Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation to Consider Policies to Achieve the Commission's Conservation Objectives for Class A Water Utilities.	Investigation 07-01-022 (Filed January 11, 2007)
And Related Matters.	Application 06-09-006 Application 06-10-026 Application 06-11-009 Application 06-11-010 Application 07-03-019

DECISION AWARDING THE UTILITY REFORM NETWORK COMPENSATION FOR SUBSTANTIAL CONTRIBUTION TO DECISION 11-05-004

Claimant: The Utility Reform Network (TURN)	**For contribution to: D.11-05-004**
Claimed: $49,347.90	**Awarded: $46,288.07 (reduced 7%)**
Assigned Commissioner: Michael R. Peevey	**Assigned ALJ: ALJ Division**

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision: The Decision adopts a conservation data reporting requirement for Class A water utilities and sets conservation goals for those utilities toward the state-wide goal of a 20% reduction by 2020. The Decision also addresses several other issues relating to conservation programs and metering mostly referring these issues to subsequent proceedings or general rate cases.

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

Claimant		CPUC Verified
Timely filing of notice of intent (NOI) to claim compensation (§ 1804(a)):		
1. Date of Prehearing Conference:	2/7/07	Correct
2. Other Specified Date for NOI:	3/19/07 (as set in 3/8/07 Scoping Memo)	Correct
3. Date NOI Filed:	03/16/07	Correct
4. Was the notice of intent timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	I.06-06-014	Correct
6. Date of ALJ ruling:	11/15/06	Correct
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:	I.06-06-014	Correct
10. Date of ALJ ruling:	11/15/06	Correct
11. Based on another CPUC determination (specify):		
12. Has the claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision	D.11-05-004	Correct
14. Date of Issuance of Final Decision:	May 12, 2011	Correct
15. File date of compensation request:	July 11, 2011[1]	Correct
16. Was the request for compensation timely?		Yes

[1] Due to staffing resource constraints, TURN's hours and expenses in its original compensation request were not complete. As authorized by Administrative Law Judge Cooke, the amended version of TURN's Request for Compensation, considered here, was filed and served on July 11, 2011. It includes a small number of hours for TURN's attorneys that had been inadvertently omitted from the original request, and a slight modification to the number of hours and expenses from that original version. The approximate difference between these two claims is an increase of $3,400.

C. TURN's Additional Comments on Part I:

Reference #	TURN's Comments
3	TURN filed its NOI in Phase 1 of this docket and was granted compensation for its work in Phase 1 in D.09-05-014. Pursuant to CPUC Rule of Practice and Procedure 17.2, a party found eligible for compensation in one phase of a proceeding remains eligible in later phases.
5, 9	TURN relied on these showings of significant financial hardship and customer-related status for its compensation request in Phase 1 of this docket. More recently, TURN received an ALJ Ruling on these issues in P.10-08-016 on November 22, 2010.

PART II: SUBSTANTIAL CONTRIBUTION: [2]

[2] "Substantial contribution" means that, in the judgment of the Commission, the customer's presentation has substantially assisted the commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer. Where the customer's participation has resulted in a substantial contribution, even if the decision adopts that customer's contention or recommendations only in part, the commission may award the customer compensation for all reasonable advocate's fees, reasonable expert fees, and other reasonable costs incurred by the customer in preparing or presenting that contention or recommendation.

In order for the Commission to determine if a claimant has made the requisite showing that a "substantial contribution" was made, a claimant must establish three things:

1. The specific contributions (i.e. factual contention, legal contention, or specific policy or procedural recommendation);
2. Each claim of contribution must be supported by a citation (including the referenced document's name, date, and page or portion) to the specific portion of the intervenor's documents produced in the proceeding or reporter's transcript reflecting the intervenor's testimony;
3. Each claim of contribution must also be supported by a citation to the specific portion of the Commission's order or decision indicating that the CPUC has adopted, in whole or in part, the claimant's contention or recommendation

