

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking Concerning  
Relationship Between California Energy Utilities  
and their Holding Companies and  
Non-Regulated Affiliates.

Rulemaking 05-10-030  
(Filed October 27, 2005)

**OPINION GRANTING INTERVENOR COMPENSATION TO  
GREENLINING INSTITUTE AND CALIFORNIA CONSUMER FEDERATION  
FOR SUBSTANTIAL CONTRIBUTIONS TO DECISION 06-12-029**

This decision awards Greenlining Institute (Greenlining) \$97,111.45 and Consumer Federation of California (CFC) \$57,412.96 in compensation for their substantial contributions to Decision (D.) 06-12-029. These awards represent a decrease of \$9,377.50 in the amount sought by Greenlining and a decrease of \$13,206.25 in the amount sought by CFC. Today's awards payment will be allocated to the affected utilities. This proceeding is closed.

**1. Background**

The Commission opened this docket with Order Instituting Rulemaking (OIR) or (R.) 05-10-030, filed October 27, 2005 and mailed October 31, 2005. As initially stated, the OIR's purpose was "to re-examine the relationship of the major energy utilities with their parent holding companies and affiliates". (OIR, *mimeo.*, p. 1.) By Decision (D.) 06-06-062, the Commission amended the OIR both as to scope and schedule. The Commission revised the scope of the OIR to include consideration of revisions to the Affiliate Transaction Rules first adopted in 1997 and to the Commission's General Order (GO) 77-L, which governs the

reporting of compensation paid to executive officers and employees of regulated utilities. D.06-06-062 reaffirmed, however, that the any revisions would apply only to California's major energy utilities and their holding companies, the Respondents identified by R.05-10-030: Southern California Edison Company (Edison)/Edison International, Pacific Gas and Electric Company (PG&E)/PG&E Corporation, and Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E), both owned by Sempra Energy.

The process thereafter included comment and reply comment on the scope of the amended OIR, followed by the issuance of Commission staff-proposed draft revisions to the Affiliate Transaction Rules and to GO 77-L. These drafts were discussed at a public workshop and in the parties' filed Pre-workshop and Post-workshop Statements. The Proposed Decision, mailed on October 10, 2006, contained further revisions to both sets of rules. On October 18, 2006, the Commission held oral argument at the request of the assigned Commissioner. By ruling on November 11, 2006, parties were asked to provide additional written comment on further, proposed revisions to GO 77-L. On December 14, 2006, by D.06-12-029, the Commission adopted the Affiliate Transaction Rules Applicable to Large California Energy Utilities and GO 77-M. A few months later, by D.07-03-049, the Commission corrected a clerical omission in Appendix B-3 to D.06-12-029.

## **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 matter but Greenlining and CFC each filed a NOI within a reasonable time after D.06-06-062 amended the OIR’s scope and

schedule. D.06-06-062, which issued on June 29, 2006, was mailed on July 2, 2006. CFC filed its NOI three days after that mailing, on July 7, 2006. Greenlining filed about a month later, on August 7, 2006. Each intervenor asserted financial hardship.

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.

On July 25, 2006, Administrative Law Judge (ALJ) Vieth ruled that CFC is a customer pursuant to § 1802(b)(1)(C), and meets the financial hardship condition through a rebuttable presumption of eligibility, pursuant to § 1804(b)(1), because CFC met this requirement in another proceeding within one year of the commencement of this proceeding (ALJ Ruling dated May 11, 2006 in R.06-03-004). On September 12, 2006 ALJ Vieth ruled that Greenlining is a customer pursuant to § 1802(b)(1)(C), and meets 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 (ALJ Ruling dated March 7, 2006 in Application 05-12-002).

