

Decision 12-06-036 June 21, 2012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission’s own motion to consider alternative-fueled vehicle tariffs, infrastructure and policies to support California’s greenhouse gas emissions reduction goals.

Rulemaking 09-08-009
(Filed August 20, 2009)

DECISION GRANTING COMPENSATION TO THE UTILITY REFORM NETWORK FOR SUBSTANTIAL CONTRIBUTIONS TO DECISIONS (D.) 10-07-044 AND D.11-07-029

Claimant: The Utility Reform Network (TURN)	For contribution to D.10-07-044 and D.11-07-029
Claimed: \$78,605.87 ¹	Awarded: \$71,199.87 (reduced 6%)
Assigned Commissioner: Michael R. Peevey	Assigned ALJ: Regina DeAngelis

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:

D.10-07-044 in Phase 1 of this Rulemaking addressed the question of the Commission’s jurisdiction over providers of electric vehicle charging services and concluded that the legislature did not intend that this Commission regulate such entities as public utilities pursuant to Public Utilities Code Sections² (§§) 216 and 218. D.11-07-029 in Phase 2 of this Rulemaking further established Commission policies intended to overcome barriers to electric vehicle deployment, in compliance with § 740.2.

¹ See footnote 5.

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

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:	11/18/2009	Correct
2. Other Specified Date for NOI:		
3. Date NOI Filed:	12/18/2009	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:	R.09-08-009 ³	Correct
6. Date of ALJ ruling:	1/28/2010	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:	R.09-08-009	Correct
10. Date of ALJ ruling:	1/28/2010	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 Decisions:	D.10-07-044 D.11-07-029	Correct
14. Date of Issuance of Final Decisions:	8/2/2010 7/25/2011	Correct
15. File date of compensation request:	9/15/2011	Yes
16. Was the request for compensation timely?		Yes

³ This ruling was issued in Phase I of this proceeding. Rule 17.2 of the Commission's Rules of Practice and Procedure allows that a party found eligible for an award of compensation in one phase of a proceeding remains eligible in later phases, including any rehearing, in the same proceeding.

PART II: SUBSTANTIAL CONTRIBUTION

A. Claimant’s claimed contribution to the final decision:

Contribution	Citation to Decision or Record	Showing Accepted by CPUC
<p>1. Jurisdiction (JX): In Phase 1 of this Rulemaking the Commission directed all parties to provide a legal and policy analysis in briefs on the question of whether providers of electric charging services for use as a transportation fuel are electrical corporations and public utilities under Pub. Util. Code § 216 and 218. In response to the Commission’s directive, TURN argued that entities that provide electric vehicle charging services are utilities under existing law. TURN provided a statutory analysis of § 216 and stated that the Legislature believed that a specific statutory exemption was required to exempt entities reselling natural gas as a vehicle fuel from the Commission’s jurisdiction and that; therefore, the Legislature must make a similar exemption for providers of electric charging services.</p> <p>In the proposed decision (PD), the Commission specifically discussed TURN’s statutory analysis of § 216. Although the Commission did not agree with TURN in the PD, TURN’s arguments on this issue substantially contributed to the decision-making process and resulted in a more thorough discussion in the PD about the legislative history of Senate Bill (SB) 547 and its relationship to D.91-07-018 than would have occurred had TURN not participated in this proceeding.</p>	<p>Assigned Commissioner’s Scoping Memo, filed January 12, 2010, at 5.</p> <p>Opening Brief of The Utility Reform Network On Phase 1 Issues in the Assigned Commissioner’s Scoping Memo, filed February 8, 2010 (henceforth “TURN Opening Brief”).</p> <p>PD of Commissioner Ryan, mailed May 21, 2010, at 19-20 (henceforth “PD”).</p>	<p>Yes</p>

<p>2. Jurisdiction (JX): The PD discussed TURN’s position on the Commission’s jurisdiction over providers of electric vehicle charging services, and, while supporting its contrary position on the issue, made assertions regarding the relationship between SB 547 and D.91-07-018 that were in factual and legal error. In its comments on the PD, TURN specifically argued that the PD committed factual error when it stated “that SB 547 effectively codified or affirmed the exemption provided in D.91-07-018.”</p> <p>TURN’s discussion resulted in the removal of the erroneous statement from the final decision and also contributed to the substantial revision of the entire section on the legal framework and legislative history behind SB 547 and D.91-07-018.</p>	<p>PD, at 19-20.</p> <p><i>See</i> Opening Comments of TURN on the PD of Commissioner Ryan, filed June 10, 2010, at 4-6 (henceforth “TURN PD Comments”).</p> <p><i>Compare</i> D.10-07-004, at 17-23 with original PD, at 13-20 (<i>see</i> Attachment #4).</p> <p>D.10-07-004, at 35 (Several parties including CARE, NCRA, DRA, NRDC, FOE, PG&E, and TURN commented on the decision’s analysis of § 216 and related sections. The decision has been revised in response to parties’ arguments.)</p>	<p>Yes</p>
<p>3. Jurisdiction (JX): The Commission, in an attempt to counter the statutory analysis provided in TURN’s opening brief, also made assertions regarding the legislative history of § 216(f). The PD claimed that TURN’s reasoning “is not supported by the history of § 216(f)” and stated, “The subsequent action of the Legislature regarding SB 547 only resulted in further strengthening the Commission’s decision. No inference can be draw[n] that the Legislature found that the Commission acted beyond its authority, and no evidence of this concern is found in the legislative history of SB 547. At most, one can argue that the Legislature in</p>	<p>PD, at 19.</p>	<p>Yes</p>

