

Decision 11-07-022 July 14, 2011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Develop
Additional Methods to Implement the
California Renewables Portfolio Standard
Program.

Rulemaking 06-02-012
(Filed February 16, 2006)

**DECISION GRANTING INTERVENOR COMPENSATION TO THE UNION OF
CONCERNED SCIENTISTS FOR SUBSTANTIAL CONTRIBUTION TO
DECISION (D.) 08-08-028, D.08-10-026, D.10-03-021, AND D.11-01-025**

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DECISION GRANTING INTERVENOR COMPENSATION TO THE UNION OF CONCERNED SCIENTISTS FOR SUBSTANTIAL CONTRIBUTION TO DECISION (D.) 08-08-028, D.08-10-026, D.10-03-021, AND D.11-01-025

This decision awards the Union of Concerned Scientists \$98,159.39 for its substantial contributions to Decision (D.) 08-08-028, D.08-10-026, D.10-03-021, and D.11-01-025. This represents a decrease of \$10,978.27 or 10.06% from the amount requested due to non-compensable costs, excessive hours and internal duplication of effort, lack of substantial contribution, and adjusted hourly rates. Today's award payment will be allocated to the affected utilities.

1. Background

The rulemaking (R.) 06-02-012 was initiated to develop rules, procedures, and policies for Renewable Portfolio Standard (RPS) implementation. The RPS program was initiated by Senate Bill 1078 (Sher), Stats, 2002, ch. 516.¹ Decision (D.) 03-06-071 set framework for implementation of the program but deferred several important issues. R.06-02-012, among other questions, addressed the issue of whether the Commission should consider inter-utility trading of renewable energy credit (REC) for RPS compliance. D.08-08-028 issued in this rulemaking specified and defined the attributes of a REC for compliance with the California RPS program. D.08-10-026 refined the methodology for the market price referent (MPR) for use in the PRS program in 2008 and later years in order to improve the accuracy, transparency, and simplicity of the modeling for the MPR proxy plant. D.10-03-021 authorized the procurement and use of tradable REC (TREC) for compliance with the California RPS program. It also delineated

¹ RPS legislation is codified in Public Utilities Code §§ 399.11-399.20. All subsequent references to sections are to the Public Utilities Code unless otherwise specified.

the structure and rules for a TREC market and for the integration of TRECs into the RPS flexible compliance system. D.10-05-018 stayed D.10-03-021 pending resolution of two petitions for modification of that decision, filed by the three investor-owned utilities (IOUs), jointly, and by Independent Energy Producers Association (IEPA). D.11-01-025 resolved the petitions by making technical corrections to D.10-03-021. In all other respects, the petitions to modify were denied.

The Union of Concerned Scientists actively participated in the proceedings leading to these decisions.

2. Requirements for Awards of Compensation

The intervenor compensation program, which is set forth in Pub. Util. Code §§ 1801-1812,² requires California jurisdictional utilities to pay the reasonable costs of an intervenor's participation if that party makes a substantial contribution to the Commission's proceedings. The statute provides that the utility may adjust its rates to collect the amount awarded from its ratepayers.

All of the following procedures and criteria must be satisfied for an intervenor to obtain a compensation award:

1. The intervenor must satisfy certain procedural requirements including the filing of a sufficient notice of intent (NOI) to claim compensation within 30 days of the prehearing conference (PHC), pursuant to Rule 17.1 of the Commission's Rules of Practice and Procedure (Rules), or at another appropriate time that we specify. (§ 1804(a).)

² All subsequent statutory references are to the Public Utilities Code unless otherwise indicated.

2. The intervenor must be a customer or a participant representing consumers, customers, or subscribers of a utility subject to our jurisdiction. (§ 1802(b).)
3. To seek a compensation award, the intervenor must file and serve a request for a compensation award within 60 days of our final order or decision in a hearing or proceeding. (§ 1804(c).)
4. The intervenor must demonstrate “significant financial hardship.” (§§ 1802(g) and 1804(b)(1).)
5. The intervenor’s presentation must have made a “substantial contribution” to the proceeding, through the adoption, in whole or in part, of the intervenor’s contention or recommendations by a Commission order or decision or as otherwise found by the Commission. (§§ 1802(i) and 1803(a).)
6. The claimed fees and costs must be reasonable (§ 1801), necessary for and related to the substantial contribution (D.98-04-059), comparable to the market rates paid to others with comparable training and experience (§ 1806), and productive (D.98-04-059).

