

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Integrate and Refine Procurement Policies and Consider Long-Term Procurement Plans.	Rulemaking 12-03-014 (Filed March 22, 2013)
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**DECISION GRANTING COMPENSATION TO L. JAN REID
FOR CONTRIBUTION TO DECISION 12-12-010**

Claimant: L. Jan Reid	For contribution to: Decision (D.) 12-12-010
Claimed: \$16,657.28	Awarded: \$16,657.28
Assigned Commissioner: Michel Peter Florio	Assigned Administrative Law Judge (ALJ) : David M. Gamson

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	The decision adopted final Standardized Planning Assumptions and Scenarios for Track 2 of the 2012 Long-Term Procurement Plans.
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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:	April 18, 2012	Verified.
2. Other Specified Date for NOI:		
3. Date NOI Filed:	May 17, 2012	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. 12-03-014
6. Date of ALJ ruling:		March 25, 2014
7. Based on another CPUC determination (specify):		
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:		R. 12-03-014
10. Date of ALJ ruling:		March 25, 2014
11. Based on another CPUC determination (specify):		
12. Has the Claimant demonstrated significant financial hardship? Yes		Yes.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	N/A See comment below.	D. 12-12-010
14. Date of Issuance of Final Order or Decision:	N/A	December 20, 2012
15. File date of compensation request:	October 11, 2013	Verified.
16. Was the request for compensation timely?		Yes.

C. Additional Comments on Part I:

#	Claimant	CPUC	Comment
3	L. Jan Reid		<p>On May 17, 2012 in R.12-03-014, I filed a Public NOI, a Confidential NOI, and a Motion for Leave to File Confidential Materials Under Seal. The Confidential NOI consisted of two attachments: Attachment A, a Statement of Income and Attachment B, a Statement of Assets. Attachments A and B were for the year ending December 31, 2011.</p> <p>On June 3, 2013 in A.12-04-015 et. al., I filed a Public Compensation Claim, a Confidential Compensation Claim, a Motion for Leave to File Confidential Materials Under Seal. The Confidential Compensation Claim consisted of two attachments: Attachment A, a Statement of Income and Attachment B, a Statement of Assets. Attachments A and B were for the year ending December 31, 2012.</p> <p>The Commission has not acted on either of the motions, the Compensation Claims, or the NOIs.</p>
13	L. Jan Reid		A final decision closing proceeding R.12-03-014 has not been issued. Therefore, the request is timely pursuant to Public Utilities Code § 1804(c).

PART II: SUBSTANTIAL**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).**

Contribution	Specific References to Claimant's Presentations and to Decision	Showing Accepted by CPUC
1. Planning Period	<p>Reid argued that: (Comments of L. Jan Reid on Standardized Planning Assumptions [Reid Comments], October 5, 2012, at 2)</p> <p>“A 20-year planning period is not reasonable because the LTPP is limited to a 10-year period. Very little useful information would be gained from a 20-year analysis; and a 20-year analysis is not consistent with real-world possibilities due to the timeframe of the LTPP. Therefore, the Commission should set a planning period of 10 years, from 2013-2022.”</p> <p>Although the Commission did not agree with Reid on this issue, Reid made a substantial contribution to the Commission's resolution of the</p>	Yes.

	<p>Planning Period issue in D.12-12-010.</p>	
<p>2. CHP</p>	<p>Reid argued that: (Reid Comments, at 3).</p> <p>“The ACR would effectively ignore the benefits of combined heat and power (CHP) by treating CHP as both a demand-side and a supply side resource with a magnitude equal to only 81% of the statewide CHP goal.”</p> <p>“Consistent with the EAP [Energy Action Plan], the Commission should assume that CHP is a supply-side resource, equal to 100% of the statewide CHP goal.”</p> <p>In part, the Commission agreed with Reid when it established a High Distributed Generation, High Demand Side Management Scenario. The Commission stated that: (D.12-12-010, slip op. at 18)</p> <p>“The High Distributed Generation, High Demand Side Management Scenario applies the High assumption for small incremental PV. It projects a strong increase in the quantities of Incremental CHP on both supply and demand sides via high assumptions, a high level of incremental EE, and a mid-level of DR.”</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the CHP issue in D.12-12-010.</p>	<p>Yes.</p>
<p>3. Replicating the Transmission Planning Process (TPP)</p>	<p>Reid argued that: (Reid Comments,at. 3).</p> <p>“The Replicating the Transmission Planning Process (TPP) scenario should be deleted because it is based on an unrealistic assumption that is inconsistent with Guiding Principle IV.B. The Replicating TPP scenario assumes that the Commission will</p>	

