Decision **PROPOSED DECISION OF ALJ DEANGELIS** (Mailed 3/29/2011)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's own motion to consider alternative-fueled vehicle tariffs, infrastructure and policies to support California's greenhouse gas emissions reduction goals.	Rulemaking 09-08-009 (Filed August 20, 2009)

DECISION GRANTING REQUEST OF CALIFORNIANS FOR RENEWABLE ENERGY, INC. FOR INTERVENOR COMPENSATION FOR SUBSTANTIAL CONTRIBUTIONS TO DECISION 10-07-044

Claimant: Californians[1] for Renewable Energy (CARE)	**For contribution to D.10-07-044**
Claimed ($): 26,293.02[2]	**Awarded ($): $11,730.98**
Assigned Commissioner: Michael R. Peevey	**Assigned ALJ: Regina DeAngelis**
Claim Filed: September 29, 2010	

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	Resolution of Phase 1 of this proceeding, addressing the scope of the proceeding and the nature of Commission's regulatory authority over entities that sell electric vehicle charging services to the public.

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

	As Stated by Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (§ 1804(a)):		
1. Date of Prehearing Conference:	11-18-09	Correct
2. Other Specified Date for NOI:		

[1] We correct the claimant's name from "California for Renewable Energy" to "Californians for Renewable Energy," to bring it in accord with CARE's own bylaws.
[2] The precise requested amount should be $26,292.77. We use it in the specific claim tables in Part III.B.

3. Date NOI Filed:	12-16-09	Correct
4. Was the notice of intent timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R.09-08-009	Correct
6. Date of ALJ ruling:	1-28-10	Correct
7. Based on another CPUC determination:	Please see comments below	CARE qualifies as a §1802(b)(C) customer ("Category 3")
8. Has the claimant demonstrated customer or customer-related status?		
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.09-02-019	Correct
10. Date of ALJ ruling:	9-1-09	Correct
11. Based on another CPUC determination:	Please see additional comments below	Correct
Has the claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision	D.10-07-004	Correct
14. Date of Issuance of Final Decision:	8-2-10	Correct
15. File date of compensation request:	9-29-10	Correct
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Claimant	CPUC	Comment
5-7	CARE		In ALJ DeAngelis' January 28, 2010 ruling related to customer status, the ALJ determined that CARE qualified as a Category 2 customer. As demonstrated immediately below and as documented in Attachment 5, CARE also qualifies as a category 3 customer. CARE requests from the ALJ a further determination that CARE also qualifies as a Category 3 customer in this proceeding. CAlifornians for Renewable Energy, Inc. (CARE) is a non-profit 501(c)(3) corporation that works to educate and encourage the use of alternative forms of renewable energy to avoid dependence on declining supplies of fossil fuels, and the harmful air emissions their use entails. It is a corporation with membership of low income people of color who are residential customers. CARE is authorized by its Bylaws, which were

			previously submitted to the Commission in A.07-12-021 and are attached hereto as Attachment 5, to represent the interests of residential customers.
9-11			A rebuttable presumption of significant financial hardship exists for Intervenor CARE. On September 1, 2009, ALJ Ebke issued a written ruling in A.09-02-019 finding that CARE made a showing of significant financial hardship, met the requirements of Section 1804(a) and was eligible for compensation in that proceeding. Attachment 6. Because this proceeding commenced on August 20, 2009, prior to that ruling, a rebuttable presumption exists that CARE is eligible for compensation in this proceeding.