Greenlining and CFC filed their requests for compensation on February 20, and February 16, 2007, respectively, within 60 days of the issuance of D.06-12-029.<sup>1</sup> On February 23, 2007, Greenlining filed an amended request

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<sup>1</sup> No party opposes either request.

providing additional information and documents. In view of the above, we find that Greenlining and CFC 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 look at several things. First, did the ALJ or Commission adopt one or more of the factual or legal contentions, or specific policy or procedural recommendations put forward by the customer? (*See* § 1802(i).) Second, if the customer's contentions or recommendations paralleled those of another party, did the customer's participation materially supplement, complement, or contribute to the presentation of the other party or to the development of a fuller record that assisted the Commission in making its decision? (*See* §§ 1801.3(f) and 1802.5.) As described in § 1802(i), the assessment of whether the customer made a substantial contribution requires the exercise of judgment.

In assessing whether the customer meets this standard, the Commission typically reviews the record, composed in part of pleadings of the customer and, in litigated matters, the hearing transcripts, and compares it to the findings, conclusions, and orders in the decision to which the customer asserts it contributed. It is then a matter of judgment as to whether the customer's presentation substantially assisted the Commission.<sup>2</sup>

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

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<sup>2</sup> D.98-04-059, 79 CPUC2d, 628 at 653.

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 and CFC made to the proceeding.

Greenlining: Greenlining alleges that as the key, lead advocate in this rulemaking for amendments to GO 77-L, it developed, refined and advanced its position through research, the hiring of an expert, written comments, participation at the public workshop and at oral argument, and meetings with the utility Respondents. Greenlining states it was the first to raise each of the six major GO 77 amendments adopted by D.06-12-029 and points to decision text that explicitly acknowledges Greenlining's contribution on several of them.

We agree that Greenlining achieved a high level of success on most of the issues it pursued in this rulemaking. The issues on which it prevailed relate most directly to amendment of GO 77-L to provide more meaningful disclosure of executive compensation, consistent with the scope of the amended OIR. Greenlining did not prevail on several other issues beyond that scope (its proposal to study whether any energy utilities issued backdated option grants; its proposal to study whether shareholder payment of "excessive" CEO compensation influences ratepayer-financed middle management salaries and labor contracts for union employees; its proposal to limit severance pay for top executives; its attempt to obtain discovery on the billing rates for utility lawyers, etc.). The amended OIR observed that some of these issues fell, at least arguably, outside the Commission's jurisdiction.

We cannot claim to have benefited from Greenlining's discovery efforts on billing rates for utility lawyers – a subject unrelated to the scope of this rulemaking. Likewise its subsequent motion to compel that discovery<sup>3</sup> and its correspondence to the ALJ regarding the standards Greenlining believes the Commission should use in calculating intervenor compensation, did not substantially contribute to our decision. (The latter issue is properly raised in our annual review of intervenor compensation rates, not in individual proceedings.) Therefore, the time spent on these endeavors is not compensable.

In other areas where Greenlining did not prevail, however, we make no additional adjustment to reduce its compensable time. We recognize that Greenlining's efforts helped to "push the envelope" for thinking about the proper scope of this rulemaking. Furthermore, Greenlining's development of those ideas, given the nature of the proceeding, occurred in the several rounds of filed comments, rather than in extensive prepared testimony or hearings.

CFC: CFC became a party to this proceeding to advocate for much stronger rules on affiliate transactions and reporting than we ultimately adopted. CFC's comments included its review of holding company abuses in the 1920s that led to the enactment of the now-repealed Public Utilities Holding Company Act (PUHCA), the results of its research on current trends in the electric and natural gas industries, including mergers, etc., and its report on actions regulators in some other states have taken in response to the repeal of PUHCA. D.06-12-029 does not expressly attribute any specific rule revisions to CFC's efforts, but as CFC points out, revisions that strengthen the prior rules are

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<sup>3</sup> See *Ruling of Assigned Commissioner and Administrative Law Judge Denying Motion to Compel Discovery*, December 12, 2006.

consistent with CFC's overall position. We did not adopt CFC's suggestions that we impose complete separation and eliminate all shared services, but we did strengthen the rules in this area. We find that CFC's efforts made a substantial contribution to D.06-12-029.