<p>SB 547 came to the same conclusion as D.91-07-018 and found the Commission’s rationale on the jurisdiction issue valid and reasonable.”</p> <p>In its comments on the PD, TURN provided ample evidence from the legislative history to refute the PD’s assertions. TURN’s discussion resulted in the removal of the erroneous language and also contributed to the revision of the entire section on the legal framework and legislative history behind SB 547 and D.91-07-018.</p>	<p>TURN PD Comments, at 6-8. <i>Compare</i> D.10-07-004, at 17-23 with PD, at 13-20. D.10-07-004, at 35 (Several parties including CARE, NCRA, DRA, NRDC, FOE, PG&E, and TURN commented on the decision’s analysis of § 216 and related sections. The decision has been revised in response to parties’ arguments.)</p>	
<p>4. Comments on OIR (C): In the Order Instituting Rulemaking (OIR) for this proceeding, the Commission posed 42 questions ranged across 10 different topics and invited all interested parties to address the questions in their comments to the OIR. TURN provided answers to questions regarding residential and commercial charging infrastructure and policy, electrical system impacts, tariff-related issues, low carbon fuel standard, programs and incentives, education and outreach, and scope of the proceeding.</p> <p>TURN’s comments were considered by the Commission in its preparation of the Issue Papers on the “Utility Role in Supporting Plug-In Electric Vehicle Charging” and “Revenue Allocation and Rate Design” that were the basis for the Phase 2 workshops and comments. TURN’s participation in the OIR and positions offered in its opening comments resulted in the Commission extending an invitation to</p>	<p>Order Instituting Rulemaking to Consider Alternative-Fueled Vehicle Tariffs, Infrastructure and Policies to Support California’s Greenhouse Gas Emissions Reductions Goals, at 16-25 (henceforth “OIR”).</p> <p>Comments of TURN on the Commission’s OIR to Consider Alternative Fueled Vehicle Tariffs, Infrastructure and Policies to Support California’s Greenhouse Gas Emissions Reductions Goals, filed October 5, 2009, at 6-12.</p> <p>Reply Comments of TURN, filed November 6, 2009.</p>	<p>Yes</p>

<p>TURN to serve as a panelist on the workshop on metering and charging as well as the workshop on revenue allocation and rate design. (TURN only participated on the panel for the metering/charging workshop).</p>	<p>Administrative Law Judge’s Ruling on Workshop Issues Paper and Notice of Energy Division Workshop, filed August 30, 2010, Attachment A, Staff Issue Paper, “Utility Role in Supporting Plug-In Electric Vehicle Charging,” at 7-8, at 40.</p> <p>Administrative Law Judge’s Ruling on Second Workshop Issues Paper and Notice of Energy Division Workshop, filed September 10, 2010, Attachment A, Staff Issue Paper, “Revenue Allocation and Rate Design, Facilitating Plug-In Electric Vehicle Integration,” at 33.</p>	
<p>5. Metering and PEV Charging (M): TURN served, by invitation of Energy Division, on the panel discussing Electric Vehicle Service Equipment (EVSE) Ownership and Subsidization at the workshop on Metering and the Utility Role in Plug-in Vehicle (PEV) Charging (September 27, 2010). TURN presented the residential ratepayers’ perspective on the questions of EVSE ownership and subsidization, focusing on the impacts of metering arrangements and cost allocation on residential customers who do not own electric vehicles. TURN was the only residential customer representative on the panel, and TURN’s participation allowed many parties to ask questions regarding TURN’s perspective during the question and answer session.</p>	<p>Metering and the Utility Role in PEV Charging Workshop Agenda for September 27, 2010, found on the web at http://www.cpuc.ca.gov/NR/rdonl yres/0F32D283-4A71-445D-9D73-4D2C01103082/0/PEV/workshop _agenda_Sept27.pdf</p>	<p>Yes</p>
<p>6. Revenue Allocation and Rate Design (RA): In TURN’s comments on the Staff Issue Paper, “Revenue Allocation and Rate Design,” TURN</p>	<p>Comments of TURN on the Staff Issues Paper, “Revenue Allocation and Rate Design,” filed September 24, 2010, at 4-5.</p>	<p>Yes</p>