PART II: SUBSTANTIAL CONTRIBUTION

A. Claimant's description of Claimant's contribution to the final decision (*see* § 1802(i), § 1803(a) & D.98-04-059):

Contribution	Citation to Decision or Record (Provided by Claimant)	Showing Accepted by CPUC
During the first component of Phase 1 proceedings, CARE submitted the following documents: COMMENTS ON RULEMAKING TO CONSIDER ALTERNATIVE-FUELED VEHICLE TARIFFS, INFRASTRUCTURE AND POLICIES TO SUPPORT CALIFORNIA'S GREENHOUSE GAS EMISSIONS REDUCTIONS GOALS (October 5, 2009) REPLY COMMENTS ON RULEMAKING TO CONSIDER ALTERNATIVE-FUELED VEHICLE TARIFFS, INFRASTRUCTURE AND POLICIES TO SUPPORT CALIFORNIA'S GREENHOUSE GAS EMISSIONS REDUCTIONS GOALS (November 6, 2009) CARE also attended the following meetings: Prehearing Conference (November 18, 2009) Electric Vehicle Workshop: Accelerating the Installation of Home Charging Equipment (March 16, 2010) During the initial proceedings of Phase 1 of this	Assigned Commissioner's Scoping Memo, pp. 3-13 (discussing the issues to be addressed in the proceeding including many issues addressed by CARE in its Comments and Reply Comments).	First, it needs to be explained that, although the January 12, 2010 Scoping Memo, indeed, discussed issues addressed by CARE in its comments, it was not because CARE addressed those issues, as this claim implies: CARE's comments simply responded to the Order Instituting Rulemaking 09-08-009 (OIR) questions posed to parties. CARE devoted its work, in part, on commonplace information on issues that were not a subject to discussion in this proceeding, such as negative impacts of the fossil-fuel plants on low-income neighborhoods or advantages of the PEVs, etc.[5]

[3] Electric vehicle service providers.
[4] Plug-in electric vehicle.
[5] See, for example, October 5, 2009 comments at 12 or November 6, 2009 comments at 1-2.

rulemaking proceeding, the Commission asked parties to respond to 42 general questions about the "impacts electric vehicles may have on [California's] electric infrastructure and what actions [the] Commission should take" to mitigate those impacts. Order Instituting Rulemaking, p. 2. In so doing, the Commission sought to "ensure that the charging of these vehicles does not have adverse impacts on our electric system in terms of reliability, while at the same time recognizing the benefits of these vehicles in achieving California's climate change goals." *Id*. In its Initial Comments on the Rulemaking, CARE responded to questions 1, 2, 3, 4, 5, 6, 7, 11, 12, 15, 21, 23, 41 and 42. CARE specifically addressed the following: 1. Rates (pp. 1, 3-4); 2. Metering issues (pp. 1-3); 3. Need for residential infrastructure upgrades (pp. 2-3); 4. Regulation of non-residential EVSPs[3] (4-5); 5. General PEV[4] and market questions (pp. 6-11); and 6. Need for the present proceeding to address the needs of low-income citizens of the state by sharing the benefits of PEVs with those underrepresented Californians (pp. 12). In its reply comments, CARE reiterated some of these points and commented on other parties' positions. At the prehearing conference, CARE again asked the Commission to include within the scope of this hearing the creation of a program that would spread PEV usage to low-income communities within the state. Through its participation in the initial component of Phase 1, CARE helped establish, identify, and prioritize issues to be addressed in this proceeding.		At the same time, CARE did not understand[6] the critical importance of the issue of the Commission's regulatory authority over the third-party electric charging service providers, which was to become the first to be resolved. CARE did not answer the Commission's specific questions (no. 15) on this issue. CARE's statements on other issues would have a potential to contribute if only CARE were to develop its position. For example, CARE provided nothing more, either in the form of research or analysis or constructive proposals, beyond stating[7] that the negative impacts of the fossil fuel plants can be minimized by promoting the joint deployment of daytime electric vehicle charging stations and solar panels in parking facilities. While stating these concerns, CARE made no effort to answer the OIR's specific relevant questions[8] aimed at the shaping the CPUC's actions in this area. We conclude that, while CARE indeed addressed some questions posed in the OIR, regrettably, CARE

[6] October 5, 2009 comments at 3.
[7] October 5, 2009 comments at 12.
[8] Question 31 of the OIR (at 25): "Should rate incentives be created for electric vehicles to be paired with distributed generation incentive programs, such as the California Solar Initiative … and Self-Generation Incentive Program? Should rate incentives be created for electric vehicles to be paired with demand response programs? How should these incentive programs be incorporated into electric vehicle rate structures? Who should pay for such incentives?"

