adopted outcome. Furthermore, TURN was the only intervenor that provided an in-depth analysis of the three distribution-related pilot projects, and the short-term demand forecasting pilot project.</p> <p>The standard for an award of intervenor compensation is whether TURN made a substantial contribution to the Commission’s decision, not whether TURN prevailed on a particular issue. For example, the Commission 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.” D.08-04-004 (in the review of SCE’s contract with Long Beach Generation, A.06-11-007), pp. 5-6. In that case 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. On this basis the Commission 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>Similarly, in D.10-06-046 the Commission awarded TURN very nearly the full amount requested for its work in SCE’s application</p>		<p>Verified</p>

<p>seeking ratepayer funding of a carbon sequestration feasibility study, even though TURN opposed such ratepayer funding. In that proceeding, TURN arguably only prevailed on one of the many issues addressed in D.09-12-014, the decision approving funding for the feasibility study. In some cases the Commission considered TURN’s arguments and concluded in favor of the utility, while in others the Commission did not address TURN’s arguments because it deemed them moot due to the outcome adopted on other issues. Even though the overall outcome did not embrace TURN’s overall recommendation, the compensation award found that TURN’s efforts constituted a substantial contribution, even commenting, “TURN substantially helped the decisionmaking in this proceeding.” D.10-06-046, p. 5.</p> <p>TURN submits that a similar outcome is warranted here. As described above, TURN clearly made a substantial contribution on an array of issues in the proceeding, even though the ultimate outcome adopted was contrary to TURN’s overall recommendation in most regards. Consistent with these other decisions, the Commission should still find that TURN made a substantial contribution warranting an award of intervenor compensation for its work in this proceeding.</p>		
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**B. Duplication of Effort (§§ 1801.3(f) & 1802.5):**

	<b>Intervenor’s Assertion</b>	<b>CPUC Discussion</b>
<b>a. Was the Office of Ratepayer Advocates (ORA)<sup>2</sup> a party to the proceeding?</b>	Y	Yes
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Y	Yes
<b>c. If so, provide name of other parties:</b> California Large Energy Consumers Association (CLECA).		Verified

<sup>2</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>TURN worked with DRA from the outset of this proceeding to coordinate the two groups' efforts in order to minimize duplication and to ensure that where such duplication occurs TURN's testimony and pleadings presented distinct and unique arguments in support of the common or overlapping recommendations. For example, TURN's early coordination with DRA led to broader and more in-depth coverage of the array of PG&amp;E's proposed projects, as DRA covered the TEST project in detail and comprehensively, TURN covered the distribution and short-term demand forecasting projects in detail and comprehensively, and both groups covered the customer outreach and education project, but with different emphases. As a result, the Commission ended up with a more robust record upon which to evaluate the issue at hand. The Commission should find that TURN's participation was efficiently coordinated with DRA so as to avoid undue duplication and to ensure that any such duplication served to supplement, complement, or contribute to the showing of the other intervenor.</p>	<p>TURN reasonably coordinated with ORA, and its showing reasonably served to supplement, complement or contribute to the showing of another party.</p>
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**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