<p>argued that PEV load should not be designated as “new load” for the purposes of line and service (Rules 15 and 16) extension allowances and that PEV-related facility upgrades should not be eligible for separate allowances. TURN participated in the workshop discussion on this issue and provided further comments in its response to the questions presented in the Administrative Law Judge’s (ALJ’s) ruling requesting additional information from parties.</p> <p>TURN’s participation in this proceeding resulted in a vigorous debate over the applicability of line and service extension allowances to PEV-related facility upgrades, which served to better inform the Commission on this issue. TURN’s contribution resulted in revisions to discussion on line and service extension allowances in the original proposed Phase 2 decision, and, in the final decision, the Commission focused its discussion of this topic on TURN’s concerns.</p>	<p>Responses of TURN to Questions Presented in the ALJ’s Ruling Requesting Additional Information, filed, November 12, 2010.</p> <p><i>See Attachment #5, at 50-61; D.11-07-029, at 53-56.</i></p>	
<p>7. Revenue Allocation and Rate Design (RA): Although the Commission did not ultimately agree with TURN’s overall argument regarding line and service extension allowances for PEV-related facility upgrades, the Commission did agree with TURN that extending Rules 15 and 16 in order to encourage the electrification of the transportation sector stretched the historical application of the Rules.</p>	<p>D.11-07-029, at 55.</p>	<p>Yes</p>
<p>8. Revenue Allocation and Rate Design (RA): The Commission also agreed with TURN’s concern that the Commission’s interim policy of treating PEV-related service facility</p>	<p>D.11-07-029, at 59.</p>	<p>Yes</p>

<p>upgrades in excess of the allowances as common facility costs will create an incentive for some customers to gold-plate their charging equipment undertake extensive electrical upgrades at the same time as they install electric vehicle service equipment. As a result, the Commission limited its interim policy to only apply to “basic” charging arrangements.</p>		
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
<p>a. Was Division of Ratepayers Advocates (DRA) a party to the proceeding?</p>	Yes	Correct
<p>b. Were there other parties to the proceeding?</p>	Yes	Correct
<p>c. If so, who were the other parties in the proceeding?</p> <p>Clean Energy Fuels Corporation/Wal-Mart Stores, Inc./Sam’s West, Inc.; Natural Resources Defense Council (NRDC); The Environmental Coalition; California Center for Sustainable Energy; EV-Charge America; California Air Resources Board; Electric Power Research Institute; Fisker Automotive, Inc.; Center for Carbon-Free Power Integration-University of Delaware; Nissan North America, Inc.; Plug Smart; Toyota Motor Engineering & Manufacturing North America., Inc. (Toyota); Ecotality, Inc. (ECotality); Los Angeles Department of Water and Power (LADWP); San Diego Gas & Electric Company (SDG&E)/Southern California Gas Company; Southern California Public Power Authority; Mitsubishi Motors R&D of America Inc.; AeroVironment, Inc.; Southern California Edison Company (SCE); BP America/Western States Petroleum Association; International Council on Clean Transportation; Plug In America; Center for Energy Efficiency and Renewable Technologies; Pacific Gas and Electric Company (PG&E); Better Place; Tesla Motor Corporation; Interstate Renewable Energy Council; North Coast Rivers Alliance; Californians for Renewable Energy and Northern Coast Rivers Alliance; Green Power Institute; Coulomb Technologies, Inc. (Coulomb Tech); Silicon Valley Leadership Group; General Motors (GM); Consumer</p>	Yes	Correct

<p>Federation of California; Environmental Defense Fund, Sacramento Municipal Utilities District (SMUD); California Department of Food and Agriculture.</p>		
<p>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:</p> <p>Due to the logistics of this proceeding, where the Commission requested all parties to answer the same questions on several occasions, and the sheer numbers of parties in this proceeding, coordinating with all parties to entirely avoid duplication of effort and viewpoints would have been nearly impossible. TURN, however, was one of only three active ratepayer advocate groups (along with Consumer Federation of California and DRA) in a rulemaking heavily dominated by utilities and interested industry parties. TURN was the only party to present a thorough analysis of the legislative history of SB 547, which resulted in substantial revisions to the Phase 1 proposed decision. TURN also provided a unique viewpoint on line and service extension allowances for electric vehicle facility upgrades, which resulted in substantial revisions to the Phase 2 proposed decision and also allowed the Commission to develop a full record on the issue. TURN also participated in a working group consisting of DRA, SCE, PG&E, SDG&E, NRDC, Toyota, ECOtality, GM, LADWP, SMUD, Coulomb Tech, Friends of the Earth, and Better Place in order to get a better understanding of the positions of the other working group members on the different issues raised in this proceeding and to assess areas of common interest and potential agreement. TURN also held several discussions with DRA to assess and align its position with DRA on various issues.</p>		<p>We make no reductions to TURN’s claim for unnecessary duplication of effort, TURN’s timesheets confirm that it worked with DRA to compliment or supplement the work of DRA. In addition, TURN participated in working group meetings and conferences which gave TURN an opportunity to discuss contentious issues with parties and assisted TURN in streamlining TURN’s positions on other issues, as the working group gave parties an opportunity to ask detailed technical questions that would not have happened otherwise.</p>

