

Decision 09-09-023 September 10, 2009

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern California Edison Company (U 338-E) for Approval of Results of Fast Track of Its New Generation Request for Offers and for Cost Recovery.

Application 07-02-026
(Filed February 28, 2007)

**DECISION GRANTING INTERVENOR COMPENSATION
TO CALIFORNIANS FOR RENEWABLE ENERGY FOR SUBSTANTIAL
CONTRIBUTIONS TO DECISION 08-05-028**

This decision awards CALifornians For Renewable Energy \$19,411.57 in compensation for its substantial contributions to Decision 08-05-028. This represents a decrease of \$20,180.43 (or 51 %) from the amount requested due to miscalculations, inefficient and unproductive effort, adjusted hourly rates and excessive hours. This award will be paid by the ratepayers of Southern California Edison. This proceeding is closed.

1. Summary

This decision grants the application by Southern California Edison Company (SCE) for approval of a contract that was selected from SCE's fast-track request for offers (RFO) for new generation that could be on-line by August 2010. In its application, SCE sought approval of two contracts, an offer from Blythe Energy, LLC (Blythe) for up to 490 megawatts (MW) of expected capacity

and energy and an offer from CPV Ocotillo, LLC (CPV)¹ for up to 455 MW of capacity and energy. Due to intervening circumstances regarding the timing on the completion of a study on the delivery of the power from Blythe, a separate decision on the CPV was prepared.² The decision for which Californians For Renewable Energy (CARE) seeks intervenor compensation approved the 10-year power purchase agreement (PPA) with Blythe and allocated the benefits and costs of the Blythe PPA to all benefiting customers in accordance with Decision (D.) 06-07-029.

CARE intervened in this proceeding because it was concerned that the contract with Blythe failed to address the impact the power plant would have on the community living next to it. This community includes several of CARE's residential members. CARE believed that the interest of this community had been ignored when the site for the power plant had been determined by the California Energy Commission. CARE's position in the Blythe application was that the California Public Utilities Commission now had an opportunity to examine the impacts the power plant might have on the community surrounding it.

In support of its concerns, CARE organized its members to attend a Public Participation Hearing in Blythe to address the Commission on the total environmental impacts they believed would result from utilizing the Blythe facility, including the loss of agricultural lands. The community also questioned

¹ The CPV Ocotillo, LLC has since been renamed CPV Sentinel LLC; however, to avoid confusion and to remain consistent with the name provided in SCE's application, the project is referred to as the CPV Ocotillo in this decision.

² On April 10, 2008, the Commission approved the CPV contract in Decision (D.) 08-04-011.

how the power plant used water supplies which had previously been used for agriculture. Many of CARE's members are farm workers who lost their jobs when the power plant was built, and other are members of CARE who are descendents of the indigenous people in the area and believe that the region has religious significance to them. A hearing was held on July 12, 2007 in Blythe where CARE and the residents of Blythe and Mesa Verde made their presentations to the Commission.

2. Requirements for Awards 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 All subsequent statutory references are to the Public Utilities Code unless otherwise indicated.

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 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.

2.1. 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.

CARE filed a timely NOI to claim compensation in this proceeding on April 27, 2007. Pursuant to a ruling issued by Administrative Law Judge (ALJ) Brown on September 5, 2007, CARE was found eligible to claim compensation.

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).) The September 5, 2007 ruling issued by ALJ Brown found that CARE met the definition of a customer pursuant to § 1802(b)(1)(C).

An intervenor seeking compensation must show that, without undue hardship, it cannot pay the reasonable costs of effective participation in the proceeding. A participant representing consumers or a representative authorized by a customer must disclose its finances to the Commission to make this showing. These showings may be made under an appropriate protective order. In the case of groups or organizations, significant financial hardship is demonstrated by showing that the economic interest of individual members is small compared to the overall costs of effective participation. (§ 1802(g).) Such a finding is normally made in the ALJ's preliminary ruling as to whether the customer will be eligible for compensation. (§ 1804(b).)

CARE was found to have met the significant financial hardship test under § 1802(g) in ALJ Brown's ruling of September 5, 2007.

Regarding the timeliness of the request for compensation, CARE filed its request for compensation on December 19, 2008, within 60 days of issuance of D.08-10-039 in this same proceeding, the Order Denying Rehearing Of Decision 08-05-028.⁴ SCE timely filed an opposition to CARE's request for an award of compensation on January 20, 2009, objecting to CARE's claim on the basis that they failed to make a substantial contribution to the proceeding and the costs claimed by CARE were unreasonably excessive. Accordingly, SCE requested that the Commission deny the claim outright, or at a minimum, substantially reduce the amount of the award. We consider the requests of both parties in this claim.

