

Decision 12-07-020 July 12, 2012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Consider Smart Grid Technologies Pursuant to Federal Legislation and on the Commission’s own Motion to Actively Guide Policy in California’s Development of a Smart Grid System.

Rulemaking 08-12-009
(Filed December 18, 2008)

DECISION AWARDING INTERVENOR COMPENSATION TO CONSUMER FEDERATION OF CALIFORNIA FOR SUBSTANTIAL CONTRIBUTION TO DECISION 11-07-056

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| Claimant: Consumer Federation of California (CFC) | For contribution to Decision (D.) 11-07-056 |
| Claimed: \$62,759.38 ¹ | Awarded : \$50,567.13 (reduced 19%) |
| Assigned Commissioner: Michael R. Peevey | Assigned ALJ: Timothy J. Sullivan |

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:

D.11-07-056 adopted privacy and security rules concerning utility use and release of customer usage, data to utility contractors and/or third parties, and provided guidance on the provision of customer usage and price data to customers.

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

| | Claimant | CPUC Verified |
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| Timely filing of notice of intent (NOI) to claim compensation (§ 1804(a)): | | |
| 1. Date of Prehearing Conference: | March 27, 2009 | Correct |
| 2. Other Specified Date for NOI: | | |

¹ We correct a minor miscalculation by CFC and correct this error.

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| 3. Date NOI Filed: | April 16, 2009 | Correct |
| 4. Was the NOI timely filed? | | Yes |
| Showing of customer or customer-related status (§ 1802(b)): | | |
| 5. Based on ALJ ruling issued in proceeding number: | R.08-12-009 | Correct |
| 6. Date of ALJ ruling: | May 13, 2009 | 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.08-12-009 | Correct |
| 10. Date of ALJ ruling: | May 13, 2009 | 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.11-07-056 | Correct |
| 14. Date of Issuance of Final Decision: | July 29, 2011 | Correct |
| 15. File date of compensation request: | September 23, 2011 | Correct |
| 16. Was the request for compensation timely? | | Yes |

PART II: SUBSTANTIAL CONTRIBUTION

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

| Contribution | Citation to Decision or Record | Showing Accepted by CPUC |
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| <p>1. <u>Commission Jurisdiction: the extent of the Commissions authority to protect the privacy of information</u></p> <p>CFC comments: “A review of relevant statutes and case law demonstrates that the</p> | <p>Brief of the Consumer Federation of California Concerning Commission’s Authority Over Recipients of Customer Usage Data at 2-11, found at http://docs.cpuc.ca.gov/efile/BRIEF/127158.pdf</p> <p>“CFC, like the Customer Representatives, argued that there is broad Commission authority over any third party who acquires data on</p> | <p>Although this issue was set forth in the proceeding, the decision determined that the initial regulatory approach did</p> |