Claimant's claimed contribution to the Decision or Record	Citation to Decision or Record	Showing Accepted by CPUC
Joint Consumers[3] urged the Commission (CPUC) to be critical of conservation programs, rebate programs and consumer education efforts that will ultimately be the responsibility of the ratepayer to support and may not benefit all ratepayers. Joint Consumers warned against over-saturation of programs and we urged the Commission to apply certain criteria to the programs and to explore other options for sharing costs with other entities. We also suggested that this generic rulemaking may not be the best forum to analyze specific programs, but instead a utility-specific and program-specific review should be conducted. The Final Decision notes that rebate programs may be best if targeted to specific classes of customers "without prior opportunities to participate in rebate programs" due, at least in part, to concerns about oversaturation. It also encourages utilities to participate with other agencies and utilities and cited to Joint Consumers' comments that "utilities may be able to co-sponsor programs with energy utilities, thereby lowering administrative costs." Finally, the Final Decision said that rebate programs should be reviewed on a case-by-case basis in General Rate Cases (GRCs) suggesting a more critical analysis of need and effectiveness by the Commission as recommended by Joint Consumers.	Comments of Joint Consumers on Phase Two Scoping Memo, April 1, 2008, at pp. 5-6; Reply Comments of Joint Consumers, June 17, 2008 at p. 6-7; Final Decision at p. 27-28	We agree with TURN's assessment of its claimed contribution in this area and make no reductions.
Joint Consumers, citing to Pub. Util. Code § 781, agreed that the Commission has authority to require metering and acknowledged the important role that	Comments of Joint Consumers on Phase Two Scoping Memo, April 1, 2008, at pp. 7;	TURN has failed to demonstrate with a citation to the specific portion of the

[3] "Joint Consumers" were TURN, Disability Rights Advocates, and the National Consumer Law Center.

metering all service connections has in general conservation efforts. However, it urged the Commission to take on the metering question in individual rate cases so that a proper cost benefit analysis can be performed to ensure no metering for metering sake. The Final Decision also citing to Pub. Util. Code § 781 (and updated amendments) noted that "metered service gives customers conservation signals" and it seemed to reject California Water Associations (CWA's) suggestion that nothing more needs to be done by the Commission to move metering forward. However, in light of intervening Legislative action on this issue, the Commission did not take on larger policy issues related to metering. Instead, the Final Decision defers issues related to metering to individual utility GRCs to incorporate the costs of transition to metered service.	Reply Comments of Joint Consumers, June 17, 2008 at p. 8-9; Final Decision at p. 31	Commission's decision that the CPUC had adopted in whole or in part, TURN's contention. While the Final Decision defers issues related to metering to individual utility GRCs to incorporate the costs of the transition to metered services," this action was taken as a result of Legislative action rather than any position TURN had advanced on the issue. Finally, contrary to TURN's representation, the Final Decision does not cite Pub. Util. Code § 781 on page 31. The reference to § 781 and the quoted language ("metered service gives customers conservation goals") is found on page 35. Disallowances: See Section III.D. CPUC Disallowances and Adjustments, *infra*, for a breakdown of the disallowances.
Joint Consumers urged the Commission to take a strong position on the benefits of monthly bills, but to do a cost analysis of monthly billing within each general rate case because, "cost analysis would be different for every utility."	Comments of Joint Consumers on Phase Two Scoping Memo, April 1, 2008, at p.8; Reply Comments of Joint Consumers, June 17,	We agree with TURN's assessment of its claimed contribution in this area and make no reductions.