C. TURN’s Additional Comments on Part II:

Section 1802(i) of the Public Utilities Code provides that a party may make a substantial contribution to a decision in one of several ways. It may offer a factual or legal contention upon which the Commission relied in making a decision, or it may advance a specific policy or procedural recommendation that the ALJ or Commission adopted. A substantial contribution includes evidence or argument that supports part of the decision even if the Commission does not adopt a party's position in total. D.06-05-027 (in R.03-10-003, Community Choice Aggregation); D.05-06-052 (same rulemaking); D.04-05-010 (A.02-03-047, et al., for LEV funding).

The Commission may also find that a customer’s participation substantially contributed to the decision or order if a customer provided a unique perspective that enriched the Commission’s deliberations and the record. *See* D.03-12-019, discussing D.89-03-063 and awarding San Luis

Obispo Mothers for Peace and Rochelle Becker compensation in the Diablo Canyon Rate Case because their arguments, although ultimately unsuccessful, forced the utility to thoroughly document the safety issues involved; *see also* D.07-01-012 (original PG&E AMI decision), which found that TURN substantially contributed to the decision though the Commission’s findings differed from TURN’s positions because TURN “enriched the Commission’s deliberations by rigorously analyzing the costs, benefits, and alternatives for an extremely expensive project.” *See also* D.09-04-027 (SCE AMI), which found that TURN substantially contributed to the decision even on an issue on which it did not prevail because it contributed to the inclusion of the issue in the Commission’s deliberation or added more discussion on the issue.

Although the Commission did not ultimately adopt all of TURN’s positions, TURN substantially contributed to both the Phase 1 and Phase 2 decisions by enriching the record regarding several different issues and contributing to the discussion on the issues. In particular, TURN’s contribution to this proceeding is evident in the differences between the Phase 1 proposed decision and final Phase 1 decision on PUC jurisdiction over providers of electric vehicle charging services and in the discussion regarding line and service extension allowances in the Phase 2 decision. TURN also directly contributed to this proceeding by serving as a panelist in the metering workshop.

PART III: REASONABLENESS OF REQUESTED

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

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
<p>Assigning a specific dollar value to TURN’s participation in this proceeding is extremely difficult because this Rulemaking was intended to set general policies surrounding the widespread deployment of electric vehicles in the state rather than dealing with specific costs and revenue impacts of PEV charging. Generally, though, to the extent that the Commission specifically invited any and all parties to respond to the OIR and participate in the discussions and workshops, the Commission may safely conclude that by speaking on behalf of residential ratepayers in a Rulemaking heavily dominated by utilities and EV industry parties, TURN presented important customer issues that otherwise may not have been</p>	<p>After the disallowances we make in this decision, the remainder of TURN’s hours and costs are reasonable and will result in benefits to customers, difficult to quantify here, which will</p>

⁴ *See, i.e.,* D.99-12-005, at 6-7 (Compensation Decision in 1995 Storm Phase of PG&E GRC, a. 97-12-020) and D.00-04-006, at 9-10 (Compensation Decision in Edison PBR Midterm Review, A.99-03-020) (recognizing the overall benefit of TURN’s participation where that participation assisted the Commission in developing a record on which to assess the reasonableness of the utility’s operations, and particularly its preparedness and performance in the future); D.00-05-022 (Compensation Decision in the Emergency Standards Proceeding) for TURN’s substantial contribution to the earlier decision, despite TURN’s inability to assign a dollar value to the benefit of our participation in order to demonstrate “productivity.” The Commission awarded compensation even though the emergency restoration standards may never come into play in the future, since they come into play only after a “major outage,” which is defined as impacting more than 10% of a utility’s customers. The contingent nature of the future standards did not cause the Commission to disallow compensation.