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| <p>Commission has authority over third parties under the holding of <i>PG&E Co. vs. PUC</i>. The Commission may exercise limited jurisdiction over non-utilities when its action is ‘cognate and germane’ to utility regulation...The California Constitution grants the Commission the power to establish rules, take testimony, and pursue contempt remedies for regulatory law violations...The Commission’s Constitutional authority may be augmented by the Legislature...California Courts have addressed the issue of whether the Commission may exercise authority over entities which are not public utilities. In <i>PG&E Co. v. PUC</i>, the court recognized that the PUC’s jurisdiction is not limited to public utilities. The Commission’s powers are not restricted to those expressly mentioned in the Constitution...When authorized by the Legislature, the PUC may exercise limited jurisdiction over entities other than public utilities.</p> <p>.....The Commission’s authority over third parties who “receive information on a consumer’s energy usage from sources other than the utility” is the same as its authority over third parties who “receive information on a consumer’s energy usage from the utility.”</p> | <p>energy consumption, no matter what the source. CFC also argues that regulation to protect the privacy of this data is “cognate and germane” to the exercise of the Commission’s regulatory authority.” D.11-07-056 at 26.</p> <p>Because a major goal of this decision is to adopt a regulatory program to protect the privacy and security of usage data collected by the three electrical corporations that are the subject of this proceeding, the Commission need not consider the Commission’s authority over data in the abstract. Instead, the Commission need only inquire as to whether the Commission has the authority to take specific regulatory actions to protect the interests of consumers.²</p> <p>In the situation before us, SB 1476 provides specific guidance and grants the Commission authority to accomplish the legislative goals and requirements. The relevant sections added to the Pub. Util. Code are:</p> <p>8380(b)</p> <p>(1) An electrical corporation or gas corporation shall not share, disclose, or otherwise make accessible to any third party a customer’s electrical or gas consumption data, except as provided in subdivision (e) or upon the consent of the customer.</p> <p>(2) An electrical corporation or gas corporation shall not sell a customer’s electrical or gas consumption data or any other personally identifiable information for any purpose.</p> <p>(3) The electrical corporation or gas corporation or its contractors shall not provide an incentive or discount to the customer for accessing the customer’s electrical or gas consumption data</p> | <p>not require a resolution of this issue, nor did the decision reach on a conclusion on this issue. It is reasonable, however, to compensate CFC for its contributions to this issue.</p> |
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² The findings of Commission jurisdictional authority over third-party demand response providers (DRPs) as discussed in D.10-12-060 are not superseded by any jurisdictional designations herein.

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| <p>The jurisdiction is founded on the legislative’s directive that the Commission regulates certain activities and a determination that regulation of third parties engaged in such an activity is cognate and germane to the Commission’s regulatory authority. The source of consumption data obtained by third parties does make a difference if the Commission chooses to exercise its authority to regulate third parties through a utility. The Commission has authority to make sure utilities fulfill their statutory responsibilities under Public Util. Code § 8380. Section 8380 (d) requires electric and gas utilities to “use reasonable security procedures and practices to protect a customer’s unencrypted electrical or gas consumption data from unauthorized access, destruction, use, modification, or disclosure. Section 8380 (b) (1) and (e) (2) preclude utilities from releasing consumption data to third parties except where the third party agrees to sign a contract promising to maintain the security of the data.</p> | <p>without the prior consent of the customer.³</p> <p>8380(d) An electrical corporation or gas corporation shall use reasonable security procedures and practices to protect a customer’s unencrypted electrical or gas consumption data from unauthorized access, destruction, use, modification, or disclosure.</p> <p>SB 1476 also envisions that a utility may contract with third parties to conduct basic utility operations. In these situations, SB 1476 requires privacy protections similar to those under which a utility operates.</p> <p>The Commission can also ensure that utility contracts, which the Commission has the authority to review, contain privacy protections. In addition, the statute provides treatment for demand response, energy management and energy efficiency programs that is equal to system, grid or operations needed to provide energy services:</p> <p>8380(e)(2) Nothing in this section shall preclude an electrical corporation or gas corporation from disclosing a customer’s electrical or gas consumption data to a third party for system, grid, or operational needs, or the implementation of demand response, energy management, or energy efficiency programs, <i>provided that</i>, for contracts entered into after January 1, 2011, the utility has required by contract that the third party implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure, and prohibits the use of the data for a secondary commercial</p> | |
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³ Section 8380(b).