<p><b>A. General Claim of Reasonableness (§§ 1801 &amp; 1806):</b></p> <p>TURN's request for intervenor compensation seeks an award of approximately \$187,000 as the reasonable cost of our participation in the proceeding.</p> <p>There are several different ways in which the Commission can assess the reasonableness of TURN's request in this proceeding. Most directly, TURN's efforts achieved reduced ratepayer cost exposure due to the Commission's reduction of the contingency amounts included in PG&amp;E's forecast for each project. These reductions totaled approximately \$1.2 million for the four pilot projects approved in D.13-03-032. In addition, the reduced labor escalation factor that PG&amp;E submitted in response to TURN's testimony on that point reduced the revenue requirement over 2013-2016 by approximately \$900,000. Thus the reduced ratepayer funding directly attributable to TURN's participation is at least approximately ten times higher than the amount of intervenor compensation requested, which strongly indicates the reasonableness of the costs of TURN's participation in the proceeding. In addition, TURN can take some credit for the reduced funding resulting from the denial of PG&amp;E's request for \$13.48 million for customer outreach and education funding.</p> <p>The Commission should find TURN's costs of participation reasonable even if it did not consider the funding reductions directly attributable to TURN's participation. PG&amp;E's request exceeded \$100 million over a four-year period; the Commission authorized approximately \$80 million. TURN's participation in this proceeding served to advance the consumer interest in making sure any funds spent on these projects are well spent and achieve the greatest potential ratepayer benefit. As described more fully in the section on TURN's substantial</p>	<p><b>CPUC Verified</b></p> <hr/> <p>Verified</p>
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<p>contribution, our participation contributed to the greater ongoing Commission oversight of each of the authorized projects approved for ratepayer funding.</p> <p>In sum, the Commission should conclude that TURN’s overall request is reasonable in light of the substantial benefits to the utilities’ ratepayers that were directly attributable to TURN’s participation in the case.</p>	
<p><b>b. Reasonableness of Hours Claimed</b></p> <p><u>TURN’s Staff Attorney:</u></p> <p>TURN’s request includes approximately 260 hours of substantive work for its attorney Mr. Finkelstein, a very reasonable amount under the circumstances. The attached hourly time sheets indicate that TURN’s attorney recorded 63.5 hours during the period through TURN’s service of testimony, which included time devoted to the review of PG&amp;E’s showing, preparation of discovery, and development of the testimony positions and arguments, both in conjunction with TURN’s outside consultants and ratemaking policy testimony submitted by Mr. Finkelstein. The next period in the proceeding focused on preparing for and very actively participating in the evidentiary hearings, reflecting approximately 59.5 of the hours included for Mr. Finkelstein in this compensation request. TURN’s attorney devoted approximately 90 hours to preparing the opening and reply brief, which is reasonable given the breadth of the issues TURN addressed in each. (TURN’s opening brief was approximately 53 pages, and the reply brief 35 pages.) Another 7.5 hours are included for the review of and commenting on PG&amp;E’s supplemental testimony, and 39 hours to review of the proposed decision, preparation of comments, and <i>ex parte</i> meetings with each Commissioner’s office. The Commission should have little trouble concluding that the amount requested is reasonable under the circumstances. Should the Commission have any question about any of these particular tasks or the time TURN devoted to each, TURN requests an opportunity to address such question.</p> <p><u>JBS Energy:</u></p> <p>JBS Energy played a critical role in TURN’s participation in this proceeding, focusing on the three distribution-related and the short-term demand forecast projects. Garrick Jones took the lead in assessing the four PG&amp;E projects and comparing them to proposals in the PG&amp;E Smart Grid Deployment Plan, similar utility efforts from previous PG&amp;E GRC applications and other PG&amp;E applications, as well as the efforts of other utilities throughout the United States. Mr. Jones recorded approximately 320 hours for his work on these matters, or the equivalent of approximately two months of full-time effort for initial review of utility testimony and workpapers; discovery and independent research needed for analysis of the proposed projects; developing and writing testimony; assisting with hearing preparation; and assisting with brief and comment writing. TURN submits this is a reasonable number of hours given the breadth and depth of the review and analysis performed regarding PG&amp;E’s proposal.</p>	<p>TURN’s claimed hours are reasonable.</p>