In the discussion below, the procedural issues in Items 1-4 above are combined and a separate discussion of Items 5-6 follows.

2.1. Preliminary Procedural Issues

Under § 1804(a)(1) and Rule 17.1(a)(1), a customer who intends to seek an award of intervenor compensation must file an NOI before certain dates. In a proceeding in which a PHC is held, the intervenor must file and serve its NOI between the date the proceeding was initiated until 30 days after the PHC is held. (Rule 17.1(a)(1).) The PHC in this matter was held on April 7, 2006. UCS timely filed its NOI on May 8, 2006. In its NOI, UCS asserted financial hardship, and the September 14, 2006 ruling found that UCS meets the financial hardship condition pursuant to § 1802(g).

Section 1802(b)(1) defines a “customer” as: (A) a participant representing consumers, customers or subscribers of a utility; (B) a representative who has

been authorized by a customer; or (C) a representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential or small business customers. (§ 1802(b)(1)(A) through (C).) The September 14, 2006 ruling found UCS a customer pursuant to § 1802(b)(1)(C).

UCS filed its request for compensation related to D.08-08-028, D.08-10-026, and D.10-03-021 on May 17, 2010, within 60 days of D.10-03-021 being issued.³ On March 14, 2011, UCS filed its request for compensation related to D.11-01-025, within 60 days of D.11-01-025 being issued.⁴ The requests were timely, and parties did not oppose the requests.

3. Substantial Contribution

In evaluating whether a customer made a substantial contribution to a proceeding, we look at several things. First, we look at whether the Commission adopted one or more of the factual or legal contentions, or specific policy or procedural recommendations put forward by the customer. (§ 1802(i).) Second, if the customer's contentions or recommendations paralleled those of another party, we look at whether the customer's participation unnecessarily duplicated or materially supplemented, complemented, or contributed to the presentation of the other party. (§§ 1801.3(f) and 1802.5.)

³ D.10-03-021 issued on March 16, 2010.

⁴ D.11-01-025 issued on January 14, 2011.

As described in § 1802(i), the assessment of whether the customer made a substantial contribution requires the exercise of judgment.

In assessing whether the customer meets this standard, the Commission typically reviews the record, composed in part of pleadings of the customer and, in litigated matters, the hearing transcripts, and compares it to the findings, conclusions, and orders in the decision to which the customer asserts it contributed. It is then a matter of judgment as to whether the customer's presentation substantially assisted the Commission.⁵

With this guidance in mind, we turn to the claimed contributions UCS made to the proceeding.

Analyzing UCS's participation in the proceeding, we overall agree with its showing of substantial contributions. In many important respects, UCS helped to shape the Commission's approach to the proceeding's critical issues.

UCS provided a valuable input to D.08-08-028 in the area of defining the emissions characteristics of the RECs eligible for compliance in the RPS program. UCS substantially developed the record through its comments and participation in the workshop on TRECs and RPS compliance held September 5-7, 2007. UCS contributed to D.08-10-026 by arguing in support of revising MPR gas forecast methodology to achieve more accurate predictions of natural gas costs. UCS also urged the Commission to adopt a permanent GHG compliance cost adder, the proposal that was thoroughly analyzed in D.08-10-026. UCS developed a GHG compliance cost model, too, which was included as one of the options for the Energy Division's consideration. UCS contributed to other important issues, including the transparency of the MPR methodology. UCS also worked on the

⁵ D.98-04-059, 79 CPUC2d 628 at 653.

REC issues considered in D.10-03-021. UCS contributed through comments and participation in the September 5-7, 2007 workshops, and D.10-03-021 approves or considers UCS's ideas and research and agrees with UCS's position on some of the issues.

UCS's participation in the petitions for modification phase of the proceeding consisted of opposing the petitions and justifying the TREC limits adopted in D.10-03-021. As indicated in Section 1 of this decision, D.11-01-025 made technical corrections to D.10-03-021 and otherwise denied the petitions. We observe that UCS mostly prevailed in its opposition to the IOUs' petition for modification. As to the IEPA's petition for modification, UCS provided a substantive analysis⁶ of the issues proposed by the IEPA; however, its analysis did not contribute to D.11-01-025. D.11-01-025 rejected the issues brought up by the IEPA's petition ("While these issues may be important and worthwhile, they are not appropriately addressed by modification of D.10-03-21."⁷) and denied the IEPA's petition "[b]ecause D.10-03-021 already has in place processes to address the two issues⁸ raised by IEP in its petition."⁹

UCS's participation was critical to the outcomes of the proceeding. Many of the UCS's arguments were either approved or adopted with modifications or considered in D.08-08-028, D.08-10-026, D.10-03-021, and D.11-01-025.

