

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion to Determine the Extent to Which the Public Utility Telephone Service Known as Voice over Internet Protocol Should Be Exempted from Regulatory Requirements.

Investigation 04-02-007
(Filed February 11, 2004)

**OPINION GRANTING INTERVENOR COMPENSATION
TO THE GREENLINING INSTITUTE, THE UTILITY REFORM NETWORK,
AND PENINSULA RATEPAYERS ASSOCIATION,
FOR SUBSTANTIAL CONTRIBUTIONS TO DECISION 06-06-010**

This decision awards the Greenlining Institute (Greenlining), The Utility Reform Network (TURN), and Peninsula Ratepayers Association (PRA) \$102,295.11, \$52,292.28, and \$48,411.00, respectively, in compensation for their substantial contributions to Decision (D.) 06-06-010. The amount awarded to Greenlining is a decrease of \$30,802.50 from the amount requested, because Greenlining was unable to provide documentation for one attorney's hours for this proceeding. Today's award payment will be paid from the Commission's intervenor compensation program fund, as described in D.00-01-020. This proceeding is closed.

1. Background

The Commission opened this investigation to consider the appropriate regulatory framework that should govern the provision of Voice over Internet Protocol (VoIP). In the Order Instituting Investigation (OII), the Commission

tentatively concluded that providers offering VoIP service interconnected with the Public Switched Telephone Network are public utilities offering a telephone service subject to the Commission's regulatory authority. The OII solicited comments on universal service, E911, access charges, compliance with North American Numbering Plan protocols, consumer protection rules, the impact of regulating or exempting from regulation, and intercompany compensation arrangements. Parties filed opening comments on April 5, 2004 and reply comments on May 14, 2004.

In a May 11, 2004 ruling, the assigned Commissioners denied Verizon California Inc.'s request that the reply comments in this proceeding be deferred until after reply comments were filed in the Federal Communications Commission's (FCC) proceeding addressing Internet Protocol enabled services (IP-enabled services). (Notice of Proposed Rulemaking, *In the Matter of IP-Enabled Services*, WC Docket No. 04-36, FCC 04-28, released March 10, 2004.) Subsequent to the May 11, 2004 ruling, the FCC issued an order, which declared that Vonage Holding Corporation's (Vonage) VoIP service could not be separated into interstate and intrastate communications. Although the FCC noted states would continue to play a vital role in certain areas such as consumer protection, the FCC stated that it, not the states, would determine what regulations apply to IP-enabled services such as Vonage's. (*In the Matter of Vonage Holdings Corporation's Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission*, WC Docket No. 03-211, 19 FCC Rcd 22404, ¶ 1.)

In D.06-06-010, we concluded that it was premature to assess what our regulatory role over VoIP would be and to address the issues raised in this

investigation. We anticipated the role for state commissions would be defined in the future. D.06-06-010 closed this proceeding.

2. Requirements for Awards of Compensation

The intervenor compensation program, enacted in Pub. Util. Code §§ 1801-1812, requires California-jurisdictional utilities to pay the reasonable costs of an intervenor's participation if the intervenor 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. (Subsequent statutory references are to the Public Utilities Code unless otherwise indicated.)

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), or in special circumstances at other appropriate times that we specify. (§ 1804(a).)
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. The intervenor should 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), 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. (§§ 1802(i), 1803(a).)

6. The claimed fees and costs are 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).

For discussion here, the procedural issues in Items 1-4 above are combined, followed by separate discussions on Items 5-6.

3. Procedural Issues

No PHC was held in this proceeding and no alternative procedure for filing an NOI was established. Greenlining filed its NOI on March 3, 2004 and asserted financial hardship. PRA and TURN submitted their NOIs in their compensation requests and addressed the issues normally required in an NOI, including financial hardship.¹

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.

In this case, Greenlining is a customer as defined in subsection C. On April 1, 2004, the assigned Commissioners and Administrative Law Judge (ALJ) ruled that Greenlining was a customer pursuant to § 1802(b)(1), and met the financial hardship condition through a rebuttable presumption of eligibility, pursuant to § 1804(b)(1), because Greenlining met this requirement in another proceeding within one year of the commencement of this proceeding

¹ PRA served an NOI on November 9, 2004. The Commission did not receive the copies to be filed and did not act on PRA’s NOI.

