

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's own motion to consider alternative-fueled vehicle tariffs, infrastructure and policies to support California's greenhouse gas emissions reduction goals.	Rulemaking 09-08-009 (Filed August 20, 2009)
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DECISION GRANTING COMPENSATION TO THE UTILITY REFORM NETWORK FOR SUBSTANTIAL CONTRIBUTION TO DECISION 13-06-014

Claimant: The Utility Reform Network	For contribution to D.13-06-014
Claimed: \$17,486.06	Awarded: \$18,618.56
Assigned Commissioner: Carla J. Peterman	Assigned ALJ: Regina DeAngelis

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	This decision extends through June 30, 2016 the "common facility treatment" for residential Plug-In Electric Vehicle charging-related distribution costs in excess of the Rules 15 and 16 allowances, initially adopted by the Commission in Decision 11-07-029 which directed that all utility distribution system upgrade costs should be treated as common facility. The decision also directs Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company to perform certain electric vehicle-related load research to help parties and the Commission understand the distribution upgrade costs.
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B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	11/18/2009	Verified
2. Other Specified Date for NOI:	NA	N/A
3. Date NOI Filed:	12/18/2009	Verified
4. Was the NOI timely filed?		Yes

Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R.09-08-009	Verified
6. Date of ALJ ruling:	1/28/2010	Verified
7. Based on another CPUC determination (specify):	--	N/A
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:	A.08-05-023	Verified
10. Date of ALJ ruling:	April 22, 2009	Verified
11. Based on another CPUC determination (specify):	--	N/A
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804I):		
13. Identify Final Decision:	D.13-06-014	Verified; note that D. 13-11-002 Modifies Requirements for Development of Plug-In Electric Vehicle Submetering and closes the proceeding.
14. Date of Issuance of Final Order or Decision:	July 3, 2013	Verified
15. File date of compensation request:	September 3, 2013	Verified
16. Was the request for compensation timely?		Yes

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
1. Cost Allocation (CA)	D.1306-014 at 13. “SCE and TURN both argue that the	Verified

<p>TURN argued that the upgrade allowance was not intended to apply to DC fast charging and that, if the Commission extended the Common Treatment for Excess PEV Charging Costs, it should explicitly state that the extended treatment also does not apply to DC fast charging.</p>	<p>upgrade allowance extension was not intended to apply to DC fast charging. We agree. Consistent with Decision 11-07-029, the Common Treatment for Excess PEV Charging Costs will not apply to DC (direct current) fast chargers.”</p>	
<p>2. Cost Allocation (CA) TURN raised concerns regarding the higher demand requirements of new and future electric vehicles and argued that the interim policy only covered “basic” charging arrangements.</p>	<p>D.13-06-014 at 14 The Commission noted TURN’s concerns and explicitly reiterated that the extended cost treatment would still only apply to Level 1 and Level 2 charging arrangements only.</p>	<p>Verified</p>
<p>3. Cost Allocation (CA) TURN raised concerns regarding the overall cost impacts of the Commission’s cost treatment for excess PEV charging costs on ratepayers in general.</p>	<p>D.13-06-014 at 15. The Commission acknowledged TURN’s concerns and, in response, explicitly stated that the extended policy is still intended to be temporary and that the Commission will retain discretion to alter the policy based on evidence of greater magnitude of costs being shifted to the general body of ratepayers.</p>	<p>Verified</p>
<p>4. Load Research (LR) TURN recommended that additional data be gathered and included in the load research reports in order to better understand the costs associated with residential electric vehicle charging.</p>	<p>D.13-06-014 at 16. The proposed decision originally contemplated that Energy Division would develop a revised load research methodology independent from any stakeholder or utility input. Comments from TURN and other parties resulted in altered language in the final decision, which directed Energy Division to work collaboratively with stakeholders to revise the load research methodology.</p>	<p>Verified</p>