<p>addressed even if it is difficult to assign a dollar value to those issues. For example, the Commission should find TURN’s participation productive in part because it resulted in a significant analysis and discussion on line and service extension allowances, an issue which impacts all residential ratepayers regardless of whether or not they own an electric vehicle.</p> <p>In the past, the Commission has acknowledged that assigning a dollar value to intangible benefits may be difficult, and the Commission should treat this compensation request as it has treated similar past requests with regard to the difficulty of establishing specific monetary benefits associated with TURN’s participation.⁴</p>	<p>outweigh the cost of TURN’s participation.</p>
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B. Specific Claim:*

CLAIMED						CPUC AWARD			
ATTORNEY AND ADVOCATE FEES ⁵									
Item	Year	Hours	Rate \$	Basis for Rate	Total \$	Year	Hours	Rate \$	Total \$
R. Finkelstein	2009	1.75	470	D.09-08-025	822.50	2009	1.75	470	822.50
R. Finkelstein	2010	21.00	470	D.10-06-046	9,870.00	2010	14.50	470	6,815.00
H. Goodson	2009	6.75	280	D.09-10-051	1,890.00	2009	6.75	280	1,890.00
N. Suetake	2009	27.25	280	D.10-11-032	7,630.00	2009	23.50	280	6,580.00
N. Suetake	2010	120.25	280	D.10-11-032	33,670.00	2010	115.25	280	32,270.00
N. Suetake	2011	25.50	295	Adopted here	7,522.50 ⁶	2011	23.00	295	6,785.00
Subtotal: \$61,405.00						Subtotal: \$55,162.50			
EXPERT FEES									
Item	Year	Hours	Rate \$	Basis for Rate	Total \$	Year	Hours	Rate \$	Total \$
G. Jones	2009	8.10	130	D.10-11-032	1,053.00	2009	8.10	130	1,053.00
G. Jones	2010 to 6/30/2010	6.00	130	D.10-11-032	780.00	2010 to 6/30/2010	6.00	130	780.00
G. Jones	2010 after 7/1/2010	35.80	140	D.12-03-024	5,012.00	2010 after 7/1/2010	30.88	140	4,323.20
B. Marcus	2009	4.91	250	D.10-03-019	1,227.50	2009	4.91	250	1,227.50
B. Marcus	2010	0.67	250	D.10-09-045	167.50	2010	0.67	250	167.50
J. Nahigian	2010	19.50	190	D.10-07-040	3,705.00	2010	17.00	190	3,230.00
J. Nahigian	2011	9.75	190	Adopted here	1,852.50	2011	9.75	190	1,852.50
Subtotal: \$13,797.50						Subtotal: \$12,634.00			

⁵ TURN’s compensation award is significantly higher than other intervenors requesting compensation because TURN participated in working group meetings and conference calls.

⁶ TURN makes a minor computation error here. We correct the error and re-total TURN’s request for compensation.

INTERVENOR COMPENSATION CLAIM PREPARATION **									
Item	Year	Hours	Rate \$	Basis for Rate	Total \$	Year	Hours	Rate \$	Total \$
N. Suetake	2009	1.50	140	½ rate adopted in D.10-11-032	210.00	2009	1.50	140	210.00
N. Suetake	2011	14.50	147.50	½ rate adopted here	2,138.75	2011	14.50	147.50	2,138.75
R. Finkelstein	2011	0.50	235	½ rate adopted in D.10-06-046	117.50	2011	0.50	235	117.50
Subtotal: \$2,466.25					Subtotal: \$2,466.25				
COSTS									
Item	Detail			Amount \$		Amount \$			
LexisNexis	Computerized legal research			126.45		126.45			
Photocopies	Copies of TURN, other party and PUC pleadings			28.40		28.40			
Consultant research	Legislative intent research service			676.00		676.00			
Postage	Postage for sending TURN pleading			4.88		4.88			
Phone/Fax	Costs for telecommunications related to this proceeding			101.39		101.39			
Subtotal: \$937.12					Subtotal: \$937.12				
TOTAL REQUEST: \$78,605.87					TOTAL AWARD: \$71,199.87				
<p>*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. 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.</p> <p>**Reasonable claim preparation time typically compensated at ½ of preparer’s normal hourly rate.</p>									

C. TURN’s Comments Documenting Specific Claim:

Nina Suetake’s 2011 Hourly Rate

In Resolution ALJ-265, the Commission did not adopt any COLA adjustment for 2011. However, it explicitly continued the previously adopted policy of “step increases” for 2008 and beyond. Resolution ALJ-247, at 5. In D.08-04-010, the Commission had provided for up to two annual 5% “step increases” in hourly rates within each experience level for all intervenor representatives, and specifically explained that an attorney would be eligible for additional step increases upon reaching the next higher experience level. D.08-04-010, at 2, 11-12.