		provided no specific insight or new specific information for the Commission's consideration. CARE's reply comments on the OIR consist of repeating positions and argument of Natural Resources Defense Council (NRDC) and Friends of the Earth (FoE) or CARE's October 5, 2009 comments.
During the second component of Phase 1, CARE filed the following documents with the Commission: OPENING BRIEF REGARDING CPUC REGULATION OF THIRD-PARTY ELECTRIC VEHICLE SERVICE PROVIDERS (February 8, 2010); REPLY BRIEF REGARDING CPUC REGULATION OF THIRD-PARTY ELECTRIC VEHICLE SERVICE PROVIDERS (March 1, 2010); and OPENING COMMENTS ON THE PROPOSED DECISION IN PHASE 1 ON JURISDICTION OF THE COMMISSION OVER THE SALE OF ELECTRICITY AT RETAIL TO THE PUBLIC FOR THE SOLE USE AS MOTOR VEHICLE FUEL (June 10, 2010). During the second part of the Phase 1 proceeding, the Commission addressed the complex issue of whether it retains jurisdiction over facilities that sell electricity to the public for use only as a motor vehicle fuel ("EVSPs") under Public Utilities Code. CARE provided the Commission with a detailed legal analysis of the statutory interpretation issues involved (Opening Brief, pp. 1-6; Reply Brief, pp. 1-2; and Opening Comments, pp. 1-5) and the public policy reasons supporting Commission regulation of EVSPs (Opening Brief, pp. 6-9; Reply Brief, pp. 2-4; and Opening Comments, pp. 5-6), including the need for the Commission to:	The Commission's decision directly incorporates CARE's suggestion that section 740.2 grants the Commission independent authority to regulate EVSPs. D.10-07-004, pp, 19-20; 24-25. Specifically, the Commission stated that "the enactment of § 740.2 . . . granted the Commission specific authority to implement rules necessary to facilitate the widespread deployment of electric vehicles in California." *Id*. at 24-25. Further, the Commission "intend[s] to exercise this authority to the extent necessary based on our deliberations in Phase 2 of this proceeding." *Id*. The Commission also	This statement is incorrect. The decision does not directly incorporate CARE's suggestion. CARE asserted that the CPUC has "the authority to regulate EVSPs to the same plenary extent as other public utilities"[9], and did not prevail on this issue. The Commission concluded that under §§740.2 and 740.3, it has a limited authority to set rules related to electric vehicle charging. The Commission concluded that the legislature did not intend that the electric vehicle charging service (EVCS) providers be treated as public utilities; rather, the legislature intended that the Commission uses the authority granted in § 740.2 to address the potential impacts of EVC. (D.10-07-044 at 19-20). There is a difference, that CARE does not indicate, between the independent authority to regulate EVCSs and specific authority to

[9] CARE's opening brief of February 8, 2010, at 6-7.

(1) Ensure Grid Stability and Load Predictability; (2) Level the Playing Field Between Utility and Non-Utility Providers; (3) Encourage Rapid EVSP Market Development; (4) Enhance Public Safety; (5) Create Rules and Standards for Inter-operability; (6) Foster Pricing Innovation; (7) Prevent Market Manipulation; and (8) Facilitate Uniform Incentive Systems Across All Users. In its Proposed Decision, the Commission determined that it had no authority to regulated EVSPs. Proposed Decision, May 21, 2010, p. 1-20. CARE filed Opening Comments reemphasizing the need for Commission regulation and asserting that Public Utilities Code section 740.2 provided independent authority to regulate EVSPs: The PD also relies on the recently enacted section 740.2 as support for its determination that EVSPs do not provide "power" to their customers and therefore the Commission does not maintain jurisdiction over EVSPs. Section 740.2, however, requires the Commission to "adopt rules to address . . . infrastructure upgrades necessary for widespread use of plug-in hybrid and electric vehicles and [to address] the role and development of public charging infrastructure." Pub. Util. Code § 740.2(a). Subsection (a) thus seems to be directing the Commission to exert the *exact authority* that the PD is claiming that the Commission does not retain. To "adopt rules to address" the "development of public charging infrastructure" requires the Commission to retain authority over these "public charging" facilities, including EVSPs. Thus, contrary to the PD, section 740.2 supports the Commission's exercise of jurisdiction over EVSPs. Opening Comments, p. 5. CARE concluded: "The PD's all-or-nothing approach to regulation does not address this middle-ground regulatory approach that many parties believe would not only be appropriate, but also extremely effective for achieving rapid	responded to CARE's policy arguments in favor of regulation by identifying other sources of regulatory authority with which it will regulate EVSPs and by suggesting that the Legislature may need to address gaps in the Business and Professions Code vis-à-vis additional consumer protection measures. *Id*. at 25-28; 30-31.	implement rules necessary to facilitate the deployment of electric vehicles. We disagree with CARE's characterization of its contributions. CARE's "detailed legal analysis" was limited to the formal analysis of meanings of the term "include" used in § 218(a), in a failed attempt to show that the Commission has the authority to regulate EVSPs as public utility. CARE's CARE's argument was weak and failed to trigger a discussion. CARE again neglected a difference between regulatory authority over EVSPs and the authority over terms of the transaction under which the utility will provide service to EVSPs.[10] CARE asserts that the Commission responded to CARE's policy arguments "by suggesting that the Legislature may need to address gaps in the Business and Professions Code vis-à-vis additional consumer protection."[11] Unfortunately, CARE fails to provide a reference to its documents, where these arguments were presented. We reviewed CARE's documents filed in this proceeding and found nothing more than statements of the general character that the Commission's regulation