(D.03-03-026). TURN and PRA have shown that they are customers as defined in subsection C. TURN and PRA demonstrated that they met the financial hardship condition through a rebuttable presumption of eligibility, because they met this requirement in an ALJ ruling dated July 27, 2004 in Rulemaking (R.) 04-04-003 and in D.03-12-035, respectively.

Greenlining, PRA, and TURN filed their requests for compensation on August 15, August 15, and August 11, respectively, within 60 days of D.06-06-010 being issued.² In view of the above, we find that Greenlining, PRA, and TURN have satisfied all the procedural requirements necessary to make their requests for compensation in this proceeding.

4. Substantial Contribution

In evaluating whether a customer made a substantial contribution to a proceeding, we consider whether the Commission adopted one or more of the factual or legal contentions, or specific policy or procedural recommendations put forward by the customer. If the customer's contentions or recommendations paralleled those of another party, we consider whether the customer's participation materially supplemented, complemented, or contributed to the presentation of the other party or to the development of a fuller record that assisted the Commission in making its decision. 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

² TURN filed an amendment to its request on April 4, 2007 to include the complete version of Appendix A. No party opposes the requests.

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.³

Should the Commission not adopt any of the customer's recommendations, compensation may be awarded if, in the judgment of the Commission, the customer's participation substantially contributed to the decision or order. For example, if a customer provided a unique perspective that enriched the Commission's deliberations and the record, the Commission could find that the customer made a substantial contribution. With this guidance in mind, we turn to the claimed contributions Greenlining, TURN, and PRA made to the proceeding.

In its request, TURN proposes we use factors relied on in two other proceedings in which we did not reach a decision on the merits. (See D.02-08-061 and D.05-12-038.) These factors were proposed by TURN and used on a case-specific basis. The factors recommended by TURN are: the circumstances that led to the proceeding's conclusion; the appropriateness of the intervenor's participation in the underlying proceeding; the reasonableness of the intervenor's participation in the underlying proceeding; and, where it is available, the intervenor's past record of demonstrating a substantial contribution to Commission decisions on similar subjects. TURN asserts it acted reasonably and appropriately in this proceeding. TURN's efforts focused on developing a regulatory framework for VoIP. TURN responded to the issues posed in the OII and asserted that VoIP should be treated as a telephony service

³ D.98-04-059, 79 CPUC 2d 628 at 653.

with corresponding obligations. TURN supported in detail the position that we had jurisdiction over VoIP. TURN also filed comments on the draft decision proposing to close this proceeding.

PRA worked with TURN on the standards to apply to a proceeding without a substantive determination and relies on TURN's standards and legal arguments. PRA's efforts focused on developing a regulatory framework for VoIP and responding to the OII's issues. PRA urged us to take a leadership role by showing that state regulation could promote a new service and maintain public policy goals through forbearance and focused mandates.

Greenlining states it filed pleadings at all stages of the proceeding and also filed a motion for hearings. Greenlining's role was twofold – to protect and promote the interests of low-income and minority consumers and to expedite the proceeding before the case was made irrelevant by FCC action and new technologies. Greenlining advocated Commission regulation of VoIP to protect underserved and low-income consumers, suggested we create a VoIP seal of approval, urged us to include energy companies and Silicon Valley corporations in the proceeding, and urged us to seek comment and cooperation from the European Commission. In its comments in response to the OII, Greenlining noted that the denial of its motion for a pre-approved finding of substantial contribution hampered its efforts to provide input in these proceedings.

5. Contributions of Other Parties

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

another party if that participation makes a substantial contribution to the Commission order.

TURN addressed the full range of issues raised in the OII, and PRA addressed most of the issues. TURN's and PRA's emphases were different, and their efforts were complementary. TURN and PRA state no duplication disallowance should be awarded and note that they coordinated their efforts. Greenlining urged expansion of our efforts in the proceeding. Although Greenlining did not coordinate with TURN and PRA, its emphasis in the proceeding was distinct. The parties' efforts in this proceeding did not result in unnecessary duplication.