<p>Mr. Jones received small amounts of assistance from others at JBS Energy. William Marcus, the firm’s principal, provided input on strategy development, testimony drafting, and hearing preparation. Jeff Nahigian, a Senior Economist, provided input on specific AMI-related issues relevant to Mr. Jones’ analysis, and assisted in researching a ratemaking issue. Gayatri Schilberg, a Senior Economist, provided strategic input on IT expenditures associated with the various pilot project proposals. In these roles each of the other JBS Energy firm members recorded small amounts of hours that the Commission should find reasonable.</p> <p><u>Barbara Alexander:</u></p> <p>Barbara Alexander also played a critical role in TURN’s participation in this proceeding, focusing almost exclusively on the customer outreach and education project in PG&amp;E’s proposal. Her total of 64.5 hours reflects both the narrower scope of her work in the proceeding and the efficiency she was able to harness thanks to her recent work on similar issues in other forums. For the entire process of reviewing the utility’s showing through discovery, testimony preparation, hearing participation and assistance with brief drafting, 64.5 hours is a very low number. TURN submits that Commission should have no trouble finding it reasonable for Ms. Alexander’s work in this proceeding.</p> <p><u>Compensation Request Preparation Time:</u> TURN is requesting compensation for 10.5 hours devoted to compensation-related matters, primarily preparation of this request for compensation (10.0 hours). This is a reasonable figure in light of the size and complexity of the request for compensation itself.</p> <p>Mr. Finkelstein prepared this request for compensation because his extensive knowledge of this proceeding, combined with his experience with compensation requests associated with similar proceedings, enabled him to prepare the request in a more efficient manner than if it were prepared by one of the other attorneys.</p> <p>In sum, the Commission should find that the number of hours claimed is fully reasonable in light of the complexity of the issues and TURN’s relative success on the merits.</p>									
<p><b>c. Allocation of Hours by Issue</b></p> <p>TURN has allocated all of our attorney and consultant time by issue area or activity, as evident on our attached timesheets. The following codes relate to specific substantive issue and activity areas addressed by TURN.</p> <table border="0"> <tr> <td style="vertical-align: top;">Code</td> <td>Stands for:</td> </tr> <tr> <td></td> <td>General Participation -- work that would not vary with the number of issues that TURN addresses, such as the initial review of the application or later-served testimony, preparation of protest and participation in prehearing conference.</td> </tr> <tr> <td>GP</td> <td>Hearing Preparation – Work associated with hearing preparation, including tasks such as preparing cross-examination estimates and hearing schedules as well as preparation for cross-examination of other parties’ witnesses.</td> </tr> <tr> <td>HP</td> <td></td> </tr> </table>	Code	Stands for:		General Participation -- work that would not vary with the number of issues that TURN addresses, such as the initial review of the application or later-served testimony, preparation of protest and participation in prehearing conference.	GP	Hearing Preparation – Work associated with hearing preparation, including tasks such as preparing cross-examination estimates and hearing schedules as well as preparation for cross-examination of other parties’ witnesses.	HP		
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	General Participation -- work that would not vary with the number of issues that TURN addresses, such as the initial review of the application or later-served testimony, preparation of protest and participation in prehearing conference.								
GP	Hearing Preparation – Work associated with hearing preparation, including tasks such as preparing cross-examination estimates and hearing schedules as well as preparation for cross-examination of other parties’ witnesses.								
HP									