#### **A. 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 their participation materially supplements, complements, or contributes to that of another party if that participation makes a substantial contribution to the commission order.

Greenlining: As previously noted, Greenlining took the lead in advocating for amendments to GO 77-L. Division of Ratepayer Advocates (DRA), the only other aligned party on these issues, played a much smaller role and through its own comments essentially contributed to Greenlining's effort, rather than than other way around.

CFC: In the area of revision of the affiliate transaction rules, CFC was most closely aligned with the DRA. The Utility Reform Network (TURN) addressed a narrow issue, ring-fencing, late in the proceeding. CFC and DRA provided sufficiently different perspectives that we find their efforts were complimentary but not duplicative.

#### **5. Reasonableness of Requested Compensation**

In general, the components of a request must constitute reasonable fees and costs of the customer's preparation for and participation in a proceeding that

resulted in a substantial contribution. We summarize each claim below and then discuss the issues we consider to determine reasonableness.

Greenlining: Greenlining requests \$106,488.95 for its participation in this proceeding, as follows:

Attorney and Advocate Fees	Year	Hours	Rate	Total
Robert Gnaizda	2006	168.37	\$505.00	\$85,026.85
Chris Vaeth	2006	41.25	\$180.00	\$ 7,425.00
Samuel Kang	2006	21	\$180.00	\$3,780.00
<b>Subtotal:</b>				<b>\$96,231.85</b>

Expert	Year	Hours	Rate	Total
Michael Phillips	2006	24.8	\$380.00	\$9,424.00
John Gamboa	2006	1.90	\$380.00	\$ 722.00
<b>Subtotal:</b>				<b>\$ 10,146.00</b>

Direct Expenses	Total
Photocopying (945@ .10 per copy)	\$ 94.50
Postage costs (overnight services)	\$ 16.60
<b>Subtotal:</b>	<b>\$ 111.10</b>
<b>TOTAL:</b>	<b><u>\$106,488.95</u></b>

CFC: CFC requests \$70,619.21 for its participation in this proceeding, as follows:

Attorney & Clerical Fees	Year	Hours	Rate	Total
Alexis Wodtke	2006	182.5	\$350.00	\$63,875.00
Clerical support	2006	8.6	\$ 75.00	\$ 645.00

Compensation @ 1/2 Rate	Year	Hours	Rate	Total
Alexis Wodtke	2006	34.1	\$175.00	\$ 5,967.50
Clerical support	2006	1.3	\$ 37.50	\$ 48.75
<b>Subtotal:</b>	<b>70,536.25</b>			

Direct Expenses	Total
Printing & Postage	\$ 82.96

TOTAL: \$ 70,619.21

**A. Hours and Costs Related to and Necessary for Substantial Contribution**

We first assess whether the hours claimed for customer 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.

Greenlining: Greenlining documented its claimed hours by presenting a daily breakdown of the hours for Gnaizda, Vaeth, Kang, Phillips, and Gamboa, accompanied by a brief description of each activity recorded.

We adjust the request to remove time spent on work by Gnaizda (8.1 hours), Vaeth (10 hours), and Kang (1.25 hours) related to seeking discovery from the utilities on matters unrelated to the subject of this rulemaking, to the subsequent motion to compel that discovery, and to correspondence to the ALJ regarding the standards Greenlining believes the Commission should use in calculating intervenor compensation.

We also adjust Vaeth's hours to remove time (3 hours) devoted to the drafting and issuance of a press release, which is separate public relations matter. Vaeth's claim for time spent on compensation-related matters (2 hours) is allowed at half of his approved rate rather than full rate. (This is Greenlining's only compensation-related request.)

CFC: CFC documented its claimed hours by presenting a daily breakdown of the hours for its attorney, Wodtke, for professional fees and for clerical work. We adjust CFC's claim to remove all separately designated clerical hours (8.6 hours at \$75 per hour and 1.3 hours for compensation-related work at one-half of that rate), as we consider routine administrative tasks to be overhead which should be captured in an attorney's hourly rates, consistent with our

standard practice.<sup>4</sup> For the same reasons, we reduce CFC's recorded hours (full rate) to remove time spend on preparation of a table of contents and certificates of service (1.4 hours).