	<p>terminate preferred resource policies (other than RPS) and reduce demand response.”</p> <p>Although the Commission did not agree with Reid on this issue, Reid made a substantial contribution to the Commission’s resolution of the TPP issue in D.12-12-010.</p>	<p>Yes..</p>
<p>4. Nuclear Retirement</p>	<p>Reid argued that: (Reid Comments, at 4).</p> <p>“An Early Nuclear Retirement scenario would provide valuable information to both the Commission and the parties and would assist in the Commission’s resolution of the nuclear retirement issue. Therefore, I recommend that an Early Nuclear Retirement scenario be performed for the planning period 2013-2022. The Early Nuclear Retirement scenario should include both the Diablo Canyon and San Onofre facilities.”</p> <p>The Commission indicated that an Early Nuclear Retirement scenario would not be performed “at this time.” (D.12-12-010, slip op. at 10)</p> <p>Although the Commission did not agree with Reid on this issue, Reid made a substantial contribution to the Commission’s resolution of the Nuclear Retirement issue in D.12-12-010.</p>	<p>Yes.</p>
<p>5. Environmental Scenario</p>	<p>Reid argued that: (Reid Comments, at 5).</p> <p>“The Environmental Sensitivity replaces the commercial portfolio with the environmental portfolio. This is an important sensitivity because it will indicate the problems associated with moving from a commercial portfolio to an environmental portfolio. Therefore, the Commission should mandate that an environmental sensitivity be performed as part of the standardized planning</p>	<p>Yes.</p>

	<p>scenarios.”</p> <p>The Commission indicated that an Environmental Scenario would not be performed “at this time.” (D.12-12-010, slip op. at 10)</p> <p>Although the Commission did not agree with Reid on this issue, Reid made a substantial contribution to the Commission’s resolution of the Environmental Scenario issue in D.12-12-010.</p>	
<p>6. Demand Response</p>	<p>Reid argued that: (Reid Comments, at 5).</p> <p>“The Commission has an obligation under Public Utilities Code Section (PUC)§ 451 to protect ratepayers and ensure that rates are just and reasonable. Consistent with PUC § 451, the Commission must protect ratepayers from resource over-procurement associated with uncertainties such as the estimation of the magnitude of demand response. In this instance, the Commission should risk overestimating supply in order to protect ratepayers from the potential over procurement of fossil fuel resources. Therefore, I recommend that the Commission assume the savings estimated by PG&E for planning purposes.”</p> <p>In part, the Commission agreed with Reid when it stated that “we will assume a cautious outlook for PG&E’s PTR program, with the “low” and “mid” cases as zero, and the “high” as 108 MW of additional impact by 2014.” (D.12-12-010, slip op. at 7)</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Demand Response issue in D.12-12-010.</p>	<p>Yes.</p>
<p>7. COD</p>	<p>Reid argued that: (Reid Comments, at 6).</p>	

	<p>“The ACR states that ‘For existing resources with no documented commercial online date (COD), assume 1/1/2000 for retirement accounting purposes.’ (ACR, Attachment, at 25, Item 10)”</p> <p>“In this instance, Staff’s proposal is not reasonable and could lead to the overprocurement of resources. Staff relies on the CEC’s list of siting cases, (http://www.energy.ca.gov/sitingcases/all_projects_xls). I used the same document and calculated that projects came online in an average of 809 days after the project was approved. Therefore, I recommend that staff assume a COD which is 809 days after a project has been approved.”</p> <p>Although the Commission did not agree with Reid on this issue, Reid made a substantial contribution to the Commission’s resolution of the COD issue in D.12-12-010.</p>	<p>Yes..</p>
<p>8. Energy Efficiency</p>	<p>Reid recommended that the (Reply Comments of L. Jan Reid on Standardized Planning Assumptions (Reid Reply Comments), October 19, 2012, at 3)</p> <p>“...the Commission order the IOUs to track the location of energy efficiency resources and to communicate this information to both the CAISO and to the Commission’s Energy Division. Relevant locational information can then be accounted for when different scenarios are modeled in the instant rulemaking.”</p> <p>The Commission effectively agreed with Reid on the need to identify the location of energy efficiency resources when it stated that “Appendix A – Assessing Impacts of Incremental Energy Efficiency Program Initiatives on Local</p>	<p>Yes.</p>