⁴ D.08-10-039, Order Denying Rehearing of Decision (D.) 08-05-028, issued on October 21, 2008.

In view of the above, we affirm the ALJ's ruling and find that CARE has satisfied all the procedural requirements necessary to make its request for compensation in this proceeding.

3. 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 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.⁵

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

SCE filed an application seeking Commission approval of two PPA selected in SCE's Fast Track RFO. CARE was concerned because the contract

⁵ D.98-04-059, 79 CPUC2d 628 at 653.

with Blythe did not address the impact on the community living next to the power plant.

CARE also questioned whether the energy from Blythe was needed. Based on CARE's analysis of SCE's data, CARE claimed that SCE had failed to present any practical basis for its assumptions about plant retirements, and therefore CARE argued that SCE had no evidentiary record to support building new facilities. CARE's primary concern, however, was whether the Blythe facility's production of greenhouse gas emissions had adequately been considered and addressed. CARE argued that the Blythe location is very far from the electric load centers and the transmission line losses are significant. According to CARE, the current governmental effort to reduce greenhouse gas emissions is offset by approving a long-term contract with long transmission lines for providing electricity to distant load centers. CARE states that these concerns were recognized by the Decision even though CARE's recommendations were not adopted.

CARE provided additional information to the Commission in its comments⁶ and rehearing request⁷. In support of its concerns, CARE believed that a recent decision of the United States Supreme Court questioned the validity of the contract that the Commission was considering approving. The Commission did not follow CARE's recommendation to delay acting on the application until the contract's validity was determined but the Commission

⁶ CARE's Opening Brief, filed on June 20, 2007 and CARE's Comments on Proposed Decision, filed on April 24, 2008.

⁷ CARE's Rehearing Request of D.08-05-028, filed on June 27, 2008.

addressed the issue in its decision⁸ as well as in the decision denying CARE's rehearing request. CARE has filed a complaint⁹ with the Federal Energy Regulatory Commission (FERC) and appealed¹⁰ to the United States Court of Appeals for the Ninth Circuit to address these contract issues, but the proceeding is stayed by the court and parties to the case have been admonished not to file a motion to remove the stay.

CARE contends that its analyses and recommendations on this broader range of issues also made significant contributions to the Commission's deliberations in the Decision. CARE emphasizes that although it has spent considerable resources with the FERC complaint and the appeal to the US Court of Appeals, that they are not seeking any compensation for these efforts at this time. CARE asserts that it has attached an hourly record of these efforts simply to notify the Commission of its pursuit of judicial review of CARE's recommendations that the Commission declined to adopt. CARE will continue to devote its resources to this issue.

In summary, although CARE's recommendations were not adopted by the Commission, its participation served as a catalyst to organize the concerns of the community surrounding the power plant location to ensure that the residents of Blythe and Mesa Verde were aware of the issues that could affect them from any further construction of additional power plants. While the siting of the Blythe plant under consideration by the Commission was not within the scope of the proceeding, the residents of the surrounding area were made aware of the

⁸ D.08-10-039.

⁹ EL07-50.

¹⁰ CAE No. 08-70010.

possibility that additional units might be built at the Blythe location and that they should make their voice heard before those plants were built. SCE ratepayers benefit when the Commission has a fully developed record, addressing subjects such as GHG emissions, line-losses when electricity is transported from remote locations to load centers, and use of fresh water for cooling in dry settings. All of these topics were further developed at the PPH and made part of the record for the proceeding. CARE was instrumental in encouraging the Commission to schedule the PPH and organizing the community to attend the PPH.

In this manner, we affirm that CARE's advocacy made a substantial contribution in this proceeding.

4. 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.

CARE intervened because of its concerns with environmental and economic impacts that the power plant will have on the community and argues that its participation was unique and was not duplicated by other parties' efforts. We affirm that CARE did not duplicate the efforts of other parties'.

After we have determined the scope of a customer's substantial contribution, we then look at whether the amount of the compensation request is reasonable.