[10] D.10-07-044, at 25-26.
[11] D.10-07-044 at 30-31.
[12] See, for example, CARE's reply brief of March 1, 2010 at 1 and 2-3.

deployment of EVs throughout the state." Opening Comments, p. 6.		of the EVSPs was necessary to protect consumers.[12]

B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was DRA a party to the proceeding?	**Y**	**Correct**
b. Were there other parties to the proceeding?	**Y**	**Correct**
c. If so, provide name of other parties: See Service List		**Yes**
d. Claimant's description of how Claimant coordinated with DRA and other parties to avoid duplication or how Claimant's participation supplemented, complemented, or contributed to that of another party: During the initial component of Phase 1, the Commission solicited a broad range of responses to its 42 questions to identify and prioritize issues to be addressed in the proceeding. CARE complied with the Commission's requirements by submitting answers to many of the 42 questions with suggestions of which issues required most attention. During the substantive stage of the Phase 1 proceeding, CARE avoided duplication of efforts by referring to and incorporating positions taken by other parties (to the extent feasible) in its Reply Brief and by not filing reply comments on the Proposed Decision that would have simply reiterated arguments that CARE and others had already made.		In many instances, CARE repeats, without complementing with its own independent material analysis and arguments, positions of other parties, for example, NRDC, DRA, SMUD, etc.

C. Additional Comments on Part II:

#	Claimant	CPUC	Comment
1		X	Analyzing CARE's claims of the substantial contributions in Part II.A we see four types of the issues on which CARE participated: (1) the issues that were not considered in this proceeding, (2), the issues on which CARE provided some relevant input but it was of too general a character or duplicative of other parties' positions, to provide substantial contributions; (3) the issues on which CARE made some statements, which had a potential of contributing, if they were supported by specific information, analysis, and constructive recommendations; and (4) issues on which CARE claims it made contributions, but there were none. We note that CARE's position in Phase I did not prevail. Since the issues on which CARE contributed were far and few, its substantial contribution in this proceeding was insignificant.
2.		X	We find that CARE provided the following input not mentioned in CARE's compensation request: • Although CARE's critique of D.91-07-018 as a precedent in this proceeding was not approved, CARE's analysis[13] contributed to the Commission's deliberations.

[13] CARE's opening brief of February 8, 2010, at 4-6.

			• CARE's recommendation[14] to have limited, non-pricing regulation of EVSPs provided some contribution to the Commission's considerations in this area. Unfortunately, CARE provided little of its own analysis to support its position. • Finally, we find substantial contributions among thoughts expressed in CARE's short comment[15] on the ensuring grid stability and load predictability.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

Explanation by Claimant on how the cost of Claimant's participation bore a reasonable relationship with benefits realized through participation	CPUC Verified
As discussed above, CARE was actively involved in the Phase 1 proceedings, while it endeavored to keep its costs of participation to a minimum. Because CARE made significant legal and policy arguments that were eventually adopted by the Commission, the cost of intervenors' participation is reasonably related to the benefits of its participation.	With reductions and adjustments made in this decision, the costs have been brought to the reasonable relationship with benefits realized through CARE's participation.