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| | <p>purpose not related to the primary purpose of the contract without the customer’s consent.</p> <p>If an electric utility enters into a contract with a third party to provide a service to the utility customer using the data from a Smart Meter, SB 1476 also sets specific requirements concerning what the contract must contain: 8380(c) If an electrical corporation or gas corporation contracts with a third party for a service that allows a customer to monitor his or her electricity or gas usage, and that third party uses the data for a secondary commercial purpose, the contract between the electrical corporation or gas corporation and the third party shall provide that the third party prominently discloses that secondary commercial purpose to the customer.</p> <p>This statutory language leads us to conclude that the Commission has both broad powers and a legislative mandate to develop rules and regulations to protect the usage data of utility customers vis-à-vis the utility, its operational contractors, and those with whom a utility contracts to provide energy monitoring services to utility customers. D.11-07-056 at 31-33.</p> <p>“Consequently, under the policies adopted in this decision, the Commission does not need to determine at this time whether the Commission has the authority to regulate entities that acquire energy usage directly from the consumer.” D.11-07-056 at 36.</p> | |
| <p>2. <u>Smart Grid Privacy Rules Generally</u></p> <p>1. From the advent of this proceeding, CFC has advocated for smart grid privacy rules. CFC developed proposals for privacy and security of customer information as well as drafted privacy policy</p> | <p>CFC PHC Statement at 1-4, found at http://docs.cpuc.ca.gov/efile/ST/122299.pdf;</p> <p>Proposal of the Consumer Federation of California on Pricing Information and Proposal on Policies and Procedures to Protect the Privacy and Security of Customer Information at 9-14, found at http://docs.cpuc.ca.gov/efile/RESP/125120.pdf;</p> <p>Reply Comments of the CFC on Policies and</p> | <p>Correct</p> |

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| <p>recommendations. CFC performed statutory and legal analyses, citing recommendations from the DOE, experiences from other state regulatory agencies, experiences from history, studies from academic think tanks, NIST, analyses of SB 1476 and other relevant state and federal laws to support the development of adequate protection and security of customer information.</p> | <p>Procedures to Protect the Privacy and Security of Customer Information at 3-14, found at http://docs.cpuc.ca.gov/efile/CM/126211.pdf;</p> <p>CFC Opening Comments for Proposed Decision 11-07-056 at 2-6, found at http://docs.cpuc.ca.gov/efile/CM/136730.pdf</p> <p>Finally, the rules that we adopt advance the requirements and policy goals of SB 1476 and strengthen the existing statutory and regulatory frameworks that protect privacy. We therefore reject the approach recommended by some that the Commission focus on monitoring for failures to protect policy and taking remedial action when failures occur. D.11-07-056 at 97.</p> | |
| <p><u>3. Data Security: Breach Notification</u></p> <p>CFC advocated since the inception of this proceeding for adequate security of customer data. For example in comments CFC used the relevant PUC code to advocate for expedient notification of a breach:</p> <p>“Section 1798.82 requires a business to disclose any breach of the security of the system following discovery or notification of the breach in the security of the data to any resident of California whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure shall be made in the most expedient time possible and without reasonable delay....”⁴</p> | <p>Reply Comments of the CFC on Policies and Procedures to Protect the Privacy and Security of Customer Information at 12, found at http://docs.cpuc.ca.gov/efile/CM/126211.pdf</p> <p>CFC also argued that Civil Code Section 1798.2 requires that business to disclose any breach of the security of the system following discovery or notification of the breach in security of the data to any resident of California whose unencrypted personal information was, or reasonable believed to have been, acquired by an unauthorized person. D.11-07-056 at 89</p> <p>“Concerning Rule 8 on data security, it is reasonable to require utilities to notify the Commission of a breach whenever the Commission requests such a notification. Utilities should also provide an annual notification of all breaches in addition to providing such data when requested. Automatic notifications must also be provided to the Commission whenever...a security breach affects more than 1,000 customers. In addition, this decision leaves unmodified federal and state laws under which covered entities must notify customers of security breaches.” D.11-07-056 at 89.</p> | <p>Correct</p> |

⁴ Reply comments of the Consumer Federation of California on Policies and Procedures to Protect the Privacy and Security of Customer Information and Pricing Information Communicated to Customers at 12.