6. Reasonableness of Requested Compensation

Greenlining requests \$133,097.61 for its participation in this proceeding, as follows:

Attorney/Advocate Fees				
	Year	Hours	Rates	
Robert Gnaizda	2004	112.3	\$490	\$55,027.00
Robert Gnaizda	2005	3.2	\$490	\$1,568.00
Itzel Berrio	2004	180.0	\$300	\$54,000.00
Chris Vaeth	2006	2.0	\$180	\$360.00
Noelle Abastillas	2004	7.7	\$125	\$962.50
Noelle Abastillas	2005	1.2	\$125	\$150.00
			Subtotal	\$112,067.50
Experts and Consultants				
John C. Gamboa	2004	3.8	\$360	\$1,368.00
John C. Gamboa	2005	0.7	\$360	\$252.00
Michael Phillips	2004	36.0	\$360	\$12,960.00
Alec Gault	2004	31.0	\$200	\$6,200.00
			Subtotal	\$20,780.00
Other Reasonable Costs				
Photocopying				\$196.20
Postage				\$53.91

			Subtotal	\$250.11
			TOTAL	\$133,097.61

TURN requests \$52,310.40 for its participation in this proceeding, as follows:

Attorney/Advocate Fees	Year	Hours	Rates	
William Nusbaum	2004	106.75	\$365	\$38,963.75
William Nusbaum	2006	2.00	\$380	\$760.00
Comp. request	2006	3.25	\$190	\$617.50
Robert Finkelstein	2004	2.50	\$395	\$987.50
Christine Mailloux	2004	3.75	\$325	\$1,218.75
Regina Costa	2004	41.25	\$230	\$9,487.50
			Subtotal	\$52,035.00
Other Reasonable Costs				
Photocopying				\$154.35
Lexis Research				\$121.05
			Subtotal	\$275.40
			TOTAL	\$52,310.40

PRA requests \$48,028.50 for its participation in this proceeding, as follows:

Attorney/Advocate Fees	Year	Hours	Rates	
Scott Rafferty	2004	110.0	\$350	\$38,500.00
Scott Rafferty	2006	22.5	\$365	\$8,212.50
Comp. request	2006	9.0	\$125	\$1,125.00
			Subtotal	\$47,837.50
Other Reasonable Costs				
Photocopying				\$128.00
Mail				\$63.00
			Subtotal	\$191.00
			TOTAL	\$48,028.50

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:

6.1. 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.

TURN and PRA documented their claimed hours by presenting a daily breakdown of the hours of their attorneys and advocates, accompanied by a brief description of each activity. TURN and PRA allocated their hours between two issues – developing and supporting a regulatory framework for VoIP and Commission jurisdiction and leadership among state commissions. Unallocable hours for general preparation are separately marked. The hourly breakdown reasonably supports the claim for total hours.

Greenlining documented its hours for all attorneys, advocates, experts and consultants, with the exception of Itzel Berrio. As noted in declarations submitted by Robert Gnaizda and Chris Vaeth, Berrio left Greenlining's employment in 2005 without furnishing her hourly logs for work performed in this proceeding and failed to provide them after numerous calls requesting them. Greenlining did provide a breakdown of Berrio's hours for 2004 when requesting compensation in a number of other proceedings, including R.03-04-003, Application (A.) 02-11-017, Investigation (I.) 02-04-026, and A.02-05-004/I.02-06-002, so we are uncertain why Berrio failed to do so in this proceeding.

Greenlining requests 180 hours for Berrio's work by estimating at least 225 hours spent on this proceeding and applying a discount of 20%. We must balance Greenlining's request for compensation with the requirement that awards be capable of audit. Greenlining's declarations support some award for Berrio. In addition, Berrio signed all pleadings filed. However, there is no auditable support for either 225 or 180 hours for this proceeding. Instead, we will rely on the detailed records provided by TURN and PRA in which their attorneys document approximately 100 hours each spent in 2004 on pleading-related work. We will award Greenlining 100 hours for Berrio's contribution to Greenlining's pleadings filed in this proceeding.

