

Decision 09-08-025 August 20, 2009

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIAApplication of Southern California Edison Company
(U338E) for Recovery of Peaker Costs.Application 07-12-029
(Filed December 31, 2007)**DECISION AWARDING INTERVENOR COMPENSATION TO THE UTILITY REFORM NETWORK FOR SUBSTANTIAL CONTRIBUTION TO DECISION 09-03-031**

Claimant: The Utility Reform Network	For contribution to: D.09-03-031
Claimed (\$): \$10,182	Awarded (\$): \$10,182
Assigned Commissioner: Michael R. Peevey	Assigned ALJ: Douglas M. Long

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision: D.09-03-031, in Phase 1 of this proceeding, determined that the costs and benefits of the SCE emergency peakers should be allocated to all benefiting customers rather than to SCE bundled customers only.

Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (§ 1804(a)):		
1. Date of Prehearing Conference:	April 8, 2008	Yes
2. Other Specified Date for NOI:		
3. Date NOI Filed:	May 8, 2008*	Yes
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:	A.07-12-021	Yes
6. Date of ALJ ruling:	April 18, 2008	Yes
7. Based on another CPUC determination (specify):		
8. Has the claimant demonstrated customer or customer-related status?		Yes

Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.07-12-021	Yes
10. Date of ALJ ruling:	April 18, 2008	Yes
11. Based on another CPUC determination (specify):		
12. Has the claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision	D.09-03-031	Yes
14. Date of Issuance of Final Decision:	March 27, 2009	Yes
15. File date of compensation request:	May 21, 2009	Yes
16. Was the request for compensation timely?		Yes

B. Additional Comments on Part I:

#	Claimant	CPUC	Comment
*Line 3	X		No ruling has been issued to date on TURN’s NOI in this proceeding

PART II: SUBSTANTIAL CONTRIBUTION (completed by Claimant)

A. In the fields below, describe in a concise manner Claimant’s contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059) (For each contribution, support with specific reference to final or record.)

Contribution	Citation to Decision or Record	Showing Accepted by CPUC
1. TURN argued that bundled service customers should not have to pay all of the costs of the SCE emergency peakers, but that the “all benefiting customers” allocation adopted in D.06-07-029 should apply under the unique circumstances of this case.	TURN’s opening and reply briefs, cited in D.09-03-031 at page 6. D.09-03-031, pp. 9-11; OP #1.	Yes
2. TURN argued in comments on the Proposed Decision that adequate notice had been given to parties that the limitations of D.06-07-029 could be modified in this proceeding.	TURN’s 2/5/09 comments on the PD. D.09-03-031, p.12; FoF #4, p.13; CoL #2, p.14.	Yes

<p>3. TURN filed a motion to consolidate the review of the peaker costs that were subject to this application with the review of other peaker costs in SCE's then-pending GRC.</p>	<p>TURN Motion filed 3/21/08. D.09-03-031 denied the motion without prejudice, because the passage of time had rendered some of the issues moot (pp.11-12).</p>	<p>Yes</p>
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
<p>a. Was DRA a party to the proceeding? (Y/N)</p>	<p>Yes, on a very limited basis.</p>	<p>Yes</p>
<p>b. Were there other parties to the proceeding? (Y/N)</p>	<p>None taking the same position, other than TURN and SCE.</p>	<p>Yes</p>
<p>c. If so, provide name of other parties:</p>	<p>Southern California Edison, Alliance for Retail Energy Markets, Division of Ratepayers Advocates, California Cogeneration Council, California Wind Energy Association, Western Power Trading Forum and Energy and Energy Producers and Users Coalition.¹</p>	<p>Yes</p>
<p>d. Describe how you coordinated with DRA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:</p>	<p>DRA did not file briefs in the proceeding and only submitted reply comments on the PD. Thus, there was no real opportunity to coordinate with DRA. There was however, no duplication of effort.</p>	<p>Yes</p>

PART III: REASONABLENESS OF REQUESTED COMPENSATION (completed by Claimant)

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

<p>Concise explanation as to how the cost of claimant's participation bears a reasonable relationship with benefits realized through participation (include references to record, where appropriate)</p>	<p>CPUC Verified</p>
<p>TURN's limited hours and expenses in Phase 1 are vastly outweighed by the benefits that will result from the adopted cost allocation, which will save bundled customers millions of dollars over the next ten years.</p>	<p>Yes</p>

¹ TURN failed to complete the information in this section as required. In this claim, we complete the information to correct TURN's omission.