TURN seeks an hourly rate of \$295 for Ms. Suetake’s work in 2011. This figure represents the hourly rate previously adopted for her work in 2009 and 2010 escalated by a 5% step increase (rounded to the nearest \$5 increment). Ms. Suetake is a 2004 law school graduate. In 2009, TURN sought and was awarded an hourly rate of \$280, the low end of the range set for attorneys with 5-7 years of experience. D.10-11-032 (adopting the requested rate), and D.08-04-010, at 5 (setting the ranges for 2008). This is the first step increase TURN has sought for Ms. Suetake

upon reaching this experience level.

TURN's showing in support of this requested increase is based on and consistent with the showing UCAN made in C.08-08-026 in support of the requested increase for its attorney's hourly rate. The Commission approved the requested increase in D.10-08-018 (at 8). It is also nearly identical to the showing TURN made when seeking a step increase for Hayley Goodson's 2010 work in R.10-02-005 (granted in D.10-12-015).

Garrick Jones's 2010 Hourly Rate for Work Performed after 7/1/2010

TURN has requested an increased hourly rate of \$140 for Mr. Jones for work performed after July 1, 2010 in its request for compensation in A.09-12-020 (PG&E 2011 GRC) and that request is still pending. Should the Commission wish to have TURN include the showing in support of that rate in this request for compensation, TURN would be glad to file an amended version including that showing.

Reasonableness of TURN's Hours

Nina Suetake was the primary attorney assigned to this proceeding and was solely responsible for drafting all of TURN's pleadings in this docket, with the exception of TURN's comments on the PD and application for rehearing on the Phase 1 decision. Her hours reflect the tasks required to participate in a Rulemaking with multiple parties including reading the numerous comments filed by all the parties and drafting pleadings in response to the comments of other parties as well as preparing for and participating in workshops and working groups for this proceeding.

Robert Finkelstein and Hayley Goodson provided input to Ms. Suetake at the initial stages of this proceeding when TURN formulated its position on the many issues raised in the OIR. Mr. Finkelstein also assisted Ms. Suetake by taking over the Phase 1 issue regarding the PUC's jurisdiction over providers of electric vehicle charging services after the Commission issued its proposed decision. Mr. Finkelstein drafted TURN's opening and reply comments on the PD as well as the application for rehearing of the Phase 1 decision. Ms. Goodson also assisted Ms. Suetake by attending a prehearing conference while Ms. Suetake was on vacation.

JBS Energy, TURN's consultant in this proceeding, assisted Ms. Suetake in formulating TURN's position on several issues. Mr. Jones provided assistance with the issues of PEV metering, charging, rate design and revenue allocation, and overlap of PEV issues with the SmartGrid. Mr. Nahigian focused on the issue of line and service extension allowances for PEV charging-related upgrades. Mr. Nahigian has been TURN's consultant on line and service extension-related issues for over a decade and was vital to crafting TURN's position on this issue. Mr. Marcus provided targeted assistance on the ownership of EVSE's and submeters, rate design, and line and service extension allowances.

TURN is requesting compensation for 16.5 hours devoted to preparation of this request for compensation. TURN submits this is a reasonable amount of hours for a proceeding that produced two decisions and included substantial amounts of time and resources devoted to workshops and other meetings, requiring review of the associated substantive and hourly records. The review of TURN's contribution in this proceeding also required a thorough, comparative analysis of various versions and revisions to both the Phase 1 and Phase 2 decisions, a time consuming and difficult process, particularly where redlined versions were not available.

Allocation of Hours

TURN has allocated its hours by the following activity codes:

(GP) General participation: Time spent on activities necessary to participate in the docket that typically do not vary by the number of issues addressed, such as the initial review of the Rulemaking, reading staff issue papers, review of party comments and reply comments, attending prehearing conferences, and reviewing and commenting on the proposed decision.

(C) Comments on OIR: Time spent on activities necessary to respond to the questions raised in the initial OIR. The OIR posed 42 different questions and asked parties to respond in comments with their answers. Drafting TURN's responses required multiple discussions internally with TURN staff and consultants. Due to the variety of issues raised by the questions in the OIR and the need to provide responses to all the questions in a relatively short time frame, the hours for this activity were not split into specific issue areas. TURN provided comments on the following issue areas: residential and commercial charging infrastructure and policy, electrical system impacts, tariff-related issues, low carbon fuel standard, programs and incentives, education and outreach, and scope of the proceeding.

(JX) Phase 1 Jurisdiction Issue: Time spent developing and communicating TURN's position on the Phase 1 issue of whether the PUC has jurisdiction over providers of electric vehicle charging services. Activities ranged from legal and legislative research, internal discussions, and drafting briefs and comments.

(M) PEV Metering and Utility Role in Charging: Time spent developing and communicating TURN's position on the Phase 2 issue of PEV metering and the utility's role in PEV charging.