⁶ Response of UCS to the Petitions to Modify D.10-03-021, filed May 4, 2010, at 9-7, etc.

⁷ D.11-01-025 at 11.

⁸ IEPA's proposals to consider bundled certain firm transmission transactions and to expand the review of LCBF methodology for RPS procurement that is ordered in D.10-03-021.

⁹ D.11-01-025 at 11.

4. Contributions of Other Parties

Section 1801.3(f) requires an intervenor to avoid participation that duplicates that of similar interests otherwise adequately represented by another party, or participation unnecessary for a fair determination of the proceeding. Section 1802.5, however, allows an intervenor to be eligible for full compensation where its participation materially supplements, complements, or contributes to the presentation of another party if that participation makes a substantial contribution to the Commission order.

UCS's participation did not unnecessarily duplicate efforts of other parties. In a proceeding involving multiple participants, it is virtually impossible to completely avoid some duplication of the work of other parties; however, UCS made a diligent and effective effort to minimize the duplication in a variety of ways. Among other things, UCS coordinated its work with California Wind Energy Association, Natural Resources Defense Council, Center for Energy Efficiency and Renewable Technologies, etc. UCS also filed joint comments on June 1, 2009, with Green Power Institute. Another evidence of the effort to avoid duplicating its participation with other parties' was UCS's distinctive position on or unique approach to, the proceeding's issues.

After we have determined the scope of a customer's substantial contribution, we then look at whether the amount of the compensation request is reasonable.

5. Reasonableness of Requested Compensation

UCS requests \$96,626.91 for its participation in this proceeding phases leading to D.08-08-028, D.08-10-026, and D.10-03-021, as follows:

Work on Proceeding				
Experts/Staff	Year	Hours	Hourly Rate	Total
John Galloway, Consultant, Environmental Business Consulting	200 6	19.80	\$125.00	\$ 2,475.00
John Galloway, Consultant, Environmental Business Consulting	200 7	9.00	\$ 130	\$ 1,170.00
Cliff Chen, Senior Scientist	200 6	6.00	\$ 115	\$ 690.00
Cliff Chen, Senior Scientist	200 7	105.1 5	\$120.00	\$12,618.0 0
Cliff Chen, Senior Scientist	200 8	165.7 5	\$130.00	\$21,547.5 0
Cliff Chen, Senior Scientist	200 9	8.50	\$140.00	\$ 1,190.00
Laura Wisland, Energy Analyst	200 8	29.50	\$125.00	\$ 3,687.50
Laura Wisland, Energy Analyst	200 9	4.00	\$130.00	\$ 520.00
Laura Wisland, Energy Analyst	201 0	25.35	\$135.00	\$ 3,422.25
Clyde Murley, Consultant, Clyde Murley Consulting	200 7	16.30	\$195.00	\$ 3,178.50
Clyde Murley, Consultant, Clyde Murley Consulting	200 8	191.7 0	\$210.00	\$40,257.0 0
David Schlissel, Consultant, Synapse Energy Economics	200 8	14.00	\$180.00	\$ 2,520.00
Subtotal:				\$93,275.7 5
Preparation of NOI and Compensation Request¹⁰				
Experts/Staff	Year	Hours	Hourly Rate	Total
John Galloway	200 6	6.60	\$ 62.50	\$ 412.50
John Galloway	201	19.00	\$ 67.50	\$ 1,282.50

¹⁰ Reasonable claim preparation time typically compensated at 1/2 of preparer's normal hourly rate.

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Laura Wisland	201 0	14.50	\$68.00 ¹¹	\$ 986.00
Subtotal:				\$ 2,681.00
Expenses				\$ 970.16
Total Requested Compensation				\$96,926.91

For its participation in the petition for modification phase of the proceeding leading to D.11-01-025, UCS requests \$12,210.75, as follows:

Work on Proceeding				
Experts/Staff	Year	Hours	Hourly Rate	Total
Laura Wisland, Energy Analyst	201 0	85.15	\$135	\$11,495.25
Subtotal:				\$11,495.25
Preparation of NOI and Compensation Request				
Experts/Staff	Year	Hours	Hourly Rate	Total
Laura Wisland	201 1	10.60	\$68.00	\$ 715.50 ¹²
Subtotal:				\$ 715.50
Total Requested Compensation				\$12,210.75

In general, the components of this request must constitute reasonable fees and costs of the customer’s preparation for and participation in a proceeding that resulted in a substantial contribution. The issues we consider to determine reasonableness are discussed below.

