

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of California-American Water Company (U210W) for a certificate of public convenience and necessity to construct and operate its Coastal Water Project to resolve the long-term water supply deficit in its Monterey District and to recover all present and future costs in connection therewith in rates.

Application 04-09-019
(Filed September 20, 2004;
Amended July 14, 2005)

**DECISION GRANTING INTERVENOR COMPENSATION TO SURFRIDER
FOUNDATION FOR SUBSTANTIAL CONTRIBUTION TO DECISION 09-12-
017**

1. Summary

This decision awards Surfrider Foundation \$17,119.64 for its substantial contribution to Decision (D.) 09-12-017. This represents a decrease of \$1,983.05 or 10% from the amount requested due to adjusted hourly rates and the disallowance of excessive hours related to compensation preparation. Today's award payment will be allocated to California-American Water Company.

In D.09-12-017, we certified the Final Environmental Impact Report (FEIR) as the environmental impact for the Coastal Water Project. By taking this action, the FEIR is certified for use by the Commission and responsible agencies in considering subsequent approvals for the project, or for portions thereof.

D.09-12-017 considers only the certification of the FEIR. This proceeding remains open to consider whether California-American Water Company should be granted a Certificate of Public Convenience and Necessity, and if so, whether

the proposed project or an alternative project should be adopted. Certification of the FEIR does not prejudice the Commission's final selection of the project or alternative.

2. Procedural Background

As we explained in D.09-12-017, this proceeding is a successor proceeding to Application 97-03-052, which was California-American Water Company's (Cal-Am) application for a certificate of public convenience and necessity (CPCN) to construct the Carmel River Dam and Reservoir. Because of several intervening events, including legislation directing the Commission to identify a long-term water supply contingency plan to replace the diversions from the Carmel River,¹ D.03-09-022 dismissed the application without prejudice and expressly directed Cal-Am to file a new application to seek Commission authorization to pursue the Coastal Water Project (CWP).

On January 30, 2009, the Commission issued the Draft Environmental Report (DEIR) for the CWP. On April 15, 2009, Surfrider Foundation (Surfrider) submitted written comments on the DEIR. On August 10, 2009, Administrative Law Judge (ALJ) Minkin bifurcated the Phase 2 proceeding such that certification of the Final Environmental Impact Report (FEIR) would be considered by the Commission in a separate decision issued prior to a decision addressing other issues associated with the CPCN.²

¹ Assembly Bill 1182, Chapter 797, Stats. 1998.

² Administrative Law Judge's Ruling Regarding Motion to Bifurcate and Expedite Decision Considering Certification of Final Environmental Impact Report, dated August 10, 2009.

On October 30, 2009, the Commission published the FEIR on the CWP, and on December 18, 2009, D.09-12-017 was issued, certifying the FEIR.

3. Requirements for Award of Compensation

The intervenor compensation program, set forth in Pub. Util. Code §§ 1801-1812,³ requires California jurisdictional utilities to pay the reasonable costs of an intervenor's participation if that party makes a substantial contribution to the Commission's proceedings. The statute provides that the utility may adjust its rates to collect the amount awarded from its ratepayers.

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

1. The intervenor must satisfy certain procedural requirements including the filing of a sufficient notice of intent (NOI) to claim compensation within 30 days of the prehearing conference (PHC), pursuant to Rule 17.1 of the Commission's Rules of Practice and Procedure (Rules), or at another appropriate time that we specify. (§ 1804(a).)
2. 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 must file and serve a request for a compensation award within 60 days of our final order or decision in a hearing or proceeding. (§ 1804(c).)
4. The intervenor must demonstrate "significant financial hardship." (§§ 1802(g) and 1804(b)(1).)
5. The intervenor's presentation must have made a "substantial contribution" to the proceeding, through the adoption, in whole or in part, of the intervenor's contention or recommendations by

³ All subsequent statutory references are to the Public Utilities Code unless otherwise indicated.

a Commission order or decision or as otherwise found by the Commission. (§§ 1802(i) and 1803(a).)

6. The claimed fees and costs must be reasonable (§ 1801), necessary for and related to the substantial contribution (D.98-04-059), comparable to the market rates paid to others with comparable training and experience (§ 1806), and productive (D.98-04-059).