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| <p>4. <u>Accountability: Utility/Third Party Contracts filed before the Commission</u></p> <p>“There would appear to be several points at which third parties must interact with the utility....It would not, therefore, constitute an unreasonable burden to require the utilities to monitor the third parties’ use of customer data when it is also going to be monitoring the third party’s compliance with the contract signed with the utility.”</p> <p>“The law requires that the utilities monitor third parties’ use of customer’s private information and imposes liability on them if that duty is not reasonably performed.”</p> <p>“The Commission should require that contracts between a utility and a third party be filed with the Commission and approved, before they take effect. The filing should include a copy of any consent document the customer provided and a copy of the notice given the customer which solicited the customer’s consent.”</p> | <p>Reply Comments of the CFC on Policies and Procedures to Protect the Privacy and Security of Customer Information at 16, 17, found at http://docs.cpuc.ca.gov/efile/CM/126211.pdf</p> <p>“The ‘chain of responsibility’ approach to protecting privacy and enforcing policy rules is a reasonable approach to ensuring that the privacy rules are followed. This decision therefore declines the requests by Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (SCE) to reject this approach. As many parties have pointed out, ensuring compliance with privacy policies is a key element of an effective privacy policy. Electric utilities are already responsible for the protection of customer privacy whenever they use a third party to perform utility operations. The ‘chain of responsibility’ currently works in these contractual relationships. It currently provides a reasonable approach to the protection of customer privacy and it can continue to do so.” D.11-07-056 at 80.</p> <p>“It is reasonable to require covered entities to ensure compliance of contractors with the privacy and security policies adopted herein through the ‘chain of responsibility’ concept, whereby the responsible entity terminates business with contracts who fail to follow the privacy and security policies adopted in the decision.” D.11-07-056, Finding of Fact #40 at 139.</p> | <p>Correct</p> |
| <p>5. <u>Limit Information retention</u></p> <p>CFC argued utilities should follow state law (Civil Code 1798.81) when it comes to retaining customer data and take “all reasonable steps to dispose, or arrange for the disposal, of customer records within its custody or control containing personal information when the records are no longer to be</p> | <p>Reply Comments of the CFC on Policies and Procedures to Protect the Privacy and Security of Customer Information at 12, found at http://docs.cpuc.ca.gov/efile/CM/126211.pdf</p> <p>“These recommended rules create no new liability that would fall upon utilities and other entities in conjunction with data retention. Instead, these rules make clear that as a utility proposes to collect personal information, it should propose for consideration by this Commission both limitation on amount of</p> | <p>Correct</p> |

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| <p>retained by the business...”</p> | <p>personal information collected and the time period for data retention.” D.11-07-056 at 73.</p> | |
| <p>6. Pricing Information Since the beginning of the Smart Grid proceeding, CFC has advocated for customer access of their usage data. CFC advocated, along with The Utility Reform Network (TURN), Utility Consumers’ Action Network, and Division of Ratepayer Advocates (DRA), for delivering relevant, comprehensive and comprehensible information that a consumer will be able to use in order to make informed decisions regarding their consumption and electric bill.⁵ CFC recommended a proposal that supported comprehensible presentation of pricing and usage information via a platform where there is a simultaneous display of both usage and costs associated with customer usage. CFC supported in comments an online platform where customers can monitor their electricity usage along with the cost of their electricity.⁶ CFC also argued that customer response to pricing information is largely dependant on the frequency with which updated pricing information is available.⁷ CFC advocated for complementary</p> | <p>CFC PHC Statement at 3, found at http://docs.cpuc.ca.gov/efile/ST/122299.pdf; Proposal of the Consumer Federation of California on Pricing Information and Proposal on Policies and Procedures to Protect the Privacy and Security of Customer Information at 1-8, found at http://docs.cpuc.ca.gov/efile/RESP/125120.pdf Reply Comments of the CFC on Policies and Procedures to Protect the Privacy and Security of Customer Information at 31-34, found at http://docs.cpuc.ca.gov/efile/CM/126211.pdf PG&E and SCE shall continue to provide customers with price and usage data. Within six months of the mailing of this decision, PG&E and SCE must each file a Tier 2 advice letter including tariff changes to make price, usage, and cost information available to its customers online and updated at least on a daily basis, with each day’s usage data, along with applicable price and cost details and with hourly or 15 minute granularity (matching the time granularity programmed into the customer’s smart meter), available by the next day. The tariff changes must offer residential customers bill-to-date, bill forecast data, projected month-end tiered rate, and notifications as the customers cross rate tiers as part of the pricing data provided to customers. The prices must state an “all in” price the customers pay for electricity.” D.11-07-056, Order #6 at 125.</p> | <p>Correct</p> |

⁵ Proposal of the Consumer Federation of California on Pricing Information Communicated to Customers at 8, found at <http://docs.cpuc.ca.gov/efile/RESP/125120.pdf>.