Finally, we adjust the 34.1 hours CFC claims for compensation-related work. First we remove 0.9 hours spent on clerical tasks, including preparation of verification and certificates of service; again, this overhead should be subsumed in professional fees. We find that the remaining 33.2 hours is excessive for preparation of the compensation related pleadings, and reduce the time by approximately one-third to 20 hours. In D.06-05-037, for example, we reduced the time claimed by Local Power for such work in R.03-10-003, which concerned implementation of provisions of Assembly Bill (AB) 117 to permit local governments to purchase energy on behalf of local customers acting as "community choice aggregators." Local Power spent 40 hours on a request for compensation, while The Utility Reform Network claimed only 6.5 hours for all compensation-related work. While it is always difficult to compare and contrast the complexity of one proceeding with another, we do not see why this rulemaking should have required as much time for the preparation of compensation-related pleadings as CFC seeks. Though we appreciate that this intervenor compensation request is the first that CFC has filed with the Commission, lack of familiarity with Commission rules and practices does not warrant an increase in ratepayer funding. We expect greater efficiency in the future.

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<sup>4</sup> See *e.g.*, D.06-09-011, 2006 Cal. PUC LEXIS 315, \* 33; D.99-11-006, 1999 Cal. PUC LEXIS 657, \*30.

## B. Market Rate Standard

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: Greenlining seeks an hourly rate of \$505 per hour for work performed by Gnaizda in 2006. We previously approved this rate in D.06-11-009 and adopt it here. We also adopt the rate previously approved for Gamboa for 2006 -- \$370 per hour, adopted by D.06-11-009 - rather than the \$380 that Greenlining requests. Likewise, we adopt the rate of \$345 for Phillips' work in 2006, rather than the \$380 requested by Greenlining, since we previously approved that rate in D.07-05-050, as corrected by D.07-06-020. Greenlining may seek a cost-of-living adjustment (COLA) and other adjustments for work performed in 2007, consistent with the guidance provided in D.07-01-009.<sup>5</sup>

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<sup>5</sup> D.07-01-009 adopted the following measures relating to the hourly rates paid to intervenor representatives:

- A 3% cost-of-living adjustment (COLA) for work performed in calendar year 2006.
- An additional 3% COLA for work performed in 2007.
- Beginning with 2007 work, establishes three rate ranges for experts based on levels of experience, similar to the five levels already established for attorneys.
- Beginning with 2007 work, allows individual intervenor representatives up to two annual 5% "step increases" within each experience level; the step increases may not result in a rate that exceeds the maximum rate for that level.

Beginning with 2007 work, an intervenor representative with a rate last authorized at least four years prior to the pending request may seek a new rate as if that individual were new to Commission proceedings.

Because the last award to Vaeth was for work performed in 2005 (\$150 per hour, adopted by D.06-09-008), we increase that rate by 3% and adopt a new rate of \$155 for 2006, consistent with D.07-01-009. This is lower than the \$180 per hour that Greenlining seeks; Greenlining may seek a COLA for work Vaeth performs in 2007, consistent with the guidance provided in D.07-01-009. Greenlining seeks an hourly rate of \$180 for 2006 for Kang, its legal intern. D.06-10-013 adopted a rate of \$110 for Kang's paralegal work in 2005 and so, consistent with D.07-01-009, we apply a 3% COLA to that rate and adopt a new rate of \$115 for 2006.

CFC: CFC seeks an hourly rate of \$350 per hour for work performed by Wodtke in 2006. Since previously we have not set hourly rates for Wodtke (or any other CFC representative), we turn to the guidelines established by D.05-11-031 and D.07-01-009. The earlier decision established an hourly rate range (\$270-\$490) for 2005 for an attorney with 13+ years of practice, such as Wodtke; D.07-01-009 authorized, for 2006, a 3% COLA to the 2005 rate, rounded to the nearest \$5.00.