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

3.1. Preliminary Procedural Issues

Under § 1804(a)(1) and Rule 17.1(a)(1), a customer who intends to seek an award of intervenor compensation must file an NOI before certain dates.

In a proceeding in which a PHC is held, the intervenor must file and serve its NOI between the dates the proceeding was initiated until 30 days after the PHC is held. (Rule 17.1(a)(1).) The PHC in this matter was held on March 13, 2009. Surfrider timely filed its NOI on April 13, 2009.

In its NOI, Surfrider asserted financial hardship. On April 27, 2009, the ALJ ruled that Surfrider was eligible for intervenor compensation but requested additional information from Surfrider to bring its NOI in compliance with Rule 17.1(e), which requires the “[t]he notice of intent shall state the economic interest in the proceeding, as that interest relates to the issues on which the intervenor intend to participate.” On May 13, 2009, Surfrider filed and served the required information. On May 29, 2009 a subsequent ruling was issued which reaffirmed a finding of significant financial hardship pursuant to § 1802(g).

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

authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential or small business customers. (§ 1802(b)(1)(A) through (C).) On April 27, 2009, the ALJ issued a ruling that found Surfrider to be a customer pursuant to § 1802(b)(C), as an organization whose official mission is to represent the interests of the public, including those who are identified as residential utility customers.

Regarding the timeliness of the request for compensation, Surfrider filed its request for compensation on February 11, 2010,⁴ within 60 days of issuance of D.09-12-017.⁵ No party opposed the request. In view of the above, we affirm the ALJ's ruling and find that Surfrider has satisfied all the procedural requirements necessary to make its request 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, we look at whether the Commission adopted one or more of the factual or legal contentions, or specific policy or procedural recommendations put forward by the customer. (§ 1802(i).) Second, if the customer's contentions or recommendations paralleled those of another party, we look at whether the customer's participation unnecessarily duplicated

⁴ On March 30, 2010, Surfrider Foundation filed an amended Request for Compensation. The amended request removed consultant fees and added the previously omitted attorney fees for preparation of the initial request for compensation and fees for preparation of the amended request. The amended request changed the amount initially requested from \$20,642.16 to \$19,102.81 (actually \$19,102.60). We use Surfrider's amended request in consideration of this award.

⁵ D.09-12-017 was issued on December 18, 2009.

or materially supplemented, complemented, or contributed to the presentation of the other party. (§§ 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.⁶

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

Surfrider's participation and filings focused on three significant areas of concern with regard to the DEIR: significant environmental impacts not identified in the DEIR; adequacy of the mitigation measures proposed to mitigate significant environmental impacts; and feasible alternatives to the project, involving the following environmental subjects: surface water, groundwater, marine geological resources, biological resources, geology, soils, seismology, air quality and energy. Surfrider submits that the FEIR was clearly informed and influenced by its participation and offers the following in support of its claim:

- The FEIR includes Master Responses, or "long-format responses on important topics brought up during the public review period." Six of the 15 Master Responses, including Chapter 13.4, Changes to Proposed Desalinization Facility and Regional Project Description

⁶ D.98-04-059, 79 CPUC2d 628 at 653.

(FEIR 13.4 1-6); 13.5, Salinas River Water Supply and the Salinas River Diversion Facility (FEIR 13.5 1-2); 13.6, Project Effects on the Salinas Valley Groundwater Basin (FEIR 13.6 1-20); 13.8 Greenhouse Gases (FEIR 13.8 1-20); 13.11, Once Through Cooling (FEIR 13.11 1-11); and 13.15, Seaside Groundwater Replenishment Project (FEIR 13.15 1-8), address Surfrider's comments.