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

	Claimant	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA)¹ a party to the proceeding?	Y	Verified
b. Were there other parties to the proceeding with positions similar to yours?	N	Verified
c. If so, provide name of other parties: Other than ORA, no other party active in this phase specifically represented residential ratepayers.		Verified
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: Due to the logistics of this phase of the proceeding, where Commissioner Peterman requested all parties to answer the same questions regarding submetering protocol and cost recovery policy, and the sheer numbers of parties in this proceeding, coordinating with all parties to entirely avoid duplication of effort and viewpoints would have been nearly impossible. TURN, however, was one of only two active ratepayer advocate groups in a rulemaking heavily dominated by utilities and interested industry parties.		No duplication issues in this request.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

a. Intervenor’s claim of cost reasonableness:	CPUC Verified
Assigning a specific dollar value to TURN’s participation in this proceeding is extremely difficult because this Rulemaking was intended to set general policies surrounding the widespread deployment of electric vehicles in the state rather than dealing with specific costs and revenue impacts of PEV charging. The work in this phase of the R.09-08-009 dealt with protocols and policies rather than specific costs. Generally, to the extent that the Commission specifically invited any and all parties to respond to the OIR and participate in the discussions and workshops, the Commission may safely conclude that by speaking on behalf of residential ratepayers in a Rulemaking heavily dominated by utilities, EV industry parties, and environmentally focused groups, TURN presented important issues on behalf of residential ratepayers that otherwise may not have been addressed, even if it is difficult to assign a dollar value to those issues.	Verified

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: public resources), which was approved by the Governor on September 26, 2013.

<p>In the past, the Commission has acknowledged that assigning a dollar value to intangible benefits may be difficult, and 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 TURN’s participation.²</p>	
<p>b. Reasonableness of Hours Claimed.</p> <p><u>Submetering Protocol</u></p> <p>The hours claimed in this compensation request include time spent on submetering issues and cost allocation for distribution line extensions related to electric vehicle charging, and load research. Prior to the <i>Assigned Commissioner Scoping Memo and Ruling – Phase 4</i> (Scoping Memo), filed on March 25, 2013, submetering protocol issues were organized as Phase 3 issues. The Scoping Memo, however, concluded Phase 3 of the proceeding and defined a new Phase 4 to further address 1) submetering protocols related to plug in vehicles and 2) cost allocation for distribution line extensions related to the charging of plug-in electric vehicles. The Scoping Memo also extended a prior Commission directive for the utilities to perform certain load research related to electric vehicles, which folded the issue of load research into Phase 4 as well.³</p> <p>In this request, TURN is therefore seeking compensation for time spent on submetering issues in the previously active Phase 3 of this proceeding as well as for time spent on the specific issues raised in the Scoping Memo that were defined as Phase 4 issues and discussed in D.13-06-014. No proposed or final decision has been issued on submetering protocol to address those activities and filings reflected in TURN’s timesheets. TURN’s filed comments on submetering issues in response to ALJ rulings that directed parties to answer questions about submetering protocol, feasibility, and cost effectiveness. TURN also participated in workshops that were held by Energy Division to educate and elicit input from stakeholders. TURN is seeking compensation for this work because, as stated above, the ALJ Ruling of March 25, 2013 concluded Phase 3 of the proceeding with no decision issued on the subject matter. If the Commission declines TURN’s request for compensation for time spent on these Phase 3 activities, TURN reserves the right to request compensation at a later time when the Commission issues a decision on submetering protocol.</p>	<p>Verified</p>

² See, i.e., D.99-12-005 at 6-7 (Compensation Decision in 1995 Storm Phase of PG&E GRC at 97-12-020) and D. 00-04-006 at 9-10 (Compensation Decision in Edison PBR Midterm Review, A.99-03-020) (recognizing the overall benefit of TURN’s participation where that participation assisted the Commission in developing a record on which to assess the reasonableness of the utility’s operations, and particularly its preparedness and performance in the future); D.00-05-022 (Compensation Decision in the Emergency Standards Proceeding) (awarding TURN \$92,000 in D.00-10-014 for our substantial contribution to the earlier decision, despite TURN’s inability to assign a dollar value to the benefit of our participation in order to demonstrate “productivity.” Interestingly, the Commission awarded compensation even though the emergency restoration standards may never come into play in the future, since they come into play only after a “major outage,” which is defined as impacting more than 10% of a utility’s customers. The contingent nature of the future standards did not cause the Commission to hesitate in awarding TURN compensation.).