5. Reasonableness of Requested Compensation

CARE requests \$39,100.45¹¹ for its participation in this proceeding, as follows:

Work on Proceeding				
Attorney/Staff	Year	Hours	Hourly Rate	Totals \$
Michael Boyd	2007	86.0 ¹²	\$125	10,750
Michael Boyd	2008	23.0	\$135	3,105
Lynne Brown	2007	24.0	\$110	2,640
Lynne Brown	2008	6.0	\$119	714
Martin Homec	2007	16.6	\$500	8,300
Martin Homec	2008	13.3	\$540	7,182
Alfredo Figueroa	2007	13.0	\$100	1,300
Carmella Figueroa	2007	9.0	\$100	900
Patricia Figueroa	2007	9.0	\$100	900
Subtotal Hourly Compensation				\$35,791.00
Travel and NOI and Intervenor Compensation Preparation (1/2 rate)				
Michael Boyd (Travel)	2007	8.0	\$ 63	504
Michael Boyd	2007	6.0	\$ 63	378
Michael Boyd	2008	4.0	\$ 68	272
Lynne Brown	2008	1.0	\$ 59	59
Martin Homec	2008	6.0	\$270	1,620
Subtotal Travel and NOI and Intervenor Compensation Preparation				\$2,833.00
Expenses				\$476.57
Total Request for Compensation				\$39,100.57

¹¹ CARE makes several minor calculation errors in its totals, and requests \$39,592.00. We correct these errors here and use the corrected amounts for consideration in this award.

¹² CARE fails to separate Boyd's travel time from his professional time on July 12, 2007, where it logs 16 hrs. for "Blythe to participate in PPH and ALJ field trip." We allocate 8 hrs. of professional time for these activities and move the remaining 8 hrs. under the correct area of this claim for those tasks for which compensation is awarded at 1/2 hourly rates. We correct this error, recalculate the amount of the claim and use this corrected amount for consideration in this award. To avoid future disallowances, we remind CARE that future claims must separate travel time from professional time.

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:

5.1. 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. In addition, when intervenors utilize multiple people to represent their interests, they must provide us with sufficient information to ensure that their work is not duplicative of one another.

CARE has documented its claimed hours by presenting a daily breakdown of the hours of its attorneys, accompanied by a brief description of each activity.

The table listed below outlines adjustments we have made to CARE's request for compensation. In general, the disallowances are for hours that we considered excessive or inefficient given the nature of the contribution or product produced.

CPUC Disallowances & Adjustments

Participant	Reason
2007-Boyd 2007-Brown 2007-Homec	Mar-07-each participant logged 2 hrs. for “reading and reviewing A.07-02-026 application and IE report.” We find these hours to be duplicative of each others efforts and inefficient. As such, we disallow 50% of these hours - Boyd 1 hr., Brown 1 hr. and Homec 1 hr.
2007-Boyd 2007-Brown	Mar-07-Boyd and Brown both logged 5 hrs. for “reading and reviewing A.07-02-026 Notice of PHC and application.” Homec logged 2 hrs. for the same task. We find these efforts to be duplicative of each others efforts and inefficient. As such, we approve Homec’s time and disallow Boyd 3 hrs. and Brown 5 hrs.
2007-Boyd 2007-Brown	Mar 07-Boyd and Brown both logged 2 hrs. for “drafting PHC statement.” We find these efforts to be duplicative of each others efforts and inefficient. As such, we disallow 50% of these hours- Boyd 1 hr. and Brown 1 hr.
2007-Boyd 2007-Brown	Mar 07-Boyd, and Brown each logged 3 hrs. for “complete PHC, filing and serving on CPUC and PHC finalized and served on parties.” We find these efforts to be duplicative of each others efforts, inefficient and excessive. We disallow Boyd 2 hrs. and Brown 2 hrs.
2007-Boyd	May 07- Boyd logged 9 hrs. for “drafting declaration and testimony and discuss PPH with Pete Skala.” CARE submitted a total of 5 pages of testimony. In SCE’s opposition to CARE’s claim ¹³ they oppose full compensation in this area because half of the testimony was withdrawn by CARE because it was not proper testimony. ¹⁴ We agree with SCE that CARE’s efforts here were not productive and disallow 50% (4.5 hrs.) of Boyd’s time, equal to the portion of the testimony withdrawn by CARE.
2007-Boyd 2007-Brown 2007-Homec	June 07-CARE logged an approximate total of 41.6 hrs. ¹⁵ - Boyd-29.0 hrs., Brown 7.0 hrs. and Homec 5.6 hrs. “drafting opening brief, finalizing and service of opening brief and consultation with DRA.” These hours are excessive given the length (8 pages) and the product produced. We approve a total of 15 hrs. for all participants for this task. We reduce Boyd’s time by 24.0 hrs., Brown’s time by 2.0 hrs., and Homec’s time by .6 hrs., to evenly

¹³ Opposition of Southern California Edison Company (U 338-E) to Request for an Award of Intervenor Compensation to Californians For Renewable Energy, filed on January 20, 2009 at 2.