- As a result of Surfrider's comments, several mitigation measures were added or refined. With regard to Mitigation measures 4.14-2, for the North Marina alternative, new text was inserted in the discussion of Impact 6.14-1 (FEIR at 14.50-181). Based on Surfrider's comments on the mitigation of surface water quality, the FEIR added a bullet to and modified Mitigation Measure 4.1-4b (FEIR at 14.5-186). Surfrider also expressed concern that failure to ensure adequate maintenance of construction equipment and vehicles could result in increased emission of pollutants and therefore significant impacts, and the FEIR modified Mitigation Measure 4.8-1d and included a new Mitigation Measure 6.8-1a, (FEIR at 14.5-187). In response to Surfrider's concern that the actual impacts of the project alternatives on wastewater treatment facilities could not be adequately analyzed and mitigated, the FEIR included a new Mitigation Measure 4.11-4a, (FEIR at 14.5-189). Based on Surfrider's comments concerning significant unevaluated geologic impacts associated with longshore sand budgets, the FEIR modified mitigation measure 4.1-9 (FEIR at 14.5-191).
- Surfrider states that as a result of its comments at length about coastal erosion, sea-level rise, and the failure of the DEIR to address well-documented rates of coastal shoreline erosion, that FEIR included an extensive review of the recent reports on the impacts of sea-level rise on the California coast. In addition, based in part on Surfrider's comments, the FEIR modified Section 4.1.2.3 and Impact 4.1-10 (FEIR 14.5-147 and 14.5-151).
- Surfrider concludes that its participation in the California Environmental Quality Act process contributed to a more robust, detailed and complete public record regarding the potential environmental impacts associated with the CWP. Surfrider states that it provided extensive legal critique and analysis regarding the

CWP's potential impacts not identified in the DEIR, mitigation of impacts, and feasible alternatives to the CWP.

We affirm Surfrider's contributions as stated above. The record is clear that Surfrider made a substantial contribution to D.09-12-017 because they made a substantial contribution to the FEIR, which was approved in D.09-12-017.

5. Contributions of Other Parties

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

Surfrider states that it is a non-profit environmental organization dedicated to the protection and enjoyment of the world's oceans, waves and beaches through conservation, activism, research and education. Surfrider was in fact the only intervenor in this proceeding expressly committed to promoting healthy coastal ocean ecosystems and improving coastal quality, both of which are impacted by desalination operations such as those proposed by the CWP. Surfrider submits that no reductions are warranted for duplication of the work of other parties because it was the only intervenor organization to submit comments on the DEIR, and therefore, contends that its comments did not overlap with other parties in this proceeding.

We agree that Surfrider's participation was unique and make no reductions here for duplication of effort.

After we have determined the scope of a customer's substantial contribution and have eliminated any duplication concerns, we take a look next at whether the amount of the compensation request is reasonable.

6. Reasonableness of Requested Compensation

Surfrider requests \$19,102.81⁷ for its participation in this proceeding, as follows:

Work on Proceeding				
Attorney Fees	Year	Hours	Hourly Rate	Total \$
			\$	
Sabrina Venskus	2009	14.1	350.00	4,935.00
Emilee Moeller	2009	26.9	295.00	7,935.50
Theresa Labriola	2009	7.5	295.00	2,212.50
Subtotal Hourly Compensation (Attorneys):				\$15,083.00
Expert Fees				
Expert Fees	Year	Hours	Hourly Rate	Total \$
			\$	
Robert Curry	2009	13.5	225.00	3,037.50
Subtotal Hourly Compensation (Experts):				\$ 3,037.50
Preparation of NOI/and Compensation Request *				
Attorney/Staff	Year	Hours	Hourly Rate	Total \$
			\$	
Sabrina Venskus	2009	10.4	175.00	1,820.00
Emilee Moeller	2009	3.3	147.50	486.75
Theresa Labriola	2009	6.1	147.50	899.75
Sabrina Venskus	2010	2.0	175.00	350.00
Theresa Labriola	2010	4.3	147.50	634.25
Subtotal Hourly Compensation NOI/Compensation Request				\$ 4,190.75

⁷ Surfrider makes a minor calculation error which we correct here. We use the corrected figure of \$19,102.69 for consideration of this award.

Expenses	
Photocopying	\$ 162.50
Subtotal Hourly Compensation	\$18,120.50
Total Hourly Compensation NOI/Compensation Request	\$ 4,190.75
Total Requested Compensation	\$22,473.75
15% Voluntary Reductions for Lack of Contribution	(-) \$ 3,371.06
Adjusted Requested Compensation	\$19,102.69

* NOI AND COMPENSATION REQUEST PREPARATION TIME IS COMPENSATED AT
 $\frac{1}{2}$ NORMAL RATES

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.