B. Specific Claim*:

CLAIMED						CPUC AWARD			
ATTORNEY AND ADVOCATE FEES									
Item	Year	Hours	Rate	Basis for Rate	Total $	Year	Hours	Rate	Total $
Joshua A.H. Harris	2009/ 2010	50.5	$290	ALJ-246 and Attachment 4	$ 14,645	2009/ 2010	25.95	$280	$7,264.88
Stephan C. Volker	2009/ 2010	7.6	$330[16]	D.09-05-011	$ 2,508				
Michel Boyd[17]	2009	2	$ 135	D.10-05-046	$ 270	2009	1.00	$135	$135.00
				Subtotal:	**$ 17,153**			***Subtotal:***	$7,399.88

[14] CARE's opening brief at 7.
[15] CARE's opening brief, at 7.
[16] CARE does not waive, and specifically reserves, its right to challenge the hourly rate of $330 assigned to Mr. Volker in D.09-05-011 at page 14. This rate is far below the reasonable market value of Mr. Volker's time, as CARE has repeatedly demonstrated in previous requests for intervenor compensation, including requests filed in C.07-03-006, R.06-03-004, and A.02-09-043.
[17] CARE characterizes Boyd as an expert but does not provide information supporting his professional experience as of an expert. We, therefore, consider, based on our analysis of Boyd's participation in this proceeding, that he is an advocate rather than expert, and award him the compensation in the advocate category.

OTHER FEES									
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate**	**Total $**	**Year**	**Hours**	**Rate**	**Total $**
Jamey Volker (law and planning clerk)	2009/ 2010	46.3	$120	See Attachment 4	$ 5,556	2009/ 2010	18.76	$120	$2,250.60
Joshua A.H. Harris	2009/ 2010	3.5 (travel)	$145	ALJ-246 and Attachment 4	$ 507.5	2009/ 2010	3.5	$140	$490.00
				Subtotal:	***$ 6,063.5***			***Subtotal:***	***$2,740.60***
INTERVENOR COMPENSATION CLAIM PREPARATION **									
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Year**	**Hours**	**Rate**	**Total $**
Joshua A.H. Harris	2009/ 2010	16.10	$ 145	ALJ-246 and Attachment 4	$ 2,334.5	2009/ 2010	9.95	$140	$1,393.00
Stephan C. Volker	2009/ 2010	.7	$ 165[18]	D.09-05-011, p. 14	$ 115.5				
Michael Boyd	2009	.5	67.5	D.10-05-046	$ 33				
				Subtotal:	$ 2,483			***Subtotal:***	$1,393.00

COSTS					
#	**Item**	**Detail**	**Amount**	**Amount**	
	Miscellaneous	See Attachment 3	$ 323.52		$197.50
			Subtotal: $ 323.52	***Subtotal:***	
			TOTAL REQUEST $: $26,292.77[19]	**TOTAL AWARD $:**	**$11,730.98**

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

** Reasonable claim preparation time typically compensated at ½ of preparer's normal hourly rate (the same applies to the travel time).

C. CPUC Disallowances & Adjustments:

#	Reason
Hourly Rates	CARE requests an hourly rate of $290 for Harris' work in 2009/10. Harris was awarded the rate of $215 for his work in 2008, when his experience fell within the 3-4 years. In 2009, his experience reached the 5 to 7 years range, with the rate range of

[18] See footnote 1, *supra*.

[19] CARE's result here was $26,293.02. We indicate the precise result here.