¹¹ One half of the professional rate should be \$67.50, and the requested amount - \$978.78.

¹² Although the requested hourly rate for this work is \$68.00, the requested amount is based on the correct hourly rate of \$67.50.

5.1. Hours and Costs Related to and Necessary for Substantial Contribution

We first assess whether the hours claimed for the customer's efforts that resulted in substantial contributions to Commission decisions are reasonable by determining to what degree the hours and costs are related to the work performed and necessary for the substantial contribution. UCS documented its claimed hours by presenting a daily breakdown of the hours of its attorneys, staff and consultants, accompanied by a brief description of each activity. The hourly breakdown reasonably supports the claim for total hours. According to UCS, as the number of requested hours is reasonable given the scope of this proceeding and the complexity of the issues. With several exceptions, we agree.

We first eliminate non-compensable hours. It appears that a part of Galloway's time records repeats tasks that have already been included in the September 19, 2007 request for compensation, which was granted in D.08-12-017. We disallow 7.50 hours of this work in 2006¹³. Also, a few lines in Galloway's time records for this proceeding appear to be repetitive (identical date, activity, and hours) of the same timesheet entries.¹⁴ We disallow 1.8 hours to avoid compensating the same work twice. Galloway's time records also include tasks described as "case management and filing" (1.6 hours in 2006 and 1.0 hour in 2007), which resemble clerical or administrative tasks. This work is not compensable¹⁵. However, since the case management part of this task may

¹³ Galloway's timesheet entries for 10/18, 10/24, 10/25, 10/26, 10/27, 10/31 and 11/07/06 show these tasks.

¹⁴ Galloway's timesheet entries for 8/14 and 11/7/2006 show such tasks.

¹⁵ We do not allow an additional award for administrative overhead. *See, e.g.,* D.98-11-049, 1998 Cal. PUC LEXIS 805, *5.1.3 ("Professional fees assume overheads and

Footnote continued on next page

require some professional expert skill, we disallow 50% of the hours spent on these tasks or 0.8 hour (2006 hours), and 0.50 hour (2007 hours).

Second, we make reductions of hours of work that did not contribute to a final decision. UCS assesses that approximately 45% or 38.32 hours of its time was devoted to responding to the utilities' petition for modification, and 55% or 46.83 hours - to responding to the IEPA's petition for modification.¹⁶ As we have indicated earlier, UCS's response to the IEPA's petition included issues that were rejected in D.11-01-025, and UCS's work in this area did not contribute to D.11-01-025. We assess that approximately 50% or 23.40 hours of the UCS's hours devoted to the IEPA's petition should not be compensated.

Third, we analyze reasonableness of the remaining hours. We notice that UCS's representatives sometimes duplicated each other's efforts working on the same issues and documents, and participating in the same events. We also observe that, as a rule, work performed by the UCS in this proceeding was time-consuming. To determine whether some internal duplication of effort and large number of the hours were justified, we analyzed the UCS's role in the proceeding, documents UCS produced, and the substantial contributions to the Commission's decision. We also closely reviewed the time records and compensation request. Finally, we took into account professional rates and experience of the intervenor's representatives. We find UCS contributed on the multiple complex issues, providing original, in-depth analysis and important

are set accordingly. We therefore deny additional recovery for clerical work." See, also, D.08-09-034, at 9-10.

factual research data, and that UCS's position on many issues prevailed. We also find that the requested professional hourly rates, as adjusted, are modest as weighted against the UCS's representatives' professional experience and quality of their work on the merits. Based on these findings, the request, in general, is reasonable. In a few instances, where the amount of time exceeds our standards of reasonableness and is not justified, we make some adjustments of the requested amounts. We reduce Chen's and Murley's hours of work in 2007 by 1.5 hours each, for some excessive internal duplication of efforts in discussing the prehearing conference and prehearing conference statement. We further disallow 15% or 7.30 hours of Chen's work in 2008 on three sets of comments: October 14th reply, June 6th post-workshop, and June 18th post-workshop reply, to reduce excessive hours based on the document's contents. We disallow 9.80 hours (15%) of Murley's work on these three sets of comments, for the same reason. We disallow 15% or 2.30 hours of Chen's in 2008 related to the March 27th workshop preparation, for some excessive duplication of Murley's work. We disallow 1.10 hours (25%) of Wisland's work in 2008 on the review and discussions of the opening comments on the October 29th proposed decision, for the excessive duplication of Chen's efforts.