GH	General Hearing -- Hearing-related (preparation and participation), but not issue-specific.	
PD	PD -- work on analyzing, commenting on, lobbying on, strategizing on the PD.	
Dist	Distribution Pilots – witness and attorney work focusing on analysis, review, and development of testimony, cross-examination, and briefing devoted to PG&E-proposed distribution pilots. TURN did not separately track the work on each distribution-related pilot, as there was a great deal of common effort that extended to all three pilots. If further allocation is warranted for the hours in this category, TURN proposes an allocation of 40% Line Sensors, 35% Volt/VAR Optimization, and 25% Detect and Locate, based on our review of the time sheets and associated work product from this proceeding.	
STDemFrst	Short Term Demand Forecast Pilot -- witness and attorney work focusing on analysis, review, and development of testimony, cross-examination, and briefing devoted to PG&E-proposed Short-Term Demand Forecast pilot.	
CO&E	Customer Outreach and Education -- witness and attorney work focusing on analysis, review, and development of testimony, cross-examination, and briefing devoted to PG&E-proposed customer outreach and education pilot.	
Pol	Policy -- witness and attorney work focusing on broader, policy-related issues associated with Smart Grid spending and the role of the proposed projects in the broader scheme of Smart Grid efforts, and similar issues.	
RM	Ratemaking – Cost allocation, revenue requirement and other issues related to rate recovery for proposed costs of pilot projects.	
Supp	Supplemental Testimony – Review and development of response to PG&E “supplemental” testimony that succeeded in limiting the admission of the proffered testimony to only a very small portion thereof.	
Comp	Time devoted to compensation-related pleadings	
#	Time entries that cover substantive issue work that cannot easily be identified with a specific activity code. TURN requests compensation for all of the time included in this request for compensation based on our overall substantial contribution, and does not believe allocation of the time associated with these entries is necessary. However, if such allocation needs to occur, TURN proposes that the Commission allocate these entries as follows: 50% Dist, 10% STDemFrst, 20% CO&E, 10% RM and 10% Policy, based on our review of the time sheets and associated work product from this proceeding.	
<p>TURN submits that under the circumstances this information should suffice to address the allocation requirement under the Commission’s rules. Should the Commission wish to see additional or different information on this point, TURN requests that the Commission so inform TURN and provide a reasonable opportunity for TURN to supplement this showing accordingly.</p>		

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Robert Finkelstein	2011	17.5	\$470	D.12-03-024	\$8,225.00	17.5	\$470	\$8,225.00
Robert Finkelstein	2012	202.75	\$480	Res. ALJ-281	\$ 97,320.00	202.75	\$480 <sup>3</sup>	\$97,320.00
Robert Finkelstein	2013	39.0	\$490	Res. ALJ-287	\$ 19,110.00	39.0	\$490 <sup>4</sup>	\$19,110.00
Barbara Alexander	2012	64.5	\$130	Requested here	\$8,385.00	64.5	\$130	\$8,385.00
Garrick Jones	2011	19.26	\$140	D.12-03-024	\$2,696.40	19.26	\$140	\$2,696.40
Garrick Jones	2012	304	\$150	Requested here, and in A.10-11-002 and A.10-11-015	\$45,600.00	304	\$150 <sup>5</sup>	\$45,600.00
Garrick Jones	2013	2.5	\$150	Using 2012 rate	\$375.00	2.5	\$150	\$375.00
William Marcus	2012	3.66	\$260	Requested here and A.10-11-015 (SCE GRC)	\$951.60	3.66	\$260 <sup>6</sup>	\$951.60
Gayatri Schilberg	2012	0.5	\$200	D.12-03-024	\$100.00	0.5	\$200	\$100.00
Jeff Nahigian	2012	1.75	\$195	Requested here and A.10-11-015 (SCE GRC)	\$341.25	1.75	\$195 <sup>7</sup>	\$341.25
<b>Subtotal:</b>					<b>\$183,104.25</b>	<b>Subtotal:</b>		<b>\$183,104.25</b>
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Robert Finkelstein	2012	0.5	\$240	½ 2012 hourly rate	\$120.00	0.5	\$240	\$120.00

<sup>3</sup> Adopted in Decision (D.) 14-08-022.

<sup>4</sup> Adopted in Decision (D.) 14-09-012.

<sup>5</sup> Adopted in Decision (D.) 14-08-025.

<sup>6</sup> Adopted in Decision (D.) 14-08-022.

<sup>7</sup> Adopted in Decision (D.) 14-08-022.