	$280-$300 per hour. (D.08-04-010, Resolution ALJ-235 (2009 rates) and ALJ-247 (2010 rates). CARE indicates that Harris participated in multiple Commission proceedings, including A.09-08-003, R.08-03-008, R.06-03-004, C.07-03-006, R.06-04-009, and A.02-09-043. To establish Harris's new rate, we analyzed Harris's professional experience before the Commission and found that Harris was more intensively involved in the Commission's proceedings in 2004 (A.02-09-043) and 2006 (R.06-03-004). We note that in R.06-03-004 Harris's hours were significantly reduced for the lack of substantial contribution. During subsequent years, Harris's participation was on the smaller scale. Thus, in R.06-04-009, CARE filed a single document on substantive issues, reply comments (but no open comments). In 2007 (in C.07-03-006) and 2008 (in R.08-03-008) Harris was involved during several months each year. In R.08-03-008, the Commission found that "CARE's claims that it was extensively involved in the development of the … program and it made substantial contributions to the decision are overstated. … It is more accurate to state that CARE made some minor contributions to D.08-10-036…" (D.09-06-047 at 9). The Commission further found that "the number of hours for which CARE claims compensation is not commensurate with its level of contribution to the decision." (D.09-06-047 at 12). In A.09-08-003, a single protest was filed in 2009. In the present proceeding we, again, find that CARE's substantial contributions are overstated. Since the level of substantial contribution is reflective of, among other things, the intervenor's role in the proceeding and attorney's work, we adopt the rate of $280 for Harris's work in 2009-2010, which is within the rate range for attorneys with his years of experience. Law Clerk Jamey Volker. CARE requests the rate of $120 for law clerk Jamey Volker. We note that Jamey Volker spent almost the same number of hours on this proceeding as Harris, doing research and preparing formal documents. CARE's information regarding experience of Jamey Volker and the role in CARE's participation in this proceeding supports this rate.
October 5, 2009 Opening Comments on the OIR	CARE spent in total approximately 29 hours working on the October 5, 2009 comments on the OIR, comprised of approximately 10 pages of the substantive text. Considering the amount of analytical information in the text, its relevancy, and complexity, we find the requested hours excessive. We also find that requesting compensation for work of four people on this document is unjustified, especially, when only one of them, Jamey Volker, actually wrote the comments, while the rest of the team discussed, reviewed, or edited that document. We allow Jamey Volker's hours, reduced by 35% or 7.95 hours, to reflect our concerns with the amount of information that was relevant to the proceeding's issues and contributed to the decision. We allow the rest (14.76 hours), considering that this document was the first one to be produced in this proceeding and concerned a large array of the issues. We also allow 1.0 hours of Harris's and 1 hour of Boyd's time, as reasonable amount of hours to review and edit the comments. 1.30 hours of Harris and 1.0 hour of Boyd are disallowed, as well as 1.6 hours of Stephan Volker as spent on the duplicative effort. The following summarizes our disallowances: Harris: 1.30 hours; Jamey Volker: 5.70 hours; Stephan Volker: 1.60 hours; Michael Boyd: 1.00 hour.

November 6, 2009 reply comments on the OIR	CARE spent approximately 8.10 hours on its reply comments on the OIR. As we have mentioned in Part II.A, the reply comments almost entirely are compilation of other parties' and CARE's opening comments, with no original CARE work. Therefore, CARE's work on them was unproductive. We disallow all of CARE's hours spent on these comments, as follows: Harris: 3.10 hours; Jamey Volker: 4.20 hours; Stephan Volker: 0.80 hour.
February 8, 2010 opening brief	CARE spent approximately 30.55 hours preparing its opening brief. Out of eight pages of the substantive text, about a half was devoted to the analysis of the term "include," which, as we discussed in Part II.A did not contribute to the decision. Some of the text on pages 4 through 7, with CARE's analysis of D.91-07-018, and recommendation to have a limited, non-pricing regulation of EVSP, and to ensure grid stability and load predictability, provided some input to the Commission's considerations, as we note in our comments on Part II. Therefore, part of CARE's work should be compensated. Analyzing the reasonableness of CARE's hours, we note that the brief was a product of two attorneys and one law clerk, which we find unnecessary for document of this limited complexity and length, and unreasonable, since it involves internal duplication of effort. We make reductions of the hours, to address our findings on the lack of substantial contributions, the unreasonableness of the hours, and the internal duplication of effort. The brief was prepared mostly by Harris, who spent 13.85 hours on the document. S. Volker spent approximately 2.60 hours. Jamey Volker spent 14.10 hours. We disallow hours of Stephan Volker as duplicative effort that was avoidable since another attorney, Harris, prepared the brief. We also note that tasks performed by Volker included correcting the filing's title, are clerical in nature, which we do not compensate. We observe further that certain tasks performed by Jamey Volker repeat the tasks performed by Harris, so that both representatives reviewed the same documents, did research, and discussed the same issues. We consider that to assist Harris in drafting the brief, it was sufficient to spend considerably less hours. We reduce Jamey Volker's hours to 2.00, which cover necessary assistance in preparing the brief, and disallow 12.10 hours as not necessary for the preparation of the document (numerous discussions, duplicative document review, etc.). To further address our duplication of efforts concerns, we disallow 0.40 hour of Harris's hours spent on the review of the scoping memo on January 28, 2010, after he reviewed the memo for several times previously and after Jamey Volker prepared a memo to Harris on the scoping memo. We also disallow a part or 1.55 hours of Harris's hours spent on February 9th reviewing other parties' briefs and revising and re-filing CARE's brief. Requesting compensation for revising and re-filing the opening brief after reviewing other parties' opening briefs was unjustified, and indicative, once more, of duplicating other parties' efforts. Finally, since only approximately one third of the substantive text constituted substantial contributions, we reduce the remaining hours of Harris by the same proportion or two thirds, for lack of substantial contributions.