The Final Decision clearly states that monthly billing "supports conservation through a regular update on usage." However, it also states that requiring monthly billing "without considering the overall cost of such a requirement for each utility is not prudent at this time."	2008 at p. 10-11 Final Decision at p. 31.	
Joint Consumers expressed skepticism that all Class A utilities should implement advanced metering primarily because of the costs placed on ratepayers, the risk of stranded investment and the work to be done to coordinate with other utilities. Joint Consumers urged "clear policy pronouncements and thoughtful cost benefit analysis in individual rate cases." Other parties did urge the Commission to move forward. In Comments on the Proposed Decision (PD), Joint Consumers urged the Commission to be more specific as to the timing and opportunity to consider this important issue. Subsequent to parties filing comments, the Commission deferred the policy issues of advanced meters to a "later date" and said it should instead look at individual utility requests for pilot programs at this time. While the PD fails to mention advanced metering but for a single sentence, the Final Decision did have additional direction that advanced metering was discussed in the amended scoping memo and will be handled at a later date in response to Joint Consumers' request for clearer direction on this issue.	Comments of Joint Consumers on Phase Two Scoping Memo, April 1, 2008, at pp. 10; Reply Comments of Joint Consumers, June 17, 2008 at p. 10-11; Opening Comments on the PD, April 21, 2011, at p. 9. Third Amended Phase 2 Scoping Memo, January 6, 2010 at p. 4; Final Decision at p. 33, footnote 21.	We agree with TURN's assessment of its claimed contribution in this area and make no reductions.
The Phase 2 Scoping memo requested comment on recycled water issues. In Reply comments, Joint Consumers noted that most parties in the informal DRA workshop urged this issue be considered in a subsequent ruling and that "the record on this issue does not seem to permit any decisions by the	Reply Comments of Joint Consumers, June 17, 2008 at p.13; Second Amended Phase 2 Scoping Memo, June 30, 2010 at p. 3; Final Decision at p. 6.	We agree with TURN's assessment of its claimed contribution in this area and make no reductions.

Commission without substantial additional development by the parties." Subsequent to comments on the Scoping Memo, the Assigned Commissioner held a workshop and then issued a revised Scoping Memo to defer the issue of recycled water to a subsequent proceeding. The Final Decision notes that a new docket was opened in 2010.		
Joint Consumers urged the Commission to adopt specific conservation goals beyond the 20x2020. To support those goals, however, Joint Consumers said the Commission needed to look at individual utility factors including usage, regional issues, and current pilot programs among other issues. Although the Scoping Memo only requested comment on conservation goals for non-price conservation measures, the Final Decision adopts a more general conservation goal of 1-2% reduction per each GRC cycle. The Final Decision agreed that the Commission needed an additional goal beyond the statewide goal of 20X2020. The Final Decision adopts a baseline and notes that each utility has a range of options to use to achieve the goals making it more utility-specific.	Comments of Joint Consumers on Phase Two Scoping Memo, April 1, 2008, at pp. 11; Reply Comments of Joint Consumers, June 17, 2008 at p. 16. Final Decision at pp.7-9.	We agree with TURN's assessment of its claimed contribution in this area and make no reductions.
Joint Consumers dedicated significant resources to the issue of conservation data reporting, particularly related to the impact of price-related conservation programs, on low income customers. Joint Consumers relied in part on the settlement agreements it entered into with several Class A utilities are part of Phase 1 and urged that those agreements remain in-tact. However, Joint Consumers urged additional reporting requirements to ensure the Commission has sufficient data to evaluate the effectiveness and impact of current	Comments of Joint Consumers on Phase Two Scoping Memo, April 1, 2008, at pp. 11; Reply Comments of Joint Consumers, June 17, 2008 at p. 17-19. Reply Comments of Joint Consumers on Revised Phase 2 Scoping Memo, February 6, 2009 at pp. 6-9; Comments of Joint Consumers on the	We agree with TURN's assessment of its claimed contribution in this area and make no reductions.

conservation measures. It also supported the proposal of DRA for a conservation data reporting workshop. Joint Consumers participated in both sessions of the data reporting workshop, providing comments on staff-proposals and presenting its own proposal. The Final Decision makes it clear that the intent of the Commission is not to impact or consider any reporting requirements adopted in Phase 1 settlements. But, the Commission acknowledges that those agreements should just be a "starting point" for examining additional requirements. The Final Decision states that, "There is a continuing need to assess the impact of the adoption of conservation rate designs on customers, including low income customers, and the adopted reporting requirements assist in that assessment." The Final Decision described the new reporting requirements including, "As proposed by the Joint Consumers, we will collect data on disconnections for nonpayment and reconnections for all customers in order to measure the impact of adopted conservation rate designs." The reporting requirements including breaking the data down by meter size, as advocated by the Joint Consumers.	Workshop Summary, January 14, 2011 Final Decision at p. 19-20.	
The Joint Consumers advocated for customer data reporting measurements specific to low income customers and participants in the Low Income Ratepayer Assistance (LIRA) program. The Final Decision requires an entirely separate set of reports specifically addressing low income data, including data on household size of LIRA participants and consumption of large households of five or more. Joint Consumers strongly advocated for and proposed various methods to report usage by large households. Utilities opposed	Comments of Joint Consumers on Phase Two Scoping Memo, April 1, 2008, at pp. 15-16; Reply Comments of Joint Consumers, June 17, 2008 at p. 16; Reply Comments of Joint Consumers on Revised Phase 2 Scoping Memo, February 6, 2009 at pp. 6-9; Comments of Joint Consumers on the Workshop Summary,	We agree with TURN's assessment of its claimed contribution in this area and make no reductions.