Robert Finkelstein	2013	10.0	\$245	½ 2013 hourly rate	\$2,450.00	10.0	\$245	\$2,450.00
<b>Subtotal:</b>					<b>\$2,570.00</b>	<b>Subtotal:</b>		<b>\$2,570.00</b>
COSTS								
#	Item	Detail			Amount	Amount		
1	Photocopies	Copies for testimony, pleadings, hearing room exhibits and other proceeding documents			\$159.80		\$159.80	
2	Postage	Mailing costs for pleadings			\$22.00		\$22.00	
3	Lexis/Nexis	Computerized Research			\$160.58		\$160.58	
4	Travel - Airfare	Expert witness airfare to attend evidentiary hearing			\$645.60		\$646.60	
5	Travel-Lodging	Expert witness lodging to attend evidentiary hearing			\$614.00		\$614.00	
<b>Subtotal:</b>					<b>\$1,601.98</b>	<b>Subtotal:</b>		<b>\$1,601.98</b>
<b>TOTAL REQUEST \$:</b>					<b>\$187,276.23</b>	<b>TOTAL AWARD \$:</b>		<b>\$187,276.23</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. Intervenor’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 Information			
Attorney	Date Admitted to CA Bar <sup>8</sup>	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes” attach explanation
Robert Finkelstein	6/13/1990	146391	No

**C. Attachments Documenting Specific Claim and Comments on Part III:**

Attachment or Comment #	Description/Comment
Attach 1	Certificate of Service
Attach 2	Daily Time Records for Attorneys and Experts
Attach 3	Cost detail

<sup>8</sup> This information may be obtained at: <http://www.calbar.ca.gov/>,

<p>Comment 1</p>	<p><b>Hourly Rates for TURN Attorneys:</b></p> <p>TURN seeks hourly rates for Robert Finkelstein, its sole staff attorney in this matter, at levels that the Commission has previously adopted for his work in 2011, and at an increased level for 2012 and 2013 consistent with Resolutions ALJ-281 and ALJ-287, respectively.</p>
<p>Comment 2</p>	<p><b>Hourly Rates for TURN Consultants:</b></p> <p>JBS Energy:</p> <p>-- William Marcus and Garrick Jones: JBS Energy increased the hourly rates for Mr. Marcus and Mr. Jones as of 1/1/12.</p> <p>For Mr. Jones, the increase from \$140 (through 2011) to \$150 was discussed in some detail in the Request for Compensation filed in A.10-11-002 (PG&amp;E Photovoltaic Manufacturing and Development Facility application) on July 13, 2012.<sup>9</sup> TURN is hopeful that a decision adopting an authorized rate for Mr. Jones’s work in 2012 will issue shortly in that proceeding. Rather than repeat the justification for the requested hourly rate, TURN refers the Commission to the pending request in A.10-11-002 and asks that the relevant material be incorporated by reference as though full set forth here. Should the Commission wish to see the justification included in this request, TURN requests the opportunity to supplement or amend this request accordingly.</p> <p>For Mr. Marcus, JBS Energy increased his hourly rate as of January 1, 2012, by \$10 to \$260, an increase of 4% over the \$250 rate it had charged for his work in each of the previous four years. JBS Energy last changed the hourly rate charged for his work in 2008, when his rate increased from \$220 to \$250. The Commission approved using the \$250 rate for work performed in 2008 in D.08-11-053 (in the Sempra GRC A. 06-12-009). In mid-September 2012, the Commission issued Res. ALJ-281 adopting an across-the-board cost-of-living adjustment (COLA) that permits a 2.2% increase to previously authorized hourly rates. Had JBS Energy increased Mr. Marcus’s 2012 hourly rate by 7.2%, TURN could have justified that rate by relying on the COLA plus a 5% increase as the first of the two “step” increases provided for in D.08-04-010 and reaffirmed in Res. ALJ-281. Therefore TURN submits that the Commission should find Mr. Marcus’s 2012 hourly rate of \$260 to be reasonable due to its consistency with the COLA and a portion of the step increase provided for in those earlier decisions. Should the Commission wish to see further justification for this increase, TURN requests the opportunity to supplement or amend this request accordingly.</p> <p>[An identical discussion appeared in TURN’s request for compensation in the SCE 2012 GRC (A.10-11-015) filed on January 25, 2013, and in the LLNL CES-21 proceeding (A.11-07-008) filed on February 19, 2013.]</p> <p>Barbara Alexander: Barbara Alexander charged TURN an hourly rate of \$130 for her work</p>

<sup>9</sup> The increase is justified in part based on Mr. Jones’s experience warranting a move to the next tier the Commission has adopted for intervenor compensation purposes.