(RA) Revenue allocation and rate design: Time spent developing and communicating TURN's position on the Phase 2 issues of revenue allocation and rate design. Activities coded as RA include time spent on the sub-issue of line and service extension allowances.

(WG) Working group: Time spent on working group meetings and conference calls. As noted above, TURN participated in a working group consisting of DRA, SCE, PG&E, SDG&E, NRDC, Toyota, ECOtality, GM, LADWP, SMUD, Coulomb Tech, Friends of the Earth, and Better Place in order to get a better understanding of the positions of the other working group members on the different issues raised in this proceeding and to assess areas of common interest and potential agreement. TURN's involvement in the working group gave TURN an opportunity to discuss contentious issues with parties in a collaborative and informative setting and assisted in streamlining TURN's position on some issues. The working group also gave parties an opportunity to ask detailed questions about technical aspects of EV charging, metering infrastructure, and submeters that they would not have otherwise had.

(AQ) Responses to ALJ Questions: Time spent developing TURN's answers to questions posed by ALJ DeAngelis in her October 27, 2010 ruling. TURN responded to questions regarding metering costs, submetering protocol, education and outreach, rate design and revenue allocation, and smart grid overlap.

(RH) Application for Rehearing: Time spent developing and drafting TURN's Application for Rehearing of D.10-07-044. Although the application for rehearing is still pending, TURN includes these hours in this request in the event that the decision on the application for rehearing is issued prior to the decision on this request for compensation.

(Comp) Compensation Related: Work devoted to preparation of TURN’s NOI and request for compensation.

Reasonableness of TURN’s Expenses

The Commission should find TURN's direct expenses reasonable. The expenses consist of photocopying expenses, including the costs of producing the hard copies of TURN's pleadings, expenses for legal research conducted via the Lexis/Nexis database in support of TURN's advocacy in this proceeding, telecommunications costs for calls related to this proceeding, costs of legal research on the issue of the legislative history of SB 547, and postage costs for mailing TURN pleadings. The \$676 cost for legislative history research is an unusual cost but one that is reasonable under the circumstances, given the Phase 1 Proposed Decision’s reference to the legislative history of SB 547 and the need to obtain the actual legislative history materials for a 1991 statute in order to correct those references. All costs are directly related to this proceeding and were necessary for TURN’s participation in this proceeding.

D. CPUC Adoptions and Disallowances:

Item	Adoptions
2011-Suetake hourly rate	TURN requests an hourly rate of \$295 for Suetake 2011 work in this proceeding. Suetake has a previously adopted rate of \$280 for her 2009-2010 work before the Commission. The requested rate increase is Suetake’s first 5% step-increase request as authorized in Resolution ALJ-267, and within the (\$280-\$300) range established for attorneys with 5-7 years of experience. We find the request increase to be reasonable and adopt it here.
2011-Nahigian hourly rate	TURN requests an hourly rate of \$190 for Nahigian’s 2011 work here. This is equal to the same hourly rate applied to his 2010 work in D.10-07-040. We find the requested rate reasonable and adopt it here.
	Disallowances
TURN’s Comments on the Commission’s Order Instituting Rulemaking to Consider Alternative-Fueled Vehicle Tariffs, Infrastructure and Policies to Support California’s Greenhouse Gas Emissions Reduction Goals, filed on October 5, 2009	TURN requests a total of 23.69 (11.19 hours-Jones (2009); 5.0 hours-Nahigian (2009); and 7.5 hrs-Suetake (2009)) to prepare this document. The requested hours are excessive given the scope of the work and the length of the document-12 pages. We approve all of the research hours for Jones and disallow 50% of the remaining hours requested for Nahigian and Suetake. The adjusted hours more closely reflects our standards on the reasonableness of hours. Disallowances: 2.50 hrs. Nahigian (2009) 3.75 hrs. Suetake (2009)
Comments of The Utility Reform Network on the	TURN requests a total of 14.69 hours for preparing these comments (11.19 hrs Jones (2010) and 3.5 hrs-Nahigian (2010)). The requested