Fourth, we analyze the reasonableness of hours devoted to the intervenor compensation issues. As described above, we find that Galloway's time records include 6.6 hours spent in 2006 on UCS's NOI, that were already contained in the September 19, 2007 request for compensation, resolved in D.08-12-017, and we disallow these hours. We further determine that a number of the hours spent

¹⁶ UCS's e-mail providing this information can be found in the "Correspondence" file for this proceeding.

preparing UCS's requests for intervenor compensation exceeded our reasonableness standards for the tasks of this type. We have brought this issue to UCS's attention previously¹⁷. We disallow 7.60 hours (40%) of Galloway's work in 2010 on the request for compensation and 5.80 (40%) hours of Wisland's work on that document. We also disallow 3.2 (30%) hours of Wisland's work in 2011 on the compensation request. These disallowances are made in the attempt to bring hours spent on these matters within the reasonable limits. We warn UCS that the allowed hours will be reduced more in the future, to match more closely our standards of reasonableness for requests of this kind.

We strongly encourage UCS to use the Commission's standardized forms when preparing notices of intent to claim compensation and requests for intervenor compensation. The forms and instructions can be found on the Commission's web site, the Intervenor Compensation Program page, at <http://www.cpuc.ca.gov/PUC/IntervenorCompGuide/standardized.htm>. Using the forms affords more efficient preparation of the intervenor compensation documents.

5.2. Intervenor Hourly Rates

We next take into consideration whether the claimed fees and costs are comparable to the market rates paid to experts and advocates having comparable training and experience and offering similar services.

We approve the requested hourly rates that have been adopted previously. We also consider new rates requested for Chen's work in 2009, Wisland's work in 2009 and 2010, and Murley's work in 2008. UCS requests us to apply step

¹⁷ See, for example, D.08-12-017, issued in this proceeding, at 11. See, also, D.10-04-022 at 32-33.

increases to these expert's previously adopted rates, as authorized in D.07-01-009 and D.08-04-010.

For Chen's work in 2009, UCS requests a 5% step increase of his rate of \$130 established for his work in 2008. The request is based on Chen's more extensive experience and higher level of the responsibility he assumed at UCS. The result of the step increase, rounded to the nearest \$5.00, is the rate of \$135. We adjust the requested rate of \$140, accordingly.

UCS requests the rates of \$130 for Wisland's work in 2009 and \$135 in 2010. These rates include 5% step increases applied to the previously established rates, based on the years of her experience in the energy and environmental issues areas, relevant to this proceeding. Wisland's hourly rate for her work in 2011 on the intervenor compensation claim represents one half of the rate of \$135. We adopt these rates.

For Murley's work in 2008, UCS requests a 5% step increase of his rate of \$195 adopted previously for his work in 2007. The request is based on the higher level of the accumulated professional experience. The result of the step increase, rounded to the nearest \$5.00, is the rate of \$205. We adjust the requested rate of \$210, accordingly.

5.3. Direct Expenses

The itemized direct expenses submitted by UCS include only travel costs incurred by David Schlissel travelling to the MPR Cost workshop held at the CPUC on March 27, 2008. The cost breakdown included with the request shows the miscellaneous expenses to be commensurate with the work performed. For each expense, UCS provided receipts supporting the expenses. Except for the

cost of meal (\$18.52) that the Commission does not compensate,¹⁸ we find the requested costs reasonable.

6. Productivity

D.98-04-059 directed customers to demonstrate productivity by assigning a reasonable dollar value to the benefits of their participation to ratepayers.

(D.98-04-059, at 34-35.) The costs of a customer's participation should bear a reasonable relationship to the benefits realized through its participation. This showing assists us in determining the overall reasonableness of the request.