that measurement.	January 14, 2011 Final Decision at p. 22.	
Joint Consumers, in response to request for comment on this issue in the revised Scoping Memo, proposed that the Commission consider conservation programs that are specifically targeted at low income customers and require utilities to specify a percentage of their conservation program budgets to low income issues. Joint Consumers provided several examples of programs around the country that target low income customers and suggested that the Commission use existing programs to address low income customers. In Comments on the PD, Joint Consumers urged the Commission to address the issue of impacts of surcharges on the bill and the affordability of water. The Final Decision declines to adopt these two targeted measures to assist low income customers because of lack of information on the record regarding low income customer consumption patterns to determine if a targeted program would work. Nevertheless, the Final Decision states, "However, we are concerned that low-income customers may not be sufficiently included in existing conservation programs." The Commission requires specific data tracking of LIRA customer participation in existing and future conservation programs. The Final Decision goes beyond the PD to include more detail on the reporting.	Comments of Joint Consumers on Assigned Commissioner's Ruling (ACR) and revised Phase 2 Scoping Memo, January 27, 2009 at pp. 13-14; Opening Comments on the PD at page 6; Final Decision at pp. 26-27	TURN has failed to demonstrate with a citation to the specific portion of the Commission's decision that the CPUC had adopted, in whole or in part, TURN's contention. By TURN's admission, the Final Decision declined to adopt these targeted measures. Disallowances: See Section III.D. CPUC Disallowances and Adjustments, *infra*, for a breakdown of the disallowances.
Joint Consumers urged the Commission to update LIRA program discounts to offer a percentage discount off of a bill. Joint Consumers expressed concern that large surcharges will blunt the benefits of a flat discount off service charges and that flat discounts do not benefit large households. Joint Consumers find that low income families tend to be larger than those not on the LIRA program.	Comments of Joint Consumers on Phase Two Scoping Memo, April 1, 2008, at pp. 20-21; Comments of Joint Consumers on ACR and revised Phase 2 Scoping Memo, January 27, 2009 at pp. 6-7; Opening Comments on the PD,	We agree with TURN's assessment of its claimed contribution in this area and make no reductions.

The Final Decision agrees with Joint Consumers concerns that large surcharges, particularly caused by the recovery of WRAM balances, could lessen the benefits of LIRA discounts and it also notes (in response to comments on the PD) that "in the Commission's experience the average low income household is larger." The Final Decision requires utilities to report the bill impact of Water Revenue Adjustment Mechanism (WRAM) surcharges to determine if the flat discount is still effective.	April 21, 2011 at p. 4, 7; Final Decision at pp. 25-26	
Joint Consumers focused some of its comments on the importance of identifying residents of multi-family housing in order to increase outreach to these consumers and possibly including them in conservation programs. Joint Consumers also strongly urged coordination among municipal and energy utilities to ensure cost effective outreach. The Final Decision specifically cites to Joint Consumers' comments by noting that "Joint Consumers recommended identifying multi-family dwellings, if cost effective to do so." And it states that "Joint Consumers recommended considering the outreach approach used for the Energy Savings Assistance Program." The Final Decision then directs that these issues will be considered more directly in the Water/Energy Low Income Program docket, R.09-12-017. Indeed, the Commission opened the water low income program docket, at least in part, in response to advocacy by Joint Consumers in several dockets including this docket and a telecommunications docket.	Comments of Joint Consumers on Phase Two Scoping Memo, April 1, 2008, at pp. 17-18; Reply Comments of Joint Consumers, June 17, 2008 at p. 20-21; Final Decision at p. 23	We agree with TURN's assessment of its claimed contribution in this area and make no reductions.