¹⁴ May 30, 2007 Hearing Transcript at 138:15-140:12.

¹⁵ CARE has combined unrelated tasks in several entries so an exact breakdown is not possible.

	distribute the approved hours.
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2008 Boyd 2008 Brown	Mar 08-Brown and Boyd both log 1 hr. on 3-16 for “reviewing PD for Approval of Contract with CPV Ocotillo LLC.” We disallow this task for both parties as being relative only to D.08-04-011, for which CARE seeks no compensation. Boyd’s and Brown’s time are both reduced by 1 hr.
2008-Boyd 2008-Brown 2008-Homec	Apr 08-All totaled, CARE has billed 19.3 hrs. (11 hrs. Boyd, 4 hrs. Brown and 4.3 hrs. for Homec) for “research, writing, drafting and finalizing CARE’s comments.” These hours are excessive given the length (4 pages) and the product produced. We approve a total of 8 hrs. for all participants for this task. We reduce Boyd’s time by 8.0 hrs., Brown’s time by 2.0 hrs. and Homec’s time by 1.3 hrs., to distribute the approved hours.
Hours claimed for NOI and intervenor compensation preparation	The hours CARE bills for intervenor compensation preparation (17) are excessive, given that the claim is a short request related to a single Commission decision. CARE is experienced in claim preparation and we would expect to see more efficient use of time for completion of this task. We encourage CARE to use the standardized intervenor compensation forms and claims available on our website to achieve greater efficiency in this area. We allow a total of 10 hrs. collectively for all participants, which we believe to be more reasonable. As such, we reduce Boyd’s 2007 hrs. by 3.0 hrs. and Homec’s 2008 hrs. by 4.0 to achieve this allowance. This adjusted total more closely reflects our standards of reasonableness.
Total Hourly Disallowances	2007-Boyd 35.5 hrs. of professional time; 3.0 hrs. Icomp matters (1/2 rate) 2007-Brown 11.0 hrs. of professional time 2007- Homec 1.6 hrs. of professional time 2008-Boyd 9.0 hrs. of professional time 2008-Brown 3.0 hrs. of professional time 2008- Homec 1.3 hrs. of professional time; 4 hrs. Icomp matters (1/2 rate)

Excluding adjustments we have made to participant hourly rates and the disallowances listed above, the remainder of CARE’s hours for its attorney and experts reasonably support its claim.

5.2. 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. Rates for Homec, Boyd, and Brown were most recently adopted by the Commission in D.09-05-012 for

their 2008 work. We have reviewed the rationale for the justification of hourly rates in that decision and believe it to be reasonable. Therefore, we apply the same rates here without further discussion:

Adopted Rates			
Name	Year	Hourly Rate	Justification
Michael Boyd	2007	\$125	D.08-12-015
Michael Boyd	2008	\$135	D.09-05-012
Lynne Brown	2007	\$110	D.08-12-015
Lynne Brown	2008	\$120	D.09-05-012
Martin Homec	2007	\$170	2008 rate (-) 3% COLA
Marin Homec	2008	\$175	D.09-05-012

CARE presented three of its members: Alfredo Figueroa, Patricia Figueroa, and Carmella Figueroa who live in the community neighboring the Blythe power plant at the Public Participation Hearing. They offered expert testimony in the proceeding to explain the impact of the Commission’s actions on their community and on their religious heritage. The hours of compensation are related to their participation in the hearing, an ALJ field trip to the site and time spent preparing for the hearing (consultation with Primitivo Garcia from the United Farm Workers and for pictures taken of the site, before and after the Blythe I). CARE requests an hourly rate of \$100 for each of these individuals, which is within the range of \$120-\$180 established in Rulemaking 06-08-019 for experts with 0-6 years of experience. We adopt this rate here for each of these individuals.

5.3. Direct Expenses

CARE requests reimbursement for expenses¹⁶ as follows:

Expenses	
Mileage (372 miles x 44¢)	\$163.68
Airfare (San Jose to Phoenix) round-trip	\$183.80
Rental Car	\$ 54.16
Hotel	\$ 74.93
Total	\$476.57

We approve these costs as being reasonable and commensurate with the work performed.