⁶ *Ibid.* at 5.

⁷ Proposal of the Consumer Federation of California on Pricing Information Communicated to Customers at 7, found at <http://docs.cpuc.ca.gov/efile/RESP/125120.pdf>.

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| <p>services such as text or phone alerts.⁸ Finally, CFC supported (along with TURN) a bill-to-date bill forecast, and project month end rate model.⁹</p> | | |
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

| Claimant | | CPUC Verified |
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| <p>a. Was Division of Ratepayer Advocates a party to the proceeding?</p> | <p>Yes</p> | <p>Correct</p> |
| <p>b. Were there other parties to the proceeding?</p> | <p>Yes</p> | <p>Correct</p> |
| <p>c. If so, provide name of other parties: CTIA- The Wireless Association; AT&T California, AT&T Communications of California, Inc., and New Cingular Wireless PCS, LLC (filing jointly as AT&T); PG&E; SCE; the Technology Network (TechNet); Tendril Networks Inc. (Tendril); San Diego Gas & Electric Company (SDG&E) and Southern California Gas Company (SoCalGas), filing jointly; TURN; DRA; the Center for Democracy & Technology and the Electric Frontier Foundation, filing jointly (CDT/EFF); the California Independent System Operator (CAISO); and OPOWER, Inc.</p> | | <p>Correct</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: CFC did not duplicate the arguments of DRA or other parties. There is usually some confluence of opinion when more than one consumer group participates. Most often, however, each group has a particular take on the subject and makes an original contribution. For example, CFC argued along with other consumer groups that the Commission has authority over any entity seeking Smart Grid data no matter what the source. CFC, however, used recent Commission precedent to support its argument as well as centering its jurisdiction argument on that regulation to protect the privacy of Smart Grid data is “cognate and germane” to the exercise of the Commission’s regulation. In addition, CFC brought original statutory and policy analyses to help develop Smart Grid Privacy rules.</p> | | <p>Correct</p> |

⁸ *Ibid.* at 7.

⁹ *Id.* at 5.

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| <p>For pricing information, CFC was a proponent along with other consumer groups on a customers’ ability to access their own usage data. However, CFC’s arguments differed on how energy usage data should be communicated to the customer. <i>See</i> CFC’s Proposal on Pricing Information Communicated to Customers at 1-8 found at http://docs.cpuc.ca.gov/efile/RESP/125120.pdf; CFC’s Reply comments on Pricing Information Communicated to Customers at 31-34, found at http://docs.cpuc.ca.gov/efile/CM/126211.pdf.</p> | |
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PART III: REASONABLENESS OF REQUESTED

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

| <p>Claimant’s explanation as to how the cost of claimant’s participation bore a reasonable relationship with benefits realized through claimant’s participation</p> | <p>CPUC Verified</p> |
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| <p>There will be monetary benefits for ratepayers based on CFC’s participation, though a specific amount is hard to quantify. Some of CFC’s contributions accepted by the final decision will likely save utility customers money, such as advocating for a utility customer’s ability to easily access their energy consumption data and the costs associated with their consumption in a comprehensible manner to manage their usage and save money.</p> <p>CFC’s contribution assisted in advocating and helping to develop Smart Grid privacy rules. This will result in individual ratepayer benefits in the form of increased safety and security when it comes to a consumer’s energy data.</p> <p>These contributions as well as others informed the record and the Commission’s decision making process and will benefit ratepayers by saving them money in the future.</p> | <p>After the reductions we make to CFC’s claim, the remaining hours are reasonable, with benefits realized for ratepayers, and warrant compensation.</p> |