<p>Staff Issues Paper, “Revenue allocation and Rate Design,” filed on 9/24/2010</p>	<p>hours are excessive given the scope of the work and the length of the document-7.5 pages. We approve a total of 10 hours for this task, allowing for sufficient research. To achieve the approved hours, we reduce Jones’s (2010) hrs by 3.69 and Nahigian’s (2010) hours by 1.0 hr. The adjusted hours more closely reflects our standards on the reasonableness of hours.</p>
<p>Reply Comments of The Utility Reform Network in response to ALJ DeAngelis’ Ruling Requesting Additional Information, filed on April 11, 2011</p>	<p>TURN requests a total of 13.73 hours for preparing these comments (4.23 hrs Jones (2010); 6.50 hrs Suetake (2010) and 3.00 hrs for Nahigian (2010). We approve 6 hrs for this task and reduce the remaining hours for excessiveness. The document is 4.5 pages in length and mostly sums TURN’s agreement or disagreement with other parties. We distribute the disallowance equally between all participants and disallow: 1.23-Jones’s (2010) hrs, 5.0 hrs of Suetake’s (2010) hrs and 1.5 hrs of Nahigian’s (2010) hrs. The adjusted hours more closely reflects our standards on the reasonableness of hours.</p>
<p>TURN’s hours spent on its Application for Rehearing of D.10-07-044, filed on September 1, 2010</p>	<p>Turn requests compensation for 6.5 hours of Finkelstein’s (2010) time spent preparing its TURN’s Application for Rehearing of Decision 10-07-044. The document was filed on September 1, 2010. On December 19, 2011, the Commission addressed this matter in its Order Dismissing Rehearing Applications of Decision 10-07-044.⁷ This Order disposed of the applications for rehearing because Legislation which was enacted after D.10-07-044 (Assembly Bill 631, signed into law on October 5, 2011, specifically amended Section 216 of the Public Utilities Code to provide that Electric Vehicle service providers contemplated in D.10-07-044 were exempt from Commission regulation as public utilities, a position that D.10-07-044 had supported. We disallow TURN’s time spent on this matter as it had no bearing on making a substantial contribution as required in § 1802(i).⁸</p>
<p>Reply of the Utility Reform Network to Comments Issued on The Proposed Decision of Commissioner Peevey on Phase 2 Issues, filed on April 11, 2011</p>	<p>TURN requests a total of 6.5 hours of Suetake’s (2011) preparation of its reply comments. We find the requested amount of time to be slightly excessive given the scope of the work and the brevity of the document. The document is 2.5 pages in length. We reduce the requested compensation by 2.5 hours-Suetake (2011). The adjusted time more closely reflects our standards on the reasonableness of hours.</p>

⁷ An application for rehearing was also filed by Pacific Gas and Electric Company.

⁸ In assessing whether the customer has met 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. *See* D.98-04-059, 79 CPUC2d 628 at 653.

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(c)(6))?**

Yes

FINDINGS OF FACT

1. TURN has made a substantial contribution to D.10-07-044 and D.11-07-029.
2. The claimed fees, 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 \$71,199.87.

CONCLUSION OF LAW

1. The claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. The Utility Reform Network is awarded \$71,199.87.
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), Southern California Gas Company (SoCalGas), and Southern California Edison Company (SCE), shall pay The Utility Reform Network the total award. PG&E, SDG&E, SoCalGas, and SCE shall allocate payment responsibility among themselves based on their 2010 California-jurisdictional gas and electric revenues, reflecting 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 November 29, 2011, the 75th day after the filing of claimant's request, and continuing until full payment is made.

3. The comment period for today's decision is waived.

This order is effective today.

Dated June 21, 2012, at San Francisco, California.

MICHAEL R. PEEVEY

President

TIMOTHY ALAN SIMON

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

MARK J. FERRON

Commissioners

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:	D1206036	Modifies Decision? No
Contribution Decision(s):	D1007044 and D1107029	
Proceeding:	R0908009	
Author:	Commissioner Michael R. Peevey	
Payees:	Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company, and Southern California Edison Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Utility Reform Network	9/15/2011	\$78,605.87	\$71,199.87	No	excessive hours, disallowance of hours preparing TURN's application for rehearing of D.10-07-044. The application was made moot by the passage of Assembly Bill 631 which amended Section 216 of the Public Utilities code to provide that the electric vehicle (EV) service providers contemplated in D.10-07-044 are exempt from Commission regulation as public utilities, reaffirming the same position as the Commission's in D.10-07-044.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Robert	Finkelstein	Attorney	The Utility Reform Network	\$470	2009/2010	\$470
Hayley	Goodson	Attorney	The Utility Reform Network	\$280	2009	\$280
Nina	Suetake	Attorney	The Utility Reform Network	\$280	2009/2010	\$280
Nina	Suetake	Attorney	The Utility Reform Network	\$295	2011	\$295 ⁹
Garrick	Jones	Expert	The Utility Reform Network	\$130	2009 thru 6/30/2010	\$130
Garrick	Jones	Expert	The Utility Reform Network	\$140	7/1/2010 thru 12/31/2010	\$140
Bill	Marcus	Expert	The Utility Reform Network	\$250	2009/2010	\$250
Jeff	Nahigian	Expert	The Utility Reform Network	\$190	2010/2011	\$190

(END OF APPENDIX)

⁹ The requested rate increase is Suetake's first 5% step increase authorized in Resolution ALJ-267 for attorneys with 5-7 years of experience.