CFC reports that Wodtke has nearly 20 years of experience in utility regulation and an additional five years experience in civil litigation. Her resume, Exhibit B to the request, does not state when Wodtke was admitted to the bar, but reports her work history from 1978 to the present. Wodtke was employed in state government in Iowa through 1995, first as an attorney and then a hearing officer for the Iowa Commerce Commission (1978-1981) and thereafter as an attorney for the Iowa Department of Justice, Office of Consumer Advocate (1981-1995). Beginning in 1996, she worked as an attorney in California for Sprint Communications, L.P. (approximately six months in 1996-1997), for

Alcantar & Elsesser L.P. (1997-1999), and since March 2006 for CFC. Her resume indicates a hiatus of about 5 ½ years from 1999-2006.

In assessing the point within a range to fix an attorney's hourly rate, the Commission looks at the rates assigned to others with comparable experience. In D.07-06-011 the Commission adopted rates for Gregg Wheatland, who was admitted to the State Bar of California in 1976 and has been practicing law before California agencies for nearly 30 years. Wheatland's experience includes service as Staff Counsel and Assistant Chief ALJ at the Commission, Deputy City Attorney for the City of San Francisco, and more recently, representation of clients before the Commission and other regulatory agencies. Wheatland's rate for work performed in 2005 was \$335, and for 2006, \$345. D.07-06-011 declines to set Wheatland's rate at the higher end of the range because he is new to the Commission as an intervenor attorney and therefore, the Commission has had little opportunity to observe his productivity and expertise in that capacity.

Wodtke has been practicing law nearly as long as Wheatland but her regulatory experience as a whole (about 20 years versus almost 30) and in particular her experience with utility regulation in California (about three years versus almost 30), is significantly less extensive. For these reasons it is reasonable to set her rate for work performed in 2006 lower than Wheatland's rate of \$345 but above \$280, which is the starting point for the range as adjusted by the 2006 COLA. We adopt an initial rate for Wodtke of \$300 an hour for work performed in 2006.

### **C. 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 their participation. This showing assists us in determining the overall reasonableness of the request.

In a rulemaking of this nature, quantification of ratepayer benefits is exceedingly difficult. The ultimate benefit to ratepayers is the elimination of harm and thus the assurance that environmentally sensitive public utility services will be provided at reasonable rates and under reasonable conditions of service. Certainly, if compensation to utility employees is reasonable and if a utility does not use ratepayer revenues to subsidize affiliate activities or to command an unfair market position, the potential for harm is reduced. Thus, we find that the efforts of Greenlining and CFC have been productive.

#### **D. Direct Expenses**

The itemized direct expenses submitted by Greenlining consist of \$111.10 for photocopying and postage. CFC includes the same costs, for a total of \$82.96. We find these costs reasonable.

#### **6. Award**

Greenlining: As set forth in the table below, we award Greenlining \$97,111.45.

<b>Attorney and Advocate Fees</b>	<b>Year</b>	<b>Hours</b>	<b>Rate</b>	<b>Total</b>
Robert Gnaizda	2006	160.27	\$505.00	\$80,936.35
Chris Vaeth	2006	28.25	\$155.00	\$4,378.75
Compensation @ 1/2 Rate Chris Vaeth	2006	2	\$77.50	
Samuel Kang	2006	19.75	\$115.00	\$2,271.25
<b>Expert</b>				
John Gamboa	2006	1.90	\$370.00	\$703.00
Michael Phillips	2006	24.8	\$345.00	\$8,556.00
Direct Expenses				\$111.10

**TOTAL:** **97,111.45**

CFC: As set forth in the table below, we award CFC \$57,412.96.