Surfrider has documented its claimed hours by presenting a daily breakdown of hours for its attorney's and expert and states that it has requested reimbursement only for fees and costs which are fair and reasonable. Surfrider states that it recognizes that not all of its comments made a significant contribution to the decision and has voluntarily reduced its fees by 15% to reflect this.

Surfrider requests a total of 26.1 hours for time spent on the preparation of its NOI and request for compensation. This is equal to 42% of the total hours claimed. By comparison, Surfrider requests a total of 62 hours of compensation for professional time spent on substantive issues. We disallow 6 hours of time

spent on NOI and compensation preparation. While we recognize that Surfrider is new to Commission proceedings, the unadjusted amount of time is excessive given the relative brevity of the claim and the fact that this request is related to only one decision. We caution Surfrider that in the future, we will expect greater efficiency in this area as Surfrider becomes more proficient in Commission proceedings and the preparation of claim documents. We recommend the use of our standardized forms available at:

www.cpuc.ca.gov/PUC/IntervenorCompGuide/standardized.htm.

In addition, we remind Surfrider that future claims which include time spent amending compensation claim to correct errors in the filing of its first compensation will not be compensated, as we believe these efforts are unproductive. In this claim, Surfrider primarily used its most senior attorney (Venskus) to prepare the bulk of its compensation claim. This is a semi-professional task that should not require the expertise of a senior attorney. As such, we disallow the 6 hours of compensation preparation time we list above from the hours billed by Venskus. This reduction more closely reflects our standards of both reasonableness and fairness to ratepayers in this area.

After the adjustments we outline in Sections 6.1 and 6.2, the remainder of Surfrider's hours and costs are reasonable and should be compensated.

6.2. Intervenor Hourly Rates

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

Surfrider Foundation requests an hourly rate of \$350 for work conducted by Sabrina Venskus in 2009 and 2010. Venskus received her Bachelor of Arts at UCLA in 1996 with honors, her Juris Doctor (J.D.) at Northwestern School of Law

of Lewis & Clark College, in Portland, Oregon, in 1999 with honors, and a Certificate in Environmental and Natural Resources Law in 1999. Surfrider states that Venskus has been practicing environmental law in the State of California for approximately nine years and has extensive litigation experience. The Commission previously awarded Venskus a rate of \$250 per hour for work conducted in 2005.⁸

Venskus was the primary and lead attorney handling Surfrider Foundation's work in this proceeding. Surfrider submits that the requested rate of \$350 per hour for work conducted in 2009 and 2010 by Venskus is reasonable and commensurate with the 2008 rates adopted in D.08.04-011, which remain the same for 2009 and 2010 rates previously applied to attorneys with comparable experience.

Surfrider's request for Venskus's rates is at the highest end for attorneys with 8-12 years of experience. Here we adopt an hourly rate of \$330 for Venskus's 2009 and 2010 work. This amount is mid-range for attorneys within this range. Although Surfrider states that Venskus has been practicing environmental law in the State of California for approximately nine years and has extensive litigation experience, Surfrider fails to provide examples of how this litigation may have been similar to issues before the Commission.

Surfrider Foundation requests an hourly rate of \$295 for work conducted by Emilee Moeller in 2009. Moeller earned her Bachelor of Arts at Washington State University in 1995 and her J.D. and Certificate in Environmental and Natural Resource Law from Northwestern School of Law at Lewis & Clark

⁸ D.06-07-019 at 16-17.

College in 1999. In addition, in 2006, Moeller graduated with distinction from Loyola Law School's Tax L.L.M. program. According to Surfrider, Moeller has over six years of litigation experience in California, although Surfrider offers no examples of the nature of this litigation to establish similarity of the litigation of these cases with issues before the Commission.

The requested rate of \$295 per hour for work conducted in 2009 for Moeller is reasonable and commensurate with the 2008 rates adopted in D.08.04-011, which remain the same for 2009 rates previously applied to attorneys with comparable experience.