	<p>Capacity Requirements appended provides the methodology for assigning incremental energy efficiency to specific busbars for use in power flow and other modeling needs that require greater granularity.” (D.12-12-010, slip op. at 24)</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Energy Efficiency issue in D.12-12-010.</p>	
<p>9. RPS Sensitivity</p>	<p>Southern California Edison Company (SCE) recommended that “the Commission change the priority of the 40% RPS sensitivity to ‘not at this time.’” (SCE PD Comments, Section II).</p> <p>Reid argued that: (Reply Comments of L. Jan Reid on Proposed Decision of ALJ Gamson, December 17, 2012, at 3)</p> <p>“A 40% RPS Sensitivity is forward looking and will provide valuable information to the Commission when the state legislature increases the RPS targets to 40% or higher. Therefore, I recommend that the Commission not change the priority of the 40% RPS Sensitivity as recommended by SCE.</p> <p>The Commission did not change the RPS sensitivity as suggested by SCE.</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the RPS Sensitivity issue in D.12-12-010.</p>	<p>Yes.</p>
<p>10. Minor Errors</p>	<p>Reid pointed out that: (Comments of L. Jan Reid on Proposed Decision of ALJ Gamson, December 10, 2012, at 4)</p> <p>“Although Attachment A contains a table of contents that lists page numbers for each item, there are no page numbers on the attachment. The Commission should modify the PD by</p>	<p>Yes.</p>

	<p>adding page numbers to the document and editing the table of contents where necessary.”</p> <p>The Commission changed the PD as suggested by Reid.</p>	
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹	Yes.	Verified.
b. Were there other parties to the proceeding with positions similar to yours?	Yes.	Verified.
c. If so, provide name of other parties: DRA and TURN.		Verified.
<p>d. Describe how you coordinated with DRA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:</p> <p>Reid met with the DRA and TURN throughout the course of the proceeding to understand the nature of their comments and pleadings, and thus to avoid duplication. Reid does not seek compensation for most of these meetings. As a matter of personal policy, Reid does not participate in Commission proceedings where his showing is likely to duplicate the showings of other consumer representatives such as DRA and TURN. For example, Reid did not serve testimony in Phase 2 of A.12-04-018 because his showing would likely have duplicated the showings of the DRA and TURN.</p> <p>Reid had positions similar to either DRA or TURN on only one of the issues identified by Reid in Section II.A above. Reid and the DRA had similar positions on the Demand Response issue. Reid and TURN had no similar positions on the issues identified above.</p> <p>Reid’s compensation in this proceeding should not be reduced for any duplication with respect to the showings of other parties. In a proceeding with subject matter as complex as in this one and with multiple parties, it is virtually impossible for Reid or any party to fully anticipate where showings of other parties may duplicate some of Reid’s showing, especially in view of the need to make a coherent and</p>		Verified.

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill 96 (Budget Act of 2013), which was approved by the Governor on September 26, 2013.

<p>sufficient showing on the issues Reid emphasizes and on the ultimate issues.</p> <p>Given these circumstances, no reduction to Reid’s requested compensation due to duplication is warranted, pursuant to the standards adopted by the Commission in D.03-03-031.</p>	
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PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