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

Claimant		CPUC Verified
a. Was Division of Ratepayer Advocates (DRA) a party to the proceeding?	Yes	Yes
b. Were there other parties to the proceeding?	Yes	Yes
c. If so, provide name of other parties: For Phase 2, there were multiple water utilities, California Water Association (CWA), National Consumer Law Center (NCLC), and Disability Rights Advocates (DisabRA), Consumer Federation of California (CFC), and Natural Resources Defense Council (NRDC).		Yes
d. Claimant's description of how it coordinated with DRA and other parties to avoid duplication or how claimant's participation supplemented, complemented, or contributed to that of another party: Similar to TURN's work in Phase I of this proceeding, TURN coordinated its work with DRA and the other intervenors. There were numerous issues in Phase 2 covering multiple aspects of water conservation. As in Phase 1, each intervenor brought their own expertise to the coalition; NCLC's familiarity with national issues and its work on water policy, DisabRA's knowledge of outreach methods to the disability community, and TURN's California ratemaking experience and experience with multiple industries conservation and low income programs. Where possible, after a joint discussion of policy and strategy, the organizations assigned issues for drafting pleadings, making the writing and research more efficient. Even where TURN did not file jointly with other groups, as with DRA, CFC, and NRDC, we closely monitored their work to avoid duplication. TURN notes that CFC and NRDC participated only in the early stages of this phase of the docket. The coordinated participation of multiple intervenors in this docket allowed each individual intervenor to spend less time, be more efficient and avoid duplication while still making a significant contribution to this docket. TURN submits that no reductions for duplication of effort are warranted here.		Yes

PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness:

Claimant's explanation as to how the cost of claimant's participation bore a reasonable relationship with benefits realized through claimant's participation	CPUC Verified
As discussed above, TURN made several significant contributions to this proceeding both as an individual intervenor and also as part of the Joint Consumer Coalition. While the benefits are difficult to quantify in monetary terms, the importance of these issues to ratepayers is undeniable. TURN, as part of the Joint Consumers, consistently presented evidence and advocacy to the Commission on the impacts of conservation measures and programs to ratepayers. In particular, TURN focused on the impacts to low income customers. As a result of TURN's efforts, the Commission and the utilities will have significantly more data to analyze during future general rate cases and rulemaking proceedings, to the benefit of both the utilities and ratepayers. This data will help utility customers by ensuring conservation programs are more efficient and effective, saving both water and money. The Commission will also have data on multi-tenant customers; an issue that all parties agreed was not adequately covered in the current data gathering. In addition, on issues such as metering, monthly billing, best management practices and rebate programs, ratepayers will be protected from unnecessary support for these programs through rates because the Commission will use the information and data gathered here to properly look at these issues in general rate cases or future rulemaking proceedings. Specifically, for those participating in the utilities' low income rate assistance programs, the concerns raised by Joint Consumers about the need for efficient coordination among Commission regulated utilities here and in other dockets, the Commission moved forward to create a docket just to consider water and energy utility coordination on low income data exchange. LIRA participants will also benefit by the Commission's review of the effectiveness of flat rate discounts and the impact of WRAM surcharges on the LIRA discounts. Each of these elements of Joint Consumers' advocacy could have a beneficial impact on the ratepayers', including low income ratepayers', bottom line bill. TURN's substantial contribution, as described above, warrants compensation for all of TURN's reasonable efforts addressing those issues. The Commission should find that TURN's costs of participation bear a reasonable relationship to the benefits realized through participation.	After the disallowances we make to TURN's claim, the remaining hours and costs are reasonable and bear a reasonable relationship with benefits realized to customers through TURN's participation, warranting compensation.