Surfrider's hourly request of \$295 for Moeller's 2009 work is at the lower end of the range adopted in D.08-04-011 for persons with her related legal background and experience. We approve this rate here.

Surfrider Foundation requests an hourly rate of \$295 for work conducted by Theresa Labriola in 2009 and 2010. Ms. Labriola received an undergraduate degree from Cornell University in Ithaca, NY in 1994 and a J.D. from Vermont Law School in South Royalton, VT in 2002. Surfrider claims that Labriola has been practicing law for more than six years and has extensive environmental litigation experience.

Surfrider contends that the requested rate of \$295 per hour for Labriola's work performed in 2009 and 2010 is reasonable and commensurate with the 2008 rates adopted in D.08.04-011, and remain the same for 2009 and 2010 rates previously applied to attorneys with comparable training and experience.

Surfrider's hourly request of \$295 for Labriola's 2009 and 2010 work is at the highest end of the rates adopted in D.08-04-011 for persons with similar related legal background and experience. Here we adopt an hourly rate of \$285 for Labriola's 2009 and 2010 work, which is at the lower end for attorneys with

5-7 years of experience. We believe this is a more reasonable amount, given her approximate six years of practice.

Surfrider Foundation requests an hourly rate of \$225 for work conducted by Robert Curry in 2009. Curry has over 30 years of experience in watershed science. He is currently the principal of Watershed Systems, a consulting rubric that he has operated since 1980. This consultancy focuses on watershed science which is seen as the interface between geomorphic and geologic processes, surface and groundwater hydrology, and ecologic processes operating at the watershed scale. Curry is an emeritus professor of earth and environmental sciences in the University of California system, having retired from full-time teaching at the University of California Santa Cruz in 1995. Curry holds a B.A. in Geology from the University of Colorado, an M.Sc. in Geobotany and Plant Ecology from the University of Colorado, and a Ph.D. in Rates and Forms of Mass Wasting and Climate History of the Sierra Nevada from the University of California at Berkeley.

Surfrider submits that the rate requested for Curry is fair and reasonable and falls within the spectrum of hourly rates paid by utilities for services provided by comparable experts in 2009.

We disagree with Surfrider on its fair and reasonable analysis of Curry's 2009 rate request. Surfrider's claim includes a billing statement from Curry for services he provided in this proceeding. In this billing statement, Curry requests hourly compensation reimbursement at a rate of \$165. D.07-01-0099 states that "[i]n no event should the rate requested by an intervenor exceed the rate billed to

⁹ D.07-01-009 at 5.

that intervenor by any outside consultant it hires, even if the consultant's billed rate is below the floor for a given experience level." D.08-04-010¹⁰ reasons that "our policy of not allowing intervenors to request hourly rates for an 'outside' representative that exceeds the representative's actual billed rate reinforces the incentive for intervenors to 'shop' carefully for representation, and thereby helps to keep to reasonable levels the awards ratepayers fund through the intervenor compensation program."¹¹ As such, we approve Curry's own requested rate of \$165 for his work here.

6.3. Direct Expenses

The itemized direct expenses submitted by Surfrider include the following:

Printing & Photocopying	\$162.65
Total Expenses	\$162.65

The cost breakdown included with the request shows the miscellaneous expenses to be commensurate with the work performed. We find these costs reasonable.

7. Productivity

D.98-04-059¹² 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.

¹⁰ D.08-04-010 at 5-6, footnote 2.

¹¹ D.08-04-010 at 5-6, footnote 2.

¹² D.98-04-059 at 34-35.

Surfrider states without its participation in the proceeding, the Commission would have been deprived of substantial amounts of information and argument regarding the CWP's environmental ramifications and mitigation.

In many proceedings such as this one, the precise monetary benefits to ratepayers are hard to quantify. However, environmental consequences of the CWP are of concern to many ratepayers. The efforts of intervenors such as Surfrider's are productive when they culminate in the elimination or minimization of harmful environmental consequences or when the record (in this case the FEIR) is influenced by the intervenor's participation. Here, we affirm that Surfrider's efforts substantially contributed to the outcome of the FEIR and its efforts were productive.

8. Award

As set forth in the table below, we award Surfrider **\$17,119.64**.