Greenlining did not break down its hours by issue but asserts its hours are reasonable, given the scope and complexity of this proceeding. Generally, we agree. However, Greenlining expended resources on including energy companies and Silicon Valley corporations in this proceeding, both in pleadings and in contacts with those entities. Those entities did not participate in the proceeding. Greenlining's responses to the OII issues were somewhat summary and Greenlining sought to expand the issues to include broadband over power lines. Greenlining only devoted four pages of its comments to issues and questions raised in the OII. Greenlining, in part, attributed those streamlined responses to the lack of pre-approved expert costs, although its consultants spent 67 hours on this proceeding. One consultant furnished a report, and the other consultant assisted with filings. Because Greenlining did not allocate its time and costs among issues, we cannot precisely determine the amount to disallow for efforts which did not produce a measurable result, such as contacts with entities to enlist their participation in this proceeding. Approximately 10% of Gnaizda's time appears to be directed to that effort. Therefore, we will use our

discretion and reduce the amount awarded to Gnaizda, Abastillas, and Gamboa for 2004 by 10%. We caution Greenlining that we may make even larger disallowances in the future if it again fails to allocate its time and costs among issues.

6.2. 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.

Greenlining seeks hourly rates of \$490 for Gnaizda for work performed in 2004 and 2005, \$300 for Berrio for work performed in 2004, \$180 for Vaeth for work performed in 2006, \$125 for Abastillas for work performed in 2004 and 2005, \$360 for Gamboa for work performed in 2004 and 2005, and \$360 for Phillips for work performed in 2004. We previously approved the requested rates for Gnaizda in D.05-08-015 and D.06-09-008, respectively, for Berrio in D.06-04-027, and for Gamboa in D.05-08-028 and D.06-09-008, respectively, and we adopt those rates here. We approved \$150 for Vaeth in D.06-09-008 and adopt that rate here. We approved \$110 for Abastillas in D.05-08-015 and D.06-09-011, respectively, and adopt that rate here. We approved \$335 for Phillips in D.05-08-028 and adopt that rate here.

Greenlining seeks \$200 for Gault for consulting work performed in 2004. Gault is CEO of Small World Ventures, a firm which sells marketing services and business intelligence to the educational, print and online media industries. Gault has worked as Vice President for an e-learning company serving the Japanese enterprise market and has advised the Canadian Department of International Trade on United States market opportunities for the Canadian information technology sector. In evaluating the proper hourly rate, we look to the

experience of a particular expert, relevant market rate data, and the rates awarded to peers practicing before the Commission. Gault is an experienced businessman who has no prior experience before the Commission. The rate for Gault is at the lower end of the range we have set for intervenors' experts for 2004, \$110 to \$360. We did not set 2004 rates for experts based on years of experience. Given Gault's experience, and the range set for experts, we award a rate of \$200 for his work performed in 2004.

TURN seeks hourly rates of \$365 for work performed by Nusbaum in 2004, \$395 for work performed by Finkelstein in 2005, \$325 for Mailloux for work performed in 2004, and \$230 for Costa for work performed in 2004. We previously approved these rates in D.05-04-014 (Nusbaum), D.05-03-016 (Finkelstein), and D.04-12-054 (Mailloux and Costa) and adopt them here. TURN seeks an hourly rate of \$380 for Nusbaum for work performed in 2006. We approved an hourly rate of \$375 for Nusbaum for 2006 in D.06-10-007 and adopt that rate here.

PRA seeks an hourly rate of \$350 for Rafferty for work performed in 2004 and a 4% increase, \$365, for work performed in 2006. Rafferty graduated from Yale law school in 1979 and received a doctorate in economics from Oxford, where he was a Rhodes Scholar, in 1986 in a joint J.D./Ph.D. program. Rafferty worked for 10 different state governments, both as an attorney and an economist. He has designed systems of cost allocation and pioneered the use of sampling theory to support disallowances for unorthodox business transactions. PRA offered testimony in the Pacific Gas and Electric Company bankruptcy proceeding, was granted intervenor compensation status, but did not request compensation for work performed in that proceeding. In evaluating the proper hourly rate, we look to the experience of a particular attorney, relevant market

rate data, and the rates awarded to peers practicing before the Commission. Rafferty has over 13 years experience. The rate requested for Rafferty is within the range of rates awarded in 2004 to attorneys with that level of experience, \$250 to \$490, and within the range of rates for experts, \$110 to \$360. Given Rafferty's experience and the range set for attorneys and experts, we award a rate of \$350 for 2004. The rate of \$365 for Rafferty for 2006, an increase of 4% above the award for 2004 is higher than adopted guidelines. We adopt \$360 for 2006, consistent with the guidelines set forth in D.07-01-009.