<p>a. Concise explanation as to how the cost of Claimant’s participation bears a reasonable relationship with benefits realized through participation</p> <p>Reid contributed to the proceeding in a manner that was productive and will result in benefits to ratepayers that exceed the costs of participation.</p> <p>In consolidated Rulemaking 97-01-009 and Investigation 97-01-010, the Commission required intervenors seeking compensation to show that they represent interests that would otherwise be underrepresented and to present information sufficient to justify a finding that the overall benefits of a customer's participation will exceed the customer's costs. (D.98-04-059, 79 CPUC2d 628, Finding of Fact 13 at 674, Finding of Fact 42 at 676) The Commission noted that assigning a dollar value to intangible benefits may be difficult.</p> <p>As mentioned previously, Reid made a substantial contribution to the proceeding. It is reasonable to assume that the resolution of the issues raised in this proceeding will benefit ratepayers in the future.</p> <p>The Commission can safely find that the participation of Reid in this proceeding was productive. Overall, the benefits of Reid’s contributions to D.12-12-010 justify compensation in the amount requested.</p>	<p>CPUC Verified</p> <hr/> <p>Verified</p>
<p>b. Reasonableness of Hours Claimed.</p> <p>All of Reid’s work in this proceeding was performed by L. Jan Reid. Thus, no unnecessary internal duplication took place.</p> <p>In this pleading, Reid requests compensation in the total amount of \$16,657.28 for time reasonably devoted to this proceeding. A more detailed breakdown of the time devoted to this proceeding by Reid is provided in Attachment A to this pleading.</p> <p>Reid’s work was performed efficiently. L. Jan Reid is a former Commission employee who has testified on many occasions on issues such as long term procurement plans, renewables procurement, cost-of-capital, utility finance, and electricity and natural gas procurement issues.</p>	

<p>Reid has allocated his professional time to major subjects, except for general activities that cannot reasonably be assigned to substantive issues. See Section III.A.c below for more detail.</p> <p>During the course of this proceeding, Administrative Law Judge (ALJ) Gamson issued rulings requesting that parties answer a number of questions. Therefore, general activities include some of the time that was spent answering these questions and responding to the answers of other parties.</p> <p>Daily listings of the specific tasks performed by Reid in connection with this proceeding are available in Attachment A to this pleading. The cost listings demonstrate that the hours claimed are reasonable given the scope and timeframe of this part of the instant rulemaking.</p> <p>No compensation for administrative time is requested, in accordance with Commission practice. (D.99-06-002, discussion, slip op. at 8-10). I understand that the Commission may audit my books and records to the extent necessary to verify the basis for any award, pursuant to PU Code §1804(d).</p> <p>The direct expenses of \$42.78 (or 0.3% of the total compensation request) are reasonable and were necessary for the substantial contribution of Reid in this proceeding. Copying costs are computed at 8 cents per page. Postage costs are included at actual costs. I request compensation in full for these expenses without reduction for any adjustment in compensation hours that the Commission might impose. Such compensation is consistent with past Commission practice.</p>	<p>Verified</p>																						
<p>c. Allocation of Hours by Issue</p> <table border="0" style="width: 100%;"> <tr><td>1. Planning Period</td><td style="text-align: right;">1.17%</td></tr> <tr><td>2. CHP</td><td style="text-align: right;">1.30%</td></tr> <tr><td>3. TPP</td><td style="text-align: right;">11.72%</td></tr> <tr><td>4. Nuclear Retirement</td><td style="text-align: right;">10.68%</td></tr> <tr><td>5. Environmental Scenario</td><td style="text-align: right;">5.08%</td></tr> <tr><td>6. Demand Response</td><td style="text-align: right;">5.47%</td></tr> <tr><td>7. COD</td><td style="text-align: right;">5.08%</td></tr> <tr><td>8. Energy Efficiency</td><td style="text-align: right;">7.68%</td></tr> <tr><td>9. RPS Sensitivity</td><td style="text-align: right;">4.82%</td></tr> <tr><td>10. Minor Errors</td><td style="text-align: right;">0.39%</td></tr> <tr><td>General</td><td style="text-align: right;">46.61%</td></tr> </table>	1. Planning Period	1.17%	2. CHP	1.30%	3. TPP	11.72%	4. Nuclear Retirement	10.68%	5. Environmental Scenario	5.08%	6. Demand Response	5.47%	7. COD	5.08%	8. Energy Efficiency	7.68%	9. RPS Sensitivity	4.82%	10. Minor Errors	0.39%	General	46.61%	<p>Verified.</p>
1. Planning Period	1.17%																						
2. CHP	1.30%																						
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General	46.61%																						