³ Assigned Commissioner Scoping Memo and Ruling – Phase 4, March 25, 2013 at 2.

<p><u>TURN Attorneys:</u></p> <p>Nina Suetake was the primary attorney assigned to this proceeding and was solely responsible for drafting all of TURN’s pleadings in Phase 3 and 4 of this proceeding. Her hours reflect the tasks required to participate in a Rulemaking with multiple parties including reading the numerous comments filed by all the parties and drafting pleadings in response to the comments of other parties as well as preparing for and participating in Commission-sponsored workshops.</p> <p><u>TURN Consultants:</u></p> <p>JBS Energy, TURN’s consultant in this proceeding, assisted Ms. Suetake in formulating TURN’s position on several issues. Mr. Jones provided assistance with the issues of PEV submetering protocol, feasibility, and cost effectiveness. Mr. Nahigian focused on the issue of cost allocation of the distribution line and service extension allowances for PEV charging-related upgrades Mr. Nahigian has been TURN’s consultant on line and service extension-related issues for over a decade and was vital to crafting TURN’s position on this issue.</p>	
<p>c. Allocation of Hours by Issue</p> <p>TURN has allocated all of our attorney and consultant time by issue area or activity, as evident in our attached timesheets. The following codes related to general activities that are part of nearly all CPUC proceedings, such as tasks associated with general participation and procedural matters, as well as the specific substantive issue and activity areas addressed by TURN in this proceeding.</p> <p>(GP) General participation: Time spent on activities necessary to participate in the docket that typically do not vary by the number of issues addressed, such as the initial review of the Scoping Memo and Ruling, reading staff issued papers, review of party comments and reply comments, and reviewing and commenting on the proposed decision.</p> <p>(SM) Submetering: Time spent on activities developing and communicating TURN’s position on submetering protocol.</p> <p>(LR) Load Research: Time spent on activities developing and communicating TURN’s position on utility load research reports</p> <p>(CA) Cost Allocation: Time spent developing and communicating TURN’s position on cost allocation of the distribution line extension for residential facilities upgrades for electric vehicle charging and the extension of the Common Treatment for Excess Plug-in Electric Vehicles Charging Costs established in Decision 11-07-029.</p> <p>(Comp) Compensation Related: Work devoted to preparation of TURN’ request for compensation.</p> <p>TURN spent 26.81% of its time on GP, 15.27% on CA, 43.39% on SM, 4.12% on LR, and 8.94% on Comp.</p>	<p>Verified</p>

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Nina Suetake	2011	4.75	\$295	D12-05-033, p. 8.	\$1,401.25	4.75	\$295 ⁴	\$1,401.25
Nina Suetake	2012	11.75	\$315	D.13-08-022, p. 34	\$3,701.25	9.25 ⁵	\$315 ⁶	\$2,913.75
Nina Suetake	2013	26.25	\$320	See Comment 1, below	\$8,400	32.25 ⁷	\$320 ⁸	\$10,320.00
Garrick Jones	2012	14.63	\$150	D.13-08-022, p. 34	\$2,194.5	14.63	\$150 ⁹	\$2,194.50
Jeffrey Nahigian	2013	3.75	\$205	See Comment 2, below	\$768.75	3.75	\$205 ¹⁰	\$768.75
Subtotal: \$16,465.75						Subtotal: \$17,598.25		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Nina Suetake	2013	6	\$160	½ hourly rate, see Comment 1, below	\$960.00	6	\$160	\$960.00
Subtotal: \$960.00						Subtotal: \$960.00		
COSTS								
#	Item	Detail			Amount	Amount		
1	Photocopying	Copies for pleadings and other proceeding documents			\$39.20	\$39.20		
2	Telephone	Calls relating to work on R.09-08-009			\$2.79	\$2.79		
3	Postage	Mailing costs for pleadings			\$18.32	\$18.32		
Subtotal: \$60.31						Subtotal: \$60.31		
TOTAL REQUEST: \$17,486.06						TOTAL AWARD: \$18,618.56		
<p>* We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. 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.</p> <p>** Reasonable claim preparation time typically compensated at ½ of preparer's normal hourly rate.</p>								
Attorney		Date Admitted to CA BAR ¹¹		Member Number		Actions Affecting		

⁴ Approved in Decision (D.) 14-07-021.