6.3. Productivity

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

TURN and PRA note that productivity is impossible to assess in this instance, since no decision issued. Greenlining states it was efficient in presenting its position and its hourly rates are reasonable. Since the benefit to ratepayers of intervenors' participation is impossible to quantify in this proceeding, we reach no finding on productivity.

6.4. Direct Expenses

The itemized direct expenses submitted by Greenlining include costs for photocopying and postage and total \$250.11. The cost breakdown included with the request shows the miscellaneous expenses to be commensurate with the work performed. We find these costs reasonable. The itemized direct expenses submitted by TURN include costs for photocopying and legal research and total \$275.40. The cost breakdown included with the request shows the miscellaneous

expenses to be commensurate with the work performed. We find these costs reasonable. The itemized direct expenses submitted by PRA include costs for photocopying and postage and total \$191.00. The cost breakdown included with the request shows the miscellaneous expenses to be commensurate with the work performed. We find these costs reasonable.

7. Award

As set forth in the table below, we award Greenlining \$102,295.11, TURN \$52,292.28, and PRA \$48,411.00.

Greenlining:

Attorney/Advocate Fees	Year	Hours	Rates	
Robert Gnaizda	2004	101.1	\$490	\$49,539.00
Robert Gnaizda	2005	3.2	\$490	\$1,568.00
Itzel Berrio	2004	100.0	\$300	\$30,000.00
Chris Vaeth	2006	4.0	\$75	\$300.00
Noelle Abastillas	2004	7.0	\$110	\$770.00
Noelle Abastillas	2005	1.2	\$110	\$132.00
			Subtotal	\$82,309.00
Experts and Consultants				
John C. Gamboa	2004	3.4	\$360	\$1,224.00
John C. Gamboa	2005	0.7	\$360	\$252.00
Michael Phillips	2004	36.0	\$335	\$12,060.00
Alec Gault	2004	31.0	\$200	\$6,200.00
			Subtotal	\$19,736.00
Other Reasonable Costs				
Photocopying				\$196.20
Postage				\$53.91
			Subtotal	\$250.11
			TOTAL	\$102,295.11

TURN:

Attorney/Advocate Fees				
	Year	Hours	Rates	
William Nusbaum	2004	106.75	\$365	\$38,963.75
William Nusbaum	2006	2.00	\$375	\$750.00
Comp. request	2006	3.25	\$187.50	\$609.38
Robert Finkelstein	2004	2.50	\$395	\$987.50
Christine Mailloux	2004	3.75	\$325	\$1,218.75
Regina Costa	2004	41.25	\$230	\$9,487.50
			Subtotal	\$52,016.88
Other Reasonable Costs				
Photocopying				\$154.35
Lexis Research				\$121.05
			Subtotal	\$275.40
			TOTAL	\$52,292.28

PRA:

Attorney/Advocate Fees				
	Year	Hours	Rates	
Scott Rafferty	2004	110.0	\$350	\$38,500.00
Scott Rafferty	2006	22.5	\$360	\$8,100.00
Comp. request	2006	9.0	\$180	\$1,620.00
			Subtotal	\$48,220.00
Other Reasonable Costs				
Photocopying				\$128.00
Mail				\$63.00
			Subtotal	\$191.00
			TOTAL	\$48,411.00

Consistent with previous Commission decisions, we order that interest be paid on the award amount (at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release H.15) commencing on October 29, 2006, the 75th day after Greenlining and PRA filed their

compensation requests, and on October 25, 2006, the 75th day after TURN filed its compensation request, and continuing until full payment of the award is made.

This investigation proceeding affected a broad array of utilities and others in the telecommunications field. As such, we find it appropriate to authorize payment of today's awards from the Commission's intervenor compensation program fund, as described in D.00-01-020.

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. Greenlining's, TURN's, and PRA's records should identify specific issues for which they requested compensation, the actual time spent by each employee or consultant, the applicable hourly rate, fees paid to consultants, and any other costs for which compensation was claimed.

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 (Rules), we waive the otherwise applicable 30-day comment period for this decision.

9. Assignment of Proceeding

Michael R. Peevey is the assigned Commissioner, and Janice Grau is the assigned ALJ in this proceeding.