	The following summarizes our disallowances: Harris: 9.80; Jamey Volker: 12.10; Stephan Volker: 2.60.
March 1, 2010 reply brief	CARE indicates[20] that it avoided duplication of efforts by referring to and incorporating in its reply brief positions taken by other parties. Our review of the reply brief confirmed that statement: the reply brief repeated either other parties or CARE itself, with no original analysis. In fact, we found only one incident of analysis that would constitute a useful input.[21] Yet, CARE spent a total of 8.05 hours on this document.[22] Based on CARE's own analysis and our findings, we can only allow 2.00 hours of Jamey Volker's time, which is sufficient to review other parties' opening briefs and prepare a reply brief containing the minimal original input that CARE's reply brief provides. We also allow 0.40 hour of Harris's hours, sufficient to make edits to the brief prepared by Jamey Volker. We disallow 2.25 hours of Harris's hours and 3.30 hours of Jamey Volker's hours spent on the reply brief, to address our concerns with duplication of other parties' efforts, internal duplication of efforts, and excessive hours.
March 16, 2010 workshop	The most time-consuming tasks performed by Harris, were his participation in two events: the prehearing conference on November 18, 2009, and workshop on March 16, 2010. We allow Harris's hours related to the preparation for and participation in, the prehearing conference since it is necessary for a party's participation in this proceeding, and since Harris actually participated in that conference. On March 16, 2010, Harris attended a workshop in Sacramento, for 5.3 hours; however, according to the workshop transcript,[23] Harris provided no contributions to the workshop. We caution CARE that merely being present at an event does not entitle an intervenor to receive compensation, unless that presence produced some "public benefits."[24] We could not locate any links between CARE's attendance at the workshop and its subsequent work. We also note that NRDC/FoE participated in the workshop, and requested 3.00 hours for this event. We assume, for the benefit of CARE, that the "public benefits" from its attendance at the workshop, could materialize in the subsequent phase(s) of the proceeding, and allow 1.50 hours for the workshop attendance. We reduce Harris's hours by 3.80 hours.
Stephan Volker: Internal duplication of effort and unjustified costs	We notice an excessive amount of internal communications and similar tasks performed by CARE's representatives. Apparently, having two attorneys and one law clerk requires a lot of discussions and coordination. We are not, however, convinced that the efforts of these three representatives were required to provide the input that CARE made in this proceeding. For example, both attorneys, Volker and Harris, held office conferences, corresponded with the client, and reviewed the file. We note that Harris devoted considerably more time and effort to this proceeding than Volker.

[20] Part II.B(d) of the claim.
[21] CARE's reply brief at 3, in a short paragraph supports the Division of Ratepayer Advocates' position on on-peak charging with CARE's argument that provided a contribution to the decision.
[22] The reply brief is comprised of approximately 2.5 pages of substantive text.
[23] The workshop transcript was filed on July 29, 2010, in accordance with D.10-07-044, Ordering Paragraph 1 at 41.
[24] D.00-04-047, 2000 Cal. PUC LEXIS 157.