B. Specific Claim*:

CLAIMED						CPUC AWARD			
ATTORNEY AND ADVOCATE FEES									
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate**	**Total $**	**Year**	**Hours**	**Rate $**	**Total $**
C. Mailloux	2007	2.50	360	D.08-04-037	900.00	2007	2.1	360	756.00
C. Mailloux	2008	56.25	390	D.09-04-029	21,937.50	2008	50.75	390	19,792.50
C. Mailloux	2009	18.00	390	D.10-06-016	7,020.00	2009	16.00	390	6,240.00
C. Mailloux	2010	15.75	390	D.10-09-040	6,142.50	2010	15.75	390	6,142.50
C. Mailloux	2011	16.25	390	D.11-10-013	6,337.50	2011	14.74	390	5,748.50
R. Finkelstein	2008	1.25	470	D.08-08-027	587.50	2008	1.00	470	470.00
M. Hawiger	2007	1.50	300	D.07-11-033	450.00	2007	1.3	300	390.00
M. Hawiger	2008	1.50	325	D.08-08-027	487.50	2008	1.3	325	422.50
H. Goodson	2008	2.00	280	D.08-08-027	560.00	2008	2.00	280	560
					***Subtotal:* $43,522.50**				**$40,522.15**
OTHER FEES (Travel):									
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate**	**Total $**	**Year**	**Hours**	**Rate $**	**Total $**
C. Mailloux	2008	6.50	195	½ D.09-04-029 rate	1,267.50	2008	6.50	195	1,267.50
C. Mailloux	2010	8.00	195	½ D.10-09-040 rate	1,560.00	2010	8.00	195	1,560.00
					***Subtotal:* $2,827.50**				***Subtotal:* $2,827.50**
INTERVENOR COMPENSATION CLAIM PREPARATION**									
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate**	**Total $**	**Year**	**Hours**	**Rate $**	**Total $**
C. Mailloux	2011	10.75	195	½ D.11-10-013 rate	2,096.25	2011	10.75	195	2,096.25
					***Subtotal:* $2,096.25**				***Subtotal:* $2,096.25**

COSTS			
Item	**Detail**	**Amount $**	**Amount $**
Copies	Phase 2 pleadings	14.40	14.40
Postage	Phase 2 pleadings	4.26	4.26
Attorney Travel[4]	DRA Meeting and Conservation Data Workshop	684.00	684.00
Attorney Lodging	DRA Meeting and Conservation Data Workshop	118.56	118.56
Attorney Parking	DRA Meeting and Conservation Data Workshop	21.00	21.00
Attorney Travel-Meals	DRA Meeting and Conservation Data Workshop	59.43	0.00
		***Subtotal:* $901.65**	**$842.22**
		TOTAL REQUEST: $49,347.90	**TOTAL AWARD: $46,288.07**

* 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. Comments Documenting Specific Claim:

TURN's Comments	
Reasonableness of Hours	Phase 2 of this docket had a unique procedural history, a wide variety of issues, and multiple opportunities for comment. Each of these elements impacted the amount of resources TURN dedicated to this proceeding. Phase 2 of this docket spanned over three years and covered a significant breadth of issues. TURN had a single advocate assigned to this phase, Christine Mailloux. Additional attorneys assisted Ms. Mailloux in a very limited capacity. Mailloux worked closely with other consumer groups to share the work load. In addition, TURN chose not to participate on certain issues such as the SB7X implementation and compliance, or the data integration with other agencies, primarily because those issues were directed to the utilities. However, by not addressing those issues, TURN could safely avoid attending at least two sets of workshops held in this docket thus

[4] Compensable travel is compensated at ½ professional hourly rate.

	conserving resources and expenses. TURN also notes that there were three revised scoping memos. Often there were several months, if not a year, between these scoping memos thereby requiring additional work to update the record. TURN is requesting compensation for its time spent participating in DRA's Stakeholder Meeting held in 2008. The Administrative Law Judge (ALJ) delayed the schedule so that parties could meet in a mediated process to discuss the scope and issues of Phase 2. This was clearly meant to be all-party meeting, with each key participant in the docket sending a representative. Subsequently, participants were asked to review and comment on a report, which was then submitted to the ALJ. TURN believes its participation in this meeting was essentially mandatory if we were to effectively and actively participate in Phase 2. In addition, TURN's participation in that meeting was valuable to its overall advocacy in the docket, as reflected in the Reply Comments on the Scoping Memo and subsequent pleadings. TURN submits that this is a reasonable use of staff time and expenses and should be fully compensable.
Comment – Allocation by Issue	TURN has broken down its hours into several activity codes, as reflected in the attached time sheets. The codes are: **GP**-General Preparation **REB**- Rebate Programs and Current Outreach Efforts **MET**-Metering and Billing **CON**-Conservation Goals and Reporting/data collection and agency coordination on outreach **LI**-Low Income Issues, including LIRA, data collection, Multi Family, **LIC**-Low Income Conservation Programs # -Work where the issues cannot be separated. For this code a rough breakdown of the allocation of time to each code would be: REB-10%; MET-15%; LI-30%; CON-25%; LIC-20%