Findings of Fact

1. Greenlining, TURN, and PRA have satisfied all the procedural requirements necessary to claim compensation in this proceeding.
2. Greenlining, TURN, and PRA made substantial contributions to D.06-06-010 as described herein.

3. Greenlining, TURN, and PRA requested hourly rates for their representatives that, as adjusted herein, are reasonable when compared to the market rates for persons with similar training and experience.

4. Greenlining, TURN, and PRA requested related expenses that are reasonable and commensurate with the work performed.

5. The total of the reasonable compensation is \$102,295.11 for Greenlining, \$52,292.28 for TURN, and \$48,411.00 for PRA.

6. The appendix to this opinion summarizes today's award.

Conclusions of Law

1. Greenlining, TURN, and PRA have fulfilled the requirements of Pub. Util. Code §§ 1801-1812, which govern awards of intervenor compensation, and are entitled to intervenor compensation for their claimed compensation, as adjusted herein, incurred in making substantial contributions to D.06-06-010.

2. Greenlining should be awarded \$102,295.11, TURN should be awarded \$52,292.28, and PRA should be awarded \$48,411.00 for their contributions to D.06-06-010.

3. Pursuant to Rule 14.6(c)(6), the comment period for this compensation decision may be waived.

4. This order should be effective today so that Greenlining, TURN, and PRA may be compensated without further delay.

5. This proceeding should be closed.

O R D E R

IT IS ORDERED that:

1. The Greenlining Institute (Greenlining), The Utility Reform Network (TURN), and Peninsula Ratepayers Association (PRA) are awarded \$102,295.11,

\$52,292.28, and \$48,411.00 as compensation, respectively, for their substantial contributions to Decision (D.) 06-06-010. Within 30 days of the effective date of this decision, Greenlining's, TURN's, and PRA's awards shall be paid from the intervenor compensation program fund, as described in D.00-01-020. Payment of the awards shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning October 29, 2006, the 75th day after the filing date of Greenlining's and PRA's requests for compensation, and October 25, 2006, the 75th day after the filing date of TURN's request for compensation, and continuing until full payment is made.

2. The comment period for today's decision is waived.
3. Investigation 04-02-007 is closed.

This order is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision? N
Contribution Decision(s):	D0606010	
Proceeding(s):	I0402007	
Author:	ALJ Grau	
Payer(s):	Intervenor compensation program fund	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Greenlining Institute	8/15/06	\$133,097.61	\$102,295.11	No	Failure to document hours, substantial contribution, hourly rate
The Utility Reform Network	8/11/06	\$52,310.40	\$52,292.28	No	Hourly rate
Peninsula Ratepayers Association	8/15/06	\$48,028.50	\$48,411.00	No	Hourly rate

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Robert	Gnaizda	Attorney	Greenlining Institute	\$490	2004	\$490
Robert	Gnaizda	Attorney	Greenlining Institute	\$490	2005	\$490
Itzel	Berrio	Attorney	Greenlining Institute	\$300	2004	\$300
Chris	Vaeth	Analyst	Greenlining Institute	\$180	2006	\$150
Noelle	Abastillas	Paralegal	Greenlining Institute	\$125	2004	\$110
Noelle	Abastillas	Paralegal	Greenlining Institute	\$125	2005	\$110
John	Gamboa	Policy Expert	Greenlining Institute	\$360	2004	\$360
John	Gamboa	Policy Expert	Greenlining Institute	\$360	2005	\$360
Michael	Phillips	Economist	Greenlining Institute	\$360	2004	\$335
Alec	Gault	Finance	Greenlining Institute	\$200	2004	\$200
William	Nusbaum	Attorney	The Utility Reform Network	\$365	2004	\$110
William	Nusbaum	Attorney	The Utility Reform Network	\$380	2006	\$375
Robert	Finkelstein	Attorney	The Utility Reform Network	\$395	2004	\$395
Christine	Mailloux	Attorney	The Utility Reform Network	\$325	2004	\$325
Regina	Costa	Policy Expert	The Utility Reform Network	\$230	2004	\$230
Scott	Rafferty	Attorney	Peninsula Ratepayers Association	\$350	2004	\$350
Scott	Rafferty	Attorney	Peninsula Ratepayers Association	\$365	2006	\$360

(END OF APPENDIX)