Work on Proceeding				
Attorney Fees	Year	Hours	Hourly Rate \$	Total \$
Sabrina Venskus	2009	14.1	330.00	4,653.00
Emilee Moeller	2009	26.9	295.00	7,935.50
Theresa Labriola	2009	7.5	285.00	2,137.50
Subtotal Hourly Compensation (Attorneys):				\$14,726.00
Expert Fees	Year	Hours	Hourly Rate \$	Total \$
Robert Curry	2009	13.5	165.00	
Subtotal Hourly Compensation (Experts):				\$2,227.50

Preparation of NOI/and Compensation Request *

Attorney/Staff	Year	Hours	Hourly Rate \$	Total \$
Sabrina Venskus	2009	4.4	165.00	726.00
Emilee Moeller	2009	3.3	147.50	486.75
Theresa Labriola	2009	6.1	142.50	869.25
Sabrina Venskus	2010	2.0	165.00	330.00
Theresa Labriola	2010	4.3	142.50	612.75
Subtotal Hourly Compensation NOI/Compensation Request				\$3,024.75

Expenses

Photocopying	\$ 162.50
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CALCULATION OF FINAL AWARD

Subtotal Hourly Compensation:	\$16,953.50
Total Hourly Compensation NOI/Compensation Request	\$ 3,024.75
Expenses	\$ 162.50
15% Voluntary Reduction for Lack of Contribution	-\$ 3,021.11
Award Total	\$17,119.64

Pursuant to § 1807, we order Cal-Am to pay this award. 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 April 27, 2010, the 75th day after Surfrider filed its compensation request, and continuing until full payment of the award is made.

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. Surfrider's records should identify specific issues for which it requested compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants, and any other costs for which compensation was claimed. The records pertaining to an award of

compensation shall be retained for at least three years from the date of the final decision making the award.

9. 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.

10. Assignment of Proceeding

John Bohn is the assigned Commissioner, and Angela K. Minkin is the assigned ALJ in this proceeding

Findings of Fact

1. Surfrider has satisfied all the procedural requirements necessary to claim compensation in this proceeding.
2. Surfrider has made a substantial contribution to D.09-12-017 as described herein.
3. Surfrider requested hourly rates for its representatives that, as adjusted herein, are reasonable when compared to the market rates for persons with similar training and experience.
4. Surfrider's requested related expenses that are reasonable and commensurate with the work performed.
5. The total of the reasonable compensation is \$17,119.64.
6. The Appendix to this decision summarizes today's award.

Conclusions of Law

1. Surfrider has fulfilled the requirements of §§ 1801-1812, which govern awards of intervenor compensation, and is entitled to intervenor compensation

for its claimed expenses, as adjusted herein, incurred in making substantial contributions to D.09-12-017.

2. Surfrider should be awarded \$17,119.64 for its contribution to D.09-12-017.
3. This order should be effective today so that Surfrider may be compensated without further delay.
4. This proceeding remains open to consider whether Cal-Am should be granted a CPCN.

O R D E R

IT IS ORDERED that:

1. Surfrider Foundation is awarded \$17,119.64 as compensation for its substantial contributions to Decision 09-12-017.
2. Within 30 days of the effective date of this decision, California-American Water Company shall pay Surfrider Foundation 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, April 27, 2010, the 75th day after the filing date of Surfrider Foundation's request for compensation, and continuing until full payment is made.
3. Application 04-09-010 remains open.

This order is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision? No
Contribution Decision(s):	D0912017	
Proceeding(s):	A0409019	
Author:	ALJ Angela K. Minkin	
Payer(s):	California-American Water Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier ?	Reason Change/Disallowance
Surfrider Foundation	02-11-10, amended on 03-30-10	\$19,102.60	\$17,119.64	No	adjusted hourly rates; excessive hours

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Sabrina	Venskus	Attorney	Surfrider Foundation	\$350	2009/2010	\$330
Theresa	Labriola	Attorney	Surfrider Foundation	\$295	2009/2010	\$285
Emilee	Moeller	Attorney	Surfrider Foundation	\$295	2009	\$295
Robert	Curry	Expert	Surfrider Foundation	\$225	2009	\$165

(END OF APPENDIX)