D. CPUC Disallowances & Adjustments:

Disallowances/Adjustments-See discussion starting at page 5	
Lack of substantial contribution on the issues of metering and targeted conservation for low income customers	TURN has broken down its hours into several activity codes, as reflected in the attached time sheets. The codes are: **GP**-General Preparation **REB**- Rebate Programs and Current Outreach Efforts **MET**-Metering and Billing **CON**-Conservation Goals and Reporting/data collection and agency coordination on outreach **LI**-Low Income Issues, including LIRA, data collection, Multi Family, **LIC**-Low Income Conservation Programs # -Is work that TURN states cannot be separated by issue. For this category, we apply TURN's rough allocation of time by issue: REB-10%; MET-15%; LI-30%; CON-25%; LIC-20% **<u>Commission's Response</u>**: The difficulty in analyzing TURN's allocation of time by issue is that it does not completely sync with how it has set forth its individual claims for compensation. For example, TURN identifies 6 distinct work categories (**GP**, **REB**, **MET**, **CON**, **LI**, and **LIC**) but has 11 areas of work for which it is seeking compensation. We have grouped the 11 areas of work under the 6 distinct work categories, which are indicated in bold, and our determination as to whether TURN made a substantial contribution in these 11 areas of work is indicated in brackets with either a "Y" (Yes) or "N" (No) Conservation programs/rebates [Y: CON, REB], Metering [N: MET], Monthly bills [Y: MET], Advanced metering [Y: MET], Recycled water issues [Y: CON], Conservation goals [Y: CON], Conservation data reporting [Y: CON], Low income customer data reporting measurements [Y: LIR], Target low income customers [N: LI] LIRA program [Y: LI], and identification of multi families for outreach [Y: LI]. As these 11 areas of work are conflated into 5 of the 6 distinct work categories, the time we will allow/not allow TURN to recover is as follows:

	REB- The time spent on the rebate programs and on current outreach efforts is allowed. We allow 100% of the time allocated in this time category. Since TURN has allocated 10%, we do not reduce the recoverable amount. **MET**- 67% will be allowed. Since TURN has allocated 15% to this category, we reduce the recoverable amount to **10%**. **CON**- The time spent on conservation goals, reporting, data collection, and agency coordination on outreach are allowed. TURN has allocated 25% to this category, we do not reduce. **LI**- 67% will be allowed. Since TURN has allocated **30%** to this category, we reduce recoverable amount to **20%**. **LIC**- 100% will be allowed. Since TURN has allocated 20% to this category, we do not reduce the recoverable amount. **GP**- TURN has not allocated any time percentage for work in this category. As such, the amount of recoverable work time in these categories is **85%**. Carrying these recoverable percentages over to the # category where TURN claims that the work on the issues cannot be separated, 85% of the work in the **#** category is recoverable. Finally as for **GP** (General Preparation) and **Comp**, we carry the same 85% recoverable percentage to these categories. With the allowances and disallowances we list above, we make the following deductions and allowances from the time records of **Christine A. Mailloux:** **<u>General Preparation (GP) (85% recoverable)</u>** Claimed for 2007: 2.5 Allowed for 2007: 2.1 Claimed for 2008: 17.25 Allowed for 2008: 14.6 which we round to 15 Claimed for 2009: 1.25 Allowed for 2009: 1.06 which we round to 1 Claimed for 2010: 0 Claimed for 2011: .5 Allowed for 2011: .19 which we round to **.**2 **<u>REB</u>** Although TURN allocations 10% of its work efforts to this category, TURN has not identified any of its work by the REB code.