B. Specific Claim:

CLAIMED						CPUC AWARD			
ATTORNEY AND ADVOCATE FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Michel Florio	2008	8.50	\$535	D.08-07-043	\$4,547.50	2008	8.50	\$535	\$4,547.50
Michel Florio	2009	2.50	\$535	2008 Rate	\$1,337.50	2009	2.50	\$535	\$1,337.50
Robert Finkelstein	2008	6.50	\$470	D.08-08-027	\$3,055.00	2008	6.50	\$470	\$3,055.00
Robert Finkelstein	2009	0.75	\$470	2008 Rate	\$352.50	2009	0.75	\$470	\$352.50
Subtotal:					\$9,292.50	Subtotal:			\$9,292.50
INTERVENOR COMPENSATION CLAIM PREPARATION (1/2 rate)									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Michel Florio	2008	0.75	\$267.5	50% of 2008 rate	\$200.63	2008	0.75	\$267.5	\$200.63
Michel Florio	2009	2.50	\$267.5	50% of 2008 rate	\$668.75	2009	2.50	\$267.5	\$668.75
Subtotal:					\$869.38	Subtotal:			\$869.38
COSTS									
#	Item	Detail			Amount \$	Amount \$			
1	Photocopies	TURN Pleadings			\$20.40	\$20.40			
Subtotal:					\$20.40	Subtotal:			\$20.40
TOTAL REQUEST \$:					\$10,182	TOTAL AWARD \$:			\$10,182

C. Attachments or Comments Documenting Specific Claim (not attached to final Decision):

Attachment or Comment #	Description/Comment
1	Detailed Time Reports for TURN's Attorneys. Coded by issue as follows: "Ph1" = Work on Cost allocation issue resolved in the Phase 1 decision; "Proc" = Work on procedural issues; "Comp" = Work on compensation-related pleadings.
2	Detail of TURN's Expenses – only those related to Phase 1 issues.
3	Certificate of Service

D. CPUC Disallowances & Adjustments: None

PART IV: OPPOSITIONS AND COMMENTS
Within 30 days after service of this claim, Commission Staff
or any other party may file a response to the claim (see § 1804(c))
(CPUC completes the remainder of this form)

A. Opposition: Did any party oppose the claim (Y/N)?

No

B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6)) (Y/N)?

Yes

FINDINGS OF FACT

1. Claimant has made a substantial contribution to Decision (D.) 09-03-031.
2. The claimed fees and costs are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The total of reasonable contribution is \$10,182.

CONCLUSION OF LAW

1. The claim satisfies all requirements of Public Utilities Code §§ 1801-1812.

ORDER

1. Claimant is awarded \$10,182.
2. Within 30 days of the effective date of this decision, Southern California Edison 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 August 4, 2009, 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 waived.
4. This proceeding remains open to address Phase II issues.
5. This decision is effective today.

Dated August 20, 2009, at San Francisco, California.

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
TIMOTHY ALAN SIMON
Commissioners

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision? No
Contribution Decision(s):	D0903031	
Proceeding(s):	A0712029	
Author:	ALJ Douglas M. Long	
Payer(s):	Southern California Edison	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Utility Reform Network	05-21-09	\$10,182	\$10,182	No	None

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Michel	Florio	Attorney	The Utility Reform Network	\$535	2008	\$535
Michel	Florio	Attorney	The Utility Reform Network	\$535	2009	\$535
Robert	Finkelstein	Attorney	The Utility Reform Network	\$470	2008	\$470
Robert	Finkelstein	Attorney	The Utility Reform Network	\$470	2009	\$470

(END OF APPENDIX)