	Furthermore, some of Volker's hours are unsufficiently documented. His timesheet includes entries with no description of the purpose of the specific task so that it is impossible to tell what product was created as a result of that work or to which product the task related. These are numerous "file review" (9/8/9; 9/9/9; 11/6/9; 11/9/9) and "office conference," and one "long distance telephone" timesheet entries, where insufficient descriptions do not justify the requested costs. Since no relevance to or necessity for, CARE's substantial contributions or work done by CARE can be detected from these entries, no compensation for these hours should be allowed. These findings support our decision to disallow Volker's hours in their entirety.
Harris: Internal duplication of effort, unjustified costs, excessive hours, non-compensable clerical task.	Since we do not compensate Volker's hours, we disallow Harris's 0.60 hours spent on his communication with "co-counsel" on 9/8/09. Some of Harris's hours are not sufficiently supported so that it is (as in the case with some of Volker's time records) impossible to tell whether the particular tasks were relevant to and necessary for, CARE's contributions. These are generic entries that do not connect with anything produced by CARE, and exist as if in factual "limbo." These tasks include "email," 9/8/09" (0.30 hour); "review rules," 11/17/09 (0.20 hour); "review filing and emails," 12/1/09 (0.40 hour); "file review, check email," 12/17/09 (0.20 hour); "file review, check docket," 3/3/10 (0.20 hour); "email," 6/1/10 (0.10); "file review," 6/24/10 (0.90 hour). We disallow compensation for the total of 2.30 hours spent on these activities. In the same category is Harris's attendance for 1.10 hours at the December 15, 2009 teleconference regarding eTec and Nissan pilot programs, recorded in his timesheet under the "General Proceeding" work category. We could not locate any reference to this event in CARE's documents or its other time records, which indicates that CARE's attendance was not necessary for CARE's participation in this proceeding, and should not be compensated. Harris spent 0.90 hours reviewing the proposed decision; and he spent 1.70 hours reviewing the Phase 1 final decision. We find that 0.90 hour is more than sufficient to review the final decision. We further disallow compensation for the research regarding application for rehearing (8/4/10, 0.30 hour) since it was unproductive. The total disallowance is 1.10 hour. We also disallow 0.30 hour of Harris's time spent on the email to the Process Office, which is a clerical task (the September 1, 2009 timesheet entry). The following summarizes our disallowances: Harris: 4.30 hours.
Intervenor compensation document preparation	In the work on intervenor compensation documents area, we disallow excessive hours Harris spent preparing the NOI on the standardized form. It is not clear why preparing this simple document was surrounded by so much activity (legal research, multiple revisions, office conference, telephone calls, and emails). We note that in the NOI, CARE selected a customer category different from what CARE normally selects, and that in the request CARE changed that selected category back to its usual one. These efforts should not be compensated, as inefficient. For the same reason, we disallow Boyd's time spent reviewing the NOI and declarations (0.50 hour). We also disallow

	compensation for Stephan Volker's work (0.70 hour) duplicating Harris's effort in preparing the NOI. We allow 1.10 hours Harris spent preparing the NOI.[25] We also disallow 1.45 hours Harris spent after the NOI was filed, on legal research, office conference, and email to co-counsel as unproductive. Summary of the disallowances in the intervenor compensation document preparation area: Harris: 6.15 hours.
Costs	We disallow $124.20 Westlaw online legal research charges incurred on July 13, 2010, as unjustified (not related to any work produced by CARE). We also disallow $1.82 incurred on February 2, 2010, for a long-distance call that we disallowed as insufficiently documented.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the claim?	No

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

If not:

Party	Comment	CPUC Disposition
	No comments were received.	

FINDINGS OF FACT

1. Claimant has made a substantial contribution to Decision (D.) 10-07-044.

2. The claimed fees and costs, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.

3. The total of reasonable compensation is $11,730.98.

CONCLUSION OF LAW

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

[25] Time records of September 1st and October 29, 2009.

ORDER

1. Claimant is awarded $11,730.98.

2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, Southern California Gas Company, and San Diego Gas & Electric Company shall pay claimant the total award. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning December 13, 2010, the 75th day after the filing of claimant's request, and continuing until full payment is made.

3. The comment period for today's decision is not waived.

4. This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		**Modifies Decision?**	**No**
Contribution Decision:	D1007044		
Proceeding:	R0908009		
Author:	ALJ Regina DeAngelis		
Payer:	Pacific Gas and Electric Company, Southern California Edison Company, Southern California Gas Company, and San Diego Gas & Electric Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Californians for Renewable Energy, Inc.	9/29/10	$26,293.02	$11,730.98	No	Lack of substantial contributions, excessive hours, duplication of other parties' efforts, internal duplication of efforts, insufficiently documented and unjustified costs and expenses, non-compensable charges.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Joshua A.H.	Harris	Attorney	CAlifornians for Renewable Energy, Inc.	$290	2009-10	$280
Michael	Boyd	Expert	CAlifornians for Renewable Energy, Inc.	$135	2009	$135
Jamey	Volker	Law Clerk	CAlifornians for Renewable Energy, Inc.	$120	2009-10	$120

(END OF APPENDIX)