UCS states that in a policy proceeding such as the subject rulemaking, particularly one concerned as much with environmental benefits as economic benefits, it is extremely difficult to estimate the monetary benefits of UCS's participation. UCS states that its contributions to critical renewable energy rules and regulations will benefit ratepayers. The Legislature found that increasing the amount of renewable energy resources "may promote stable electric prices, protect public health, improve environmental quality, stimulate sustainable economic development, create new employment opportunities, and reduce reliance on imported fuels," among other benefits.¹⁹ UCS further asserts that its work materially assisted the Commission in developing RPS program requirements what will result in the development of cost-effective renewable resources and as such has contributed to more productive and efficient expenditure of the billions of dollars of RPS-related expenditures. The UCS's

¹⁸ See, for example, D.10-03-020 at 7.

¹⁹ California Pub. Util. Code § 399.11(b); see also § 399.11(c).

work, therefore, can be expected to save ratepayers many times the cost of UCS's participation. We find that, in general, its participation was productive.

7. Award

As set forth in the table below, we award UCS the total of \$98,159.39.

The award related to D.08-08-028, D.08-10-026, and D.10-03-021 in the amount of \$89,232.64 is summarized below:

Work on Proceeding				
Experts	Year	Hours	Hourly Rate	Total
John Galloway, Consultant, Environmental Business Consulting	200 6	9.70	\$ 125.00	\$ 1,212.50
John Galloway, Consultant, Environmental Business Consulting	200 7	8.00	\$ 130.00	\$ 1,040.00
Cliff Chen, Senior Scientist	200 6	6.00	\$ 115.00	\$ 690.00
Cliff Chen, Senior Scientist	200 7	103.65	\$120.00	\$12,438.0 0
Cliff Chen, Senior Scientist	200 8	156.15	\$130.00	\$20,299.5 0
Cliff Chen, Senior Scientist	200 9	8.50	\$135.00	\$1,190.00
Laura Wisland, Energy Analyst	200 8	28.40	\$125.00	\$3,550.00
Laura Wisland, Energy Analyst	200 9	4.00	\$130.00	\$ 520.00
Laura Wisland, Energy Analyst	201 0	25.35	\$135.00	\$3,422.25
Clyde Murley, Consultant, Clyde Murley Consulting	200 7	14.80	\$195.00	\$2,886.00
Clyde Murley, Consultant, Clyde Murley Consulting	200 8	181.90	\$205.00	\$37,289.5 0
David Schlissel, Consultant, Synapse Energy Economics	200 8	14.00	\$180.00	\$ 2,520.00
Subtotal:				\$87,015.2 5
Preparation of NOI and Compensation Request				
Experts/Staff	Year	Hours	Hourly Rate	Total
John Galloway	201 0	11.40	\$67.50	\$ 769.50
Laura Wisland	201 0	8.70	\$67.50	\$ 587.25
Subtotal:				\$1,356.75
Expenses				\$ 951.64
Total Award:				\$89,323.6

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The award related to D.11-01-025 in the amount of \$8,835.75 is summarized below:

Work on Proceeding				
Experts	Year	Hours	Hourly Rate	Total
Laura Wisland, Energy Analyst	2010	61.75	\$135	\$8,336.25
Subtotal:				\$8,336.25
Preparation of NOI and Compensation Request				
Experts/Staff	Year	Hours	Hourly Rate	Total
Laura Wisland	2011	7.40	\$67.50	\$ 499.50
Subtotal:				\$ 499.50
Total Award:				\$8,835.75

Pursuant to § 1807, we order Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Edison Company (SCE) to pay the total amount of the award. Consistent with previous Commission decisions, we order that interest be paid on the award amount of \$89,323.64 (at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release H.15) commencing on July 31, 2010, the 75th day after UCS filed its compensation request of May 17, 2010, and continuing until full payment of the award is made. The interest on the award amount of \$8,835.75 should be paid (at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release H.15) commencing on May 28, 2011, the 75th day after UCS filed its compensation request of March 14, 2011.

We direct PG&E, SDG&E, and SCE to allocate payment responsibility among themselves based upon their California-jurisdictional electric revenues

for the 2008 calendar year, to reflect the year in which the proceeding was primarily litigated.

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. UCS's records should identify specific issues for which it requested 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.

8. Waiver of Comment Period

This is an intervenor compensation matter. Accordingly, as provided by Rule 14.6(c)(6) of our Rules of Practice and Procedure, we waive the otherwise applicable 30-day comment period for this decision.

9. Assignment of Proceeding

Mark Ferron is the assigned Commissioner, and Burton Mattson and Anne Simon are the assigned ALJs in this proceeding.