	<u>MET (67% recoverable)</u> Claimed for 2007: 0 Claimed for 2008: 7.25 Allowed for 2008: 6.1 Claimed for 2009: 2.75 Allowed for 2009: 2.3 Claimed for 2010: 0 Claimed for 2011: 2.25 Allowed for 2011: 1.9 **<u>CON (100% recoverable)</u>** Claimed and allowed for 2007: 0 Claimed and allowed for 2008: 9.25 Claimed and allowed for 2009: 1.5 Claimed and allowed for 2010: 13.5 Claimed and allowed for 2011: 3.75 **<u>LI (67% recoverable)</u>** Claimed for 2008: 2.5; allowed: 2.1 Claimed for 2010: 2.25; allowed: 1.9 Claimed for 2011: 5.25; allowed: 3.5 **<u># (85% recoverable)</u>** Claimed for 2007: 0 Claimed for 2008: 21.50 Allowed for 2008: 18.3 Claimed for 2009: 6 Allowed for 2009: 5.1 Claimed for 2010: 0 Claimed for 2011: 4.5 Allowed for 2011: 3.8 As work was also performed by Attorneys Robert Finkelstein (**BF**), Haley Goodson (**HG**), and Marcel Hawiger (**MH**), we make time adjustments as follows: **BF** Amount claimed for work under code #: 1.25 Allowed: 1

	HG Amount claimed for work under CON: 2 Allowed: 2 **MH** Amount claimed for work under code GP (2007): 1.3 Allowed: 1.3 Amount claimed for work under code CON (2008): 1.5 Allowed: 1.3
TURN Expenses	We disallow TURN's requested reimbursement for meals ($59.43). See decisions D.07-08-021, D.09-10-055, and D.10-03-020. Meals are a non-compensable expense.

PART IV: OPPOSITIONS AND COMMENTS

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

B. Comment Period: Was the 30-day comment period waived? Yes

FINDINGS OF FACT

1. The Utility Reform Network has made a substantial contribution to Decision (D.)11-05-004.

2. The claimed fees and costs, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.

3. The total of reasonable contribution is $46,288.07.

CONCLUSION OF LAW

1. The Utility Reform Network's claim, with any adjustment set forth above, satisfies all requirements of Public Utilities Code Sections 1801-1812.

ORDER

1. The Utility Reform Network is awarded $46,288.07.

2. Within 30 days of the effective date of this decision, Golden State Water Company, California Water Service Company, Park Water Company, Suburban Water Systems, San

Jose Water Company, Great Oaks Water Company, Valencia Water Company, San Gabriel Valley Water Company, and Apple Valley Ranchos Water Company shall pay The Utility Reform Network the total award. Golden State Water Company, California Water Service Company, Park Water Company, Suburban Water Systems, San Jose Water Company, Great Oaks Water Company, Valencia Water Company, San Gabriel Valley Water Company, and Apple Valley Ranchos Water Company shall allocate[5] payment responsibility among themselves based on their California-jurisdictional water revenues for the 2008 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning September 24, 2011, 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 was waived.

4. This decision is effective today.

Dated _____, at San Francisco, California.

[5] To avoid the imposition of an administrative burden of allocating very small shares of the award to the smaller entities, we allocate responsibility for payment of the award to the Class A water companies.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		**Modifies Decision?** No
Contribution Decision:	D1105004	
Proceeding:	I0701022 et al.	
Author:	Commissioner Michael R. Peevey	
Payees:	Golden State Water Company, California Water Service Company, Park Water Company, Suburban Water Systems, San Jose Water Company, Great Oaks Water Company, Valencia Water Company, San Gabriel Valley Water Company, and Apple Valley Ranchos Water Company.	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Utility Reform Network	07-11-11	$49,347.90	$46,288.07	No	Lack of substantial contribution; disallowance of meal costs.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Christine	Mailloux	Attorney	The Utility Reform Network	$360	2007	$360
Christine	Mailloux	Attorney	The Utility Reform Network	$390	2008-2011	$390
Robert	Finkelstein	Attorney	The Utility Reform Network	$470	2008	$470
Hayley	Goodson	Attorney	The Utility Reform Network	$280	2008	$280
Marcel	Hawiger	Attorney	The Utility Reform Network	$300	2007	$300
Marcel	Hawiger	Attorney	The Utility Reform Network	$325	2008	$325

(END OF APPENDIX)