Attorney Fees	Year	Hours	Rate	Total
Alexis Wodtke	2006	181.1	\$300.00	\$54,330.00
Compensation @ 1/2 Rate Alexis Wodtke	2006	20	\$150.00	\$3,000.00
Direct Expenses				\$ 82.96

**TOTAL:** **\$57,412.96**

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 for Greenlining on May 9, 2007, the 75th day after Greenlining filed its amended compensation request, and for CFC on May 2, 2007, the 75th day after CFC filed its compensation request, and continuing until full payments of the awards are made.

We direct Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company, and Southern California Edison Company to allocate payment responsibility among themselves based upon their California-jurisdictional gas and electric revenues for the 2006 calendar year, to reflect the year in which the proceeding was primarily litigated.

We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Greenlining's and CFC's records should identify specific issues for which it 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.

### **7. Waiver of Comment Period**

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

### **8. Assignment of Proceeding**

Michael R. Peevey is the assigned Commissioner and Jean Vieth is the assigned Administrative Law Judge in this proceeding.

### **Findings of Fact**

1. Greenlining and CFC have satisfied all the procedural requirements necessary to claim compensation in this proceeding. Greenlining and CFC made a substantial contribution to D.06-12-029 as described herein.
2. Greenlining and CFC requested hourly rates for its representatives that, as adjusted herein, are reasonable when compared to the market rates for persons with similar training and experience.
3. Greenlining and CFC requested related expenses that are reasonable and commensurate with the work performed.
4. The total of the Greenlining's reasonable compensation is \$97, 111.45.
5. The total of the CFC's reasonable compensation is \$57,412.96.
6. The appendix to this opinion summarizes today's awards.

### **Conclusions of Law**

1. Greenlining and CFC 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 contributions, as adjusted herein, incurred in making substantial contributions to D.06-12-029.

2. Greenlining should be awarded \$97,111.45 for its contribution to D.06-12-029.
3. CFC should be awarded \$57,412.96 for its contributions to D.06-12-029.
4. Pursuant to Rule 14.6(c)(6), the comment period for this compensation decision may be waived.
5. This order should be effective today so that Greenlining and CFC may be compensated without further delay.
6. R.05-10-030 should be closed.

**O R D E R**

**IT IS ORDERED** that:

1. Greenlining Institute is awarded \$97,111.45 as compensation for its substantial contributions to Decision (D.)06-12-029.
2. California Consumer Federation is awarded \$57,412.96 as compensation for its substantial contributions to D.06-12-029.
3. 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 (SCE) shall pay their respective shares of the award.
4. We direct PG&E, SDG&E, SoCalGas, and SCE to allocate payment responsibility among themselves, based on their California-jurisdictional gas and electric revenues for the 2006 calendar year, to reflect the year in which the proceeding was primarily litigated.
5. 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, commencing on May 9, 2007 for Greenlining Institute's award, and on May 2, 2007 for Consumer Federation of California's award.
6. The comment period for today's decision is waived.

7. Rulemaking 05-10-030 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

**Compensation Decision Summary Information**

Compensation Decision:	D07	Modifies Decision? N
Contribution Decision(s):	D0612029	
Proceeding(s):	R0510030	
Author:	ALJ Vieth	
Payer(s):	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
Greenlining Institute	2/20/2007	\$106,488.95	\$97,111.45	No	(1) failure to make substantial contribution; (2) unproductive effort; (3) failure to discount intervenor compensation preparation time; (4) failure to justify hourly rate; (5) increase in hourly rate
Consumer Federation of California	2/16/2007	\$70,619.21	\$57,412.96	No	(1) administrative time not compensable; (2) excessive hours; (3) failure to justify 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	\$505	2006	\$505
Chris	Vaeth	Expert	Greenlining Institute	\$180	2006	\$155
John	Gamboa	Expert	Greenlining Institute	\$380	2006	\$370
Samuel	Kang	Paralegal	Greenlining Institute	\$180	2006	\$115
Michael	Phillips	Expert	Greenlining Institute	\$380	2006	\$345
Alexis	Wodtke	Attorney	Consumer Federation of California	\$350	2006	\$300
Clerk		Clerk	Consumer Federation of California	\$75	2006	N/A