Findings of Fact

1. UCS has satisfied all the procedural requirements necessary to claim compensation in this proceeding.
2. UCS made substantial contributions to D.08-08-028, D.08-10-026, D.10-03-021, and D.11-01-025 as described herein.
3. UCS requested hourly rates for its representatives that, as adjusted herein, are reasonable when compared to the market rates for persons with similar training and experience.

4. UCS requested related expenses that are reasonable and commensurate with the work performed.

5. The total of the reasonable compensation is \$98,159.39.

6. Appendix to this decision summarizes today's award.

Conclusions of Law

1. UCS has fulfilled the requirements of §§ 1801-1812, which govern awards of intervenor compensation, and is entitled to intervenor compensation for its claimed expenses, as adjusted herein, incurred in making substantial contributions to D.08-08-028, D.08-10-026, D.10-03-021, and D.11-01-025.

2. UCS should be awarded \$98,159.39 for its contribution to D.08-08-028, D.08-10-026, D.10-03-021, and D.11-01-025.

3. This order should be effective today so that UCS may be compensated without further delay.

O R D E R

IT IS ORDERED that:

1. Union of Concerned Scientists is awarded \$98,159.39 as compensation for its substantial contributions to Decision (D.) 08-08-028, D.08-10-026, D.10-03-021, and D.11-01-025.

2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Edison Company (SCE) shall pay Union of Concerned Scientists their respective shares of the award. We direct PG&E, SDG&E, and SCE to allocate payment responsibility among themselves, based on their California-jurisdictional electric revenues for the 2008 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award in

the amount of \$89,323.64 shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning July 31, 2010, the 75th day after the filing date of Union of Concerned Scientists' request for compensation of May 17, 2010, and continuing until full payment is made. Payment of the award in the amount of \$8,835.75 shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning May 28, 2011, the 75th day after the filing date of Union of Concerned Scientists' request for compensation of March 14, 2011, and continuing until full payment is made.

This order is effective today.

Dated July 14, 2011, at San Francisco, California.

MICHAEL R. PEEVEY
President
TIMOTHY ALAN SIMON
CATHERINE J.K. SANDOVAL
MARK J. FERRON
Commissioners

I abstain.

/s/ MICHEL PETER FLORIO
Commissioner

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:	D1107022	Modifies Decision? No
Contribution Decision(s):	D0808028, D0810026, D1003021, and D1101025	
Proceeding(s):	R0602012	
Author:	ALJ Anne Simon	
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company	

Intervenor Information

Intervenor	Claim Date	Amounts Requested	Amount Awarded	Multiplier ?	Reason Change/Disallowance
Union of Concerned Scientists	5/17/10	\$96,926.91	\$89,323.64	No	Non-compensable costs, excessive hours, internal duplication of effort, and adjusted hourly rates
Union of Concerned Scientists	3/14/11	\$12,210.75	\$8,835.75	No	Lack of substantial contribution, excessive hours

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
John	Galloway	Expert	Union of Concerned Scientists	\$125.00	2006	\$125.00
John	Galloway	Expert	Union of Concerned Scientists	\$130.00	2007	\$130.00
John	Galloway	Expert	Union of Concerned Scientists	\$135.00	2010	\$135.00
Cliff	Chen	Expert	Union of Concerned Scientists	\$115.00	2006	\$115.00
Cliff	Chen	Expert	Union of Concerned Scientists	\$120.00	2007	\$120.00
Cliff	Chen	Expert	Union of Concerned Scientists	\$130.00	2008	\$130.00
Cliff	Chen	Expert	Union of Concerned Scientists	\$140.00	2009	\$135.00
Laura	Wisland	Expert	Union of Concerned Scientists	\$125.00	2008	\$125.00
Laura	Wisland	Expert	Union of Concerned Scientists	\$130.00	2009	\$130.00
Laura	Wisland	Expert	Union of Concerned Scientists	\$135.00	2010	\$135.00
Laura	Wisland	Expert	Union of Concerned Scientists	\$135.00	2011	\$135.00
Clyde	Murley	Expert	Union of Concerned Scientists	\$195.00	2007	\$195.00
Clyde	Murley	Expert	Union of Concerned Scientists	\$210.00	2008	\$205.00
David	Schlissel	Expert	Union of Concerned Scientists	\$180.00	2008	\$180.00

(END OF APPENDIX)