⁵ Timesheets reflect 9.25 hours of work Nina Suetake spent on this proceeding in 2012.

⁶ Approved in Decision (D.) 13-12-028.

⁷ Timesheets reflect 32.25 hours of work Nina Suetake spent on this proceeding in 2013.

⁸ Approved in Decision (D.) 14-08-022.

⁹ Approved in Decision (D.) 14-03-015.

¹⁰ Approved in Decision (D.) 14-08-022.

¹¹ This information may be obtained at: <http://www.calbar.ca.gov/>.

			Eligibility (Yes/No?) If "Yes", attach explanation
Nina Suetake	December 2004	234769	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 of Attorneys and Experts
Attach 3	Expenses
Attach 4	TURN hours allocated by issue
Comment 1	<p>Hourly Rates for TURN Attorneys TURN seeks hourly rates for its staff attorneys at levels that the Commission has previously adopted for each individual's work in a given year, or at increased levels for 2013 consistent with Resolution ALJ-287. The following describes the basis for requested rates that have not been previously awarded as of the date of this Request for Compensation.</p> <p><u>Nina Suetake:</u> For Ms. Suetake's work in 2013, TURN seeks an hourly rate of \$320, an increase of 2% from the rate authorized in D.13-08-022 for her work in 2012. This is the general 2.0% increase provided for in Res. ALJ-287.</p>
Comment 2	<p>Hourly Rates for TURN Consultants TURN seeks hourly rates for its consultants at levels that the Commission has previously adopted for each individual's work in a given year, or at increased levels for 2013 consistent with Resolution ALJ-287. The following describes the basis for requested rates that have not been previously awarded as of the date of this Request for Compensation.</p> <p><u>Jeffrey Nahigian:</u> The Commission previously authorized an hourly rate of \$200 for Mr. Nahigian's work in 2012 in D.13-08-022. JBS Energy changed its rates as of March 1, 2013 and increased Mr. Nahigian's rate to \$205 as of that date. The increase is consistent with the 2.0% cost of living adjustment the Commission has authorized for 2013 in Res. ALJ-287.</p>
Comment 3	<p>Reasonableness of TURN's Expenses The Commission should find TURN's direct expenses reasonable. The expenses consist of photocopying expenses, including the costs of producing the hard copies of TURN's pleadings, telecommunications costs for calls related to this proceeding, and postage costs for mailing TURN pleadings. All costs are directly related to this proceeding and were necessary for TURN's participation in this proceeding.</p>

PART IV: OPPOSITIONS AND COMMENTS

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

FINDINGS OF FACT

1. The Utility Reform Network has made a substantial contribution to Decision (D.) 13-06-014.
2. The requested hourly rates for The Utility Reform Network'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 \$18,618.56.

CONCLUSION OF LAW

1. 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 \$18,618.56.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company shall pay The Utility Reform Network their respective shares of the award, based on their California-jurisdictional electric and gas revenues for the 2013 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 November 17, 2013 the 75th 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.
4. This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	N/A
Contribution Decision(s):	D1306014		
Proceeding(s):	R0908009		
Author:	ALJ DeAngelis		
Payer(s):	Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Utility Reform Network (TURN)	9/3/13	\$17,486.06	\$18,618.56	N/A	N/A

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Nina	Suetake	Attorney	TURN	\$295	2011	\$295
Nina	Suetake	Attorney	TURN	\$315	2012	\$315
Nina	Suetake	Attorney	TURN	\$320	2013	\$320
Garrick	Jones	Expert	TURN	\$150	2012	\$150
Jeffrey	Naghigian	Expert	TURN	\$205	2013	\$205

(End of Appendix)