	<p>in 2012 on this proceeding. Ms. Alexander is a Consumer Affairs Consultant with nearly two decades of experience as a consultant, following on a decade with the Maine Public Utilities Commission’s Consumer Assistance Division, where she was the division director. In Resolution ALJ -281, the hourly rate range for an expert witness or consultant with 0-6 years of experience starts at \$130; the bottom of the range for an expert with thirteen or more years of experience starts at \$160 and extends to \$400. Thus TURN submits that Ms. Alexander’s rate of \$130 is clearly below-market for a person of her training and experience.</p>
<b>Comment 3</b>	<p><b>Reasonableness of Expenses:</b> TURN seeks recovery of \$1,761.78 associated with expenses and costs incurred for our work in this proceeding. The postage and photocopying costs are for pleadings or for documents used during the evidentiary hearings (primarily TURN’s prepared testimony and cross-examination exhibits). The Lexis charge is for computerized legal research TURN performed for this proceeding. The travel-related expenses are for Barbara Alexander, the expert witness on Customer Outreach and Education issues who lives in Maine. Prior personal commitments resulted in Ms. Alexander coming to San Francisco from Montana, then returning to her home in Maine. The air travel expense of \$645.60 sought here is 60% of the total expense she incurred for this trip, and is consistent with the estimates Ms. Alexander obtained at the time for a stand-alone trip from Montana to San Francisco, with a return to Maine.</p>

D. CPUC Disallowances and Adjustments:

#	Reason
Adoption of Barbara Alexander’s hourly rate(s).	Alexander is a Consumer Affairs Consultant with nearly two decades of experience as a consultant, following on a decade with the Maine Public Utilities Commission’s Consumer Assistance Division, where she was the division director. The Commission agrees with TURN’s assertion that Alexander should be awarded the rate of \$130 per hour for work she did in this proceeding in 2012. \$130 per hour is in line with the parameters set by Resolution ALJ-281.

**PART IV: OPPOSITIONS AND COMMENTS**

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

**FINDINGS OF FACT**

1. The Utility Reform Network has made a substantial contribution to D.13-03-032.
2. The requested hourly rates for TURN'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 compensation is \$187,276.23.

**CONCLUSION OF LAW**

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

**ORDER**

1. The Utility Reform Network is awarded \$187,276.23.
2. Within 30 days of the effective date of this decision Pacific Gas and Electric Company shall pay The Utility Reform Network 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 November 11, 2013, the 75<sup>th</sup> day after the filing of The Utility Reform Network's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

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>	D1303032		
<b>Proceeding(s):</b>	A1111017		
<b>Author:</b>	ALJ Hymes		
<b>Payer(s):</b>	Pacific 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>
The Utility Reform Network	8/27/2013	\$187,276.23	\$187,276.23	N/A	N/A

**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>
Robert	Finkelstein	Attorney	TURN	\$470	2011	\$470
Robert	Finkelstein	Attorney	TURN	\$480	2012	\$480
Robert	Finkelstein	Attorney	TURN	\$490	2013	\$490
Barbara	Alexander	Expert	TURN	\$130	2012	\$130
Garrick	Jones	Expert	TURN	\$140	2011	\$140
Garrick	Jones	Expert	TURN	\$150	2012	\$150
Garrick	Jones	Expert	TURN	\$150	2013	\$150
William	Marcus	Economist	TURN	\$260	2012	\$260
Gayatri	Schilberg	Expert	TURN	\$200	2012	\$200
Jeff	Nahigian	Expert	TURN	\$195	2012	\$195

**(END OF APPENDIX)**