B. Specific Claim:*

| CLAIMED | | | | | | CPUC AWARD | | | |
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| ATTORNEY AND ADVOCATE FEES | | | | | | | | | |
| Item | Year | Hours | Rate \$ | Rate Rationale | Total \$ | Year | Hours | Rate \$ | Total \$ |
| A. Wodtke | 2010 | 130.00 | 350 | D.11-04-028 | 45,500.00 | 2010 | 113.60 | 350.00 | 39,760.00 |
| N. Blake | 2010-2011 | 90.90 ¹⁰ | 175 | 2010 rate-Adopted here 2011 rate-Adopted in D.12-02-013 | 15,907.50 | 2010-2011 | 54.03 | 175.00 | 9,455.25 |
| Subtotal: \$61,407.50 | | | | | | Subtotal: \$49,215.25 | | | |
| INTERVENOR COMPENSATION CLAIM PREPARATION ** | | | | | | | | | |
| Item | Year | Hours | Rate \$ | Rate Rationale | Total \$ | Year | Hours | Rate \$ | Total \$ |
| N. Blake | 2010-2011 | 15.45 ¹¹ | 87.50 | ½ rate adopted here and in D.12-02-013 | 1,351.88 | 2010-2011 | 15.45 | 87.50 | 1,351.88 |
| Subtotal: \$1,351.88 | | | | | | Subtotal: \$1,351.88 | | | |
| TOTAL REQUEST: \$62,759.38 | | | | | | TOTAL AWARD: \$50,567.13 | | | |
| <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 is compensated at ½ of preparer's normal hourly rate.</p> | | | | | | | | | |

¹⁰ In any future claims for compensation that CFC may file, we reiterate the need to separate participant hours across years, rather than lumping them into one sum as CFC has done here. Failure to do so, may result in reductions which we forego here.

¹¹ We approve CFC's requested hours for compensation preparation although slightly higher than other participants with similar involvement. While recognizing that Blake is fairly new to Commission proceedings and was the preparer of CFC's request for an award, we will expect that future time spent on these matters will be lowered with more expertise. We remind CFC, as we have in other matters, that the use of standardized forms available at: <http://www.cpuc.ca.gov/PUC/IntervenorCompGuide/standardized.htm> provide the most expeditious methods to complete both NOIs and a request for an award of intervenor compensation, and recommend their use.

C. CPUC Disallowances & Adjustments:

| Adoptions | |
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| 2010-hourly rate for Nicole Blake | D.12-02-013 adopted an hourly rate of \$175 for Nicole Blake's 2011 work in A.09-12-020. Blake is a graduate of University of California Hastings and was admitted to the California BAR in January 2010. The application of the same hourly rate to her 2010 work is reasonable and within the rate range of (\$150-\$205) established by the Commission in D.08-04-010 for attorneys with 0-2 years of experience. We adopt the hourly rate of \$175 for Blake's 2010 work. |
| Disallowances | |
| We make no disallowances to CFC's claim for lack of substantial contribution. In our reasonableness assessment, however, we list below several areas where CFC's requested hours are excessive. In these areas, we make reductions: | |
| 2010-Wodke hours preparing CFC's pre-hearing conference statement | CFC requests 8.6 hours of compensation (Wodke) for preparation of its prehearing conference statement. This time is excessive given the scope of the work and the length of the document. The document is 3 pages in length and contains no complex analysis. We have approved 2 hours of Blake's time spent researching Smart Grid Issues, assumingly in addition to Wodke's time spent on the filing of this document. We approve 3 hours for this task and disallow the remaining 5.6 hours for excessiveness. The adjusted amount more closely reflects our standards on the reasonableness of hours. |
| 2010 hours spent reading other parties responses for Smart Grid Pricing Issues | CFC requests a total of 24.1 hours (10.3-Blake and 13.8-Wodke) for reading and summarizing the comments of other parties' responses for Smart Grid Pricing Issues. This same task was accomplished by another intervenor with participation similar to CFC's in 8 hours. We approve 8 hours for CFC to complete this work. We distribute the allowance between both participants (Blake and Wodke) and caution CFC that its distribution of the same work to two participants is duplicative. We reduce Blake's hours by 6.3 and Wodke's hours by 9.8 to achieve the approved hours. |
| 2010 Wodke hours at 10/25/2010 workshop | CFC requests 6 hours of compensation for Wodke's attendance at a workshop held on 10/25/2010. We approve 5 hours for this work, equal to the same amount of time approved for other intervenors in attendance at this same event, and disallow the remaining 1 hour. |
| CFC's 2010 hours spent preparing its proposal by parties on the subject of providing price information to customers with the | CFC requests a total of 30.8 hours (22.0-Blake and 8.8-Wodke) to prepare CFC's "Proposal on Pricing Information Communicated to Customers and Protection of the Privacy and Security of Customer Information." The document is 13 pages in length and although it does contain obvious research efforts, the total time requested is excessive. We approve 18 hours for this task and disallow the remaining hours. |