6. Productivity

One of the requirements for receiving intervenor compensation is that an intervenor’s advocacy is necessary for a fair determination of the proceedings. In D.98-04-059, the Commission further defined this standard as requiring the party to weigh the costs of its participation against the benefits of that participation.

CARE submits that in a policy proceeding such as this one with concerns about environmental and economic benefits, it is extremely difficult to derive a monetary benefit from CARE’s participation. CARE states that its contributions to the Commission’s Greenhouse Gas reduction policy framework will help protect customers from financial risks associated with the likelihood of the federal regulation of greenhouse gases. CARE believes that the magnitude of such risks could easily be on the order of billions of dollars. Moreover, it contends that the Commission’s adoption of certain of CARE’s positions and

¹⁶ Under § 1802(d), reasonable expenses will be compensated if the intervenor has made a substantial contribution in a proceeding for which it is seeking compensation. To facilitate approval for these costs, please ensure that all future claims initially include receipts for expenses for which compensation is being requested. Failure to do so may result in disallowances.

recommendations regarding performance incentives and penalties will ensure that the net societal benefits associated with this Decision and related successor decisions will be enhanced. Given the scale of IOU investments and customer costs that are likely to be influenced by the Decision, CARE submits that its work in Application 07-02-026 can be expected to save ratepayers many times the cost of its participation in this proceeding, thus confirming that CARE's overall participation was productive.

In this light, we agree that the benefits of CARE's participation have other social benefits which, though hard to quantify, are substantial. Thus, we find that CARE's efforts have been productive.

7. Award

As set forth in the table below, we award CARE \$19,411.45:

Work on Proceeding				
Attorney/Staff	Year	Hours	Hourly Rate	Total \$
Michael Boyd	2007	50.5	\$125	6,312.50
Michael Boyd	2008	14.0	\$135	1,890.00
Lynne Brown	2007	13.0	\$110	1,430.00
Lynne Brown	2008	3.0	\$120	360.00
Martin Homec	2007	15.0	\$170	2,550.00
Martin Homec	2008	12.0	\$175	2,100.00
Alfredo Figueroa	2007	13.0	\$100	1,300.00
Patricia Figueroa	2007	9.0	\$100	900.00
Carmella Figueroa	2007	9.0	\$100	900.00
Subtotal Hourly Compensation				\$17,742.50
Preparation of NOI and Compensation Request (1/2 rate)				
Attorney/Staff	Year	Hours	Hourly Rate	Total \$
Michael Boyd (Travel)	2007	8.0	\$62.50	500.00
Michael Boyd	2007	3.0	\$62.50	187.50
Michael Boyd	2008	4.0	\$67.50	270.00
Lynne Brown	2008	1.0	\$60.00	60.00
Martin Homec	2008	2.0	\$87.50	175.00
Subtotal NOI and Compensation Request				\$1,192.50
Calculation of Final Award				
Work on Proceeding				\$17,742.50
NOI and Compensation Request Preparation				\$1,192.50
Expenses				\$476.45
TOTAL AWARD				\$19,411.45

Pursuant to § 1807, we direct SCE 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 March 4, 2009, the 75th day after CARE 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. CARE'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. Intervenors shall retain records pertaining to an award for a period of three years.

8. Comments on Proposed Decision

The proposed decision of the ALJ Division in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. CARE filed Comments on the Proposed Decision on July 13, 2009, objecting in sum, to the hourly rates established for Martin Homec. CARE has currently filed an application for rehearing, contesting the rates established for Homec in D.09-05-012 related to Application (A.) 07-12-021. At this time we make no adjustments to Homec's rates. We do note however, that should the rehearing order overturn the rates currently established by the Commission, we will modify any subsequent decisions.

9. Assignment of Proceeding

Michael R. Peevey is the assigned Commissioner, and Carol A. Brown is the assigned ALJ in this proceeding

Findings of Fact

1. CARE has satisfied all the procedural requirements necessary to claim compensation in this proceeding.
2. CARE made a substantial contribution to D.08-05-028 as described herein.

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

4. CARE requested related expenses that are reasonable and commensurate with the work performed.

5. The total of the reasonable compensation is \$19,411.45.

6. The Appendix to this decision summarizes today's award.

Conclusions of Law

1. CARE 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.08-05-028.

2. CARE should be awarded \$19,411.45 for its