B. Specific Claim:

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$

L. Jan Reid, Expert and Advocate	2012	76	200	D.12-06-011, Appendix, Resolutions ALJ-281 and ALJ-287	\$15,200	76	\$200 ²	\$15,200.00
Subtotal: \$ 15,200.00						Subtotal: \$15,200.00		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
L. Jan Reid wrote Public and Confidential NOIs, State of Income, Statement of Assets, and motion.	2012	9.2	100	D.12-06-011, Appendix, Resolutions ALJ-281 and ALJ-287	920	9.2	\$100	\$920.00
Subtotal: \$920						Subtotal: \$920.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
L. Jan Reid	2013	4.6	107.5 0	D.12-06-011, Appendix, Resolutions ALJ-281 and ALJ- 287	494.50	4.6	\$107.50 ³	\$494.50
Subtotal: \$ 494.50						Subtotal: \$494.50		
COSTS								
#	Item	Detail			Amount	Amount		
1	Postage	Postage for 2012 (See Attachment A)			\$15.90	\$15.90		
2	Copies	Copying costs for 2012 (See Attachment A)			\$26.88	\$26.88		
TOTAL REQUEST: \$ 16,657.28						TOTAL AWARD: \$16,657.28		

² Approved in D.14-12-072.

³ Approved in D.14-12-072.

*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.

**Reasonable claim preparation time typically compensated at ½ of preparer's normal hourly rate.

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

Attachment or Comment #	Description/Comment
1	Certificate of Service.
2	Attachment A, A daily listing of the work performed by Reid.
3	<p>Reid Hourly Rate</p> <p>Reid requests that the Commission authorize an hourly rate of \$200 for L. Jan Reid for 2011 and 2012 professional work, and \$215 for 2013 professional work. Reid also requests an hourly rate for L. Jan Reid of \$100 for 2011-2012 compensatory time, and \$107.50 for 2013 compensatory time.</p> <p>The Commission has previously awarded Reid compensation for 2010 professional work at a rate of \$185 per hour. (D.12-06-011, Appendix) Intervenor compensation rates for experts are separated into three tiers based on experience. The tiers are Tier I (0-6 years), Tier II (7-12 years), and Tier III (13 years and over). (See Resolution ALJ-281, slip op. at 5)</p> <p>Reid now has 15 full years of experience (1998-2013). Thus, Reid moved from Tier II to Tier III in 2011 after Reid had 13 years of experience. The Commission has provided that intervenors will receive two step increases of 5% within each tier, rounded up to the nearest \$5 increment. (Resolution ALJ-281, Ordering Paragraph 2, slip op. at 7; and D.08-04-010, slip op. at 11-13) The Commission has also adopted two cost of living adjustments (COLAs): a 2.2% COLA for 2012 (See Resolution ALJ-281, slip op. at 1.) and a 2.0% COLA for 2013 (See Resolution ALJ-287, slip op. at 1).</p> <p>Thus, Reid should receive two increases for calendar year 2012: a 5% step increase and a 2.2% Cost of Living Adjustment.. Five percent of Reid's 2010 rate (\$185) is \$9.25, which rounds to an hourly increase of \$10 for a total rate of \$195/hr. for 2011-2012 work. 2.2 percent of \$195 is \$4.29, which rounds to an hourly increase of \$5 for a total rate of \$200/hr. for 2011-2012 work.</p> <p>For 2013, Reid should receive a step increase of 5% (\$5/hr.) for work performed in 2013 and a 2.0% COLA (\$5 hour). Thus, Reid should be awarded a 2013 rate of \$215/hr.</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 (see Rule 14.6(2)(6))?	Yes.

FINDINGS OF FACT

1. L. Jan Reid has made a substantial contribution to D. 12-12-010.
2. The requested hourly rates for L. Jan Reid 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 contribution is \$16,657.28.

CONCLUSION OF LAW

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

ORDER

1. L. Jan Reid is awarded \$16,657.28.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company shall pay L. Jan Reid their respective shares of the award, based on their California-jurisdictional electric revenues for the 2012 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 December 25, 2013, the 75th day after the filing of L. Jan Reid'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

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1212010		
Proceeding(s):	R1203014		
Author:	ALJ Gamson		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
L. Jan Reid	10/11/2013	\$16,657.28	\$16,657.28	N/A	N/A

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
L.	Jan Reid	Expert	L. Jan Reid	\$200.00	2012	\$200.00
L.	Jan Reid	Expert	L. Jan Reid	\$215.00	2013	\$215.00

(END OF APPENDIX)