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| development of California's Smart Grid System | We approve all of Wodke's hours and disallow the remainder hours from Blake's 2010 hours. 2010 Disallowances: 12.8 hours Blake |
| CFC's 2011 hours spent preparing its "Opening Comments on the Proposed Decision Adopting Rules to Protect Privacy and Security of the Electricity Usage Data of the Customers of PG&E, SCE, and SDG&E" | CFC's requests 24.7 hours of compensation for Blake's time spent preparing this document. This request is excessive given the scope of the work and the brevity of the document. We approve the more reasonable amount of time of 14 hours for this work, considering the relative newness of Blake (author) to Commission proceedings. We disallow the remaining 10.17 hours as excessive. The adjusted hours more closely reflects our standards on the reasonableness of hours. |
| 2011 Blake hours reading the Proposed Decision | CFC requests 11.6 hours for Blake to read the Proposed Decision. We disallow 7.6 hours for this task, approving 4 hours. This is the same amount of time allowed for another intervenor to accomplish this same task. |

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the claim?

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| No |
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B. Comment Period: Was the 30-day comment period waived (See Rule 14.6(c)(6))?

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| Yes |
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FINDINGS OF FACT

1. Consumer Federation of California has made a substantial contribution to D.11-07-056.
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 \$50,567.13.

CONCLUSION OF LAW

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

ORDER

1. Consumer Federation of California is awarded \$50,567.13.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company shall pay Consumer Federation of California the total award. 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 December 17, 2011, the 75th day after the filing of Consumer Federation of California's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. This decision is effective today.

Dated July 12, 2012, 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**

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|-------------------------------|---|------------------------------|
| Compensation Decision: | D1207020 | Modifies Decision? No |
| Contribution Decision: | D1107056 | |
| Proceeding: | R0812009 | |
| Author: | Commissioner Michael R. Peevey | |
| Payees: | Southern California Edison Company, San Diego Gas & Electric Company and Pacific Gas and Electric Company | |

Intervenor Information

| Intervenor | Claim Date | Amount Requested | Amount Awarded | Multiplier? | Reason Change/Disallowance |
|-----------------------------------|-------------------|-------------------------|-----------------------|--------------------|--|
| Consumer Federation of California | 09/23/2011 | \$62,759.38 | \$50,567.13 | No | minor miscalculation error and excessive hours |

Advocate Information

| First Name | Last Name | Type | Intervenor | Hourly Fee Requested | Year Hourly Fee Requested | Adopted Hourly Rate |
|-------------------|------------------|-------------|-----------------------------------|-----------------------------|----------------------------------|----------------------------|
| Alexis | Wodtke | Attorney | Consumer Federation of California | \$350 | 2010 | \$350 |
| Nicole | Blake | Attorney | Consumer Federation of California | \$175 | 2010-2011 | \$175 |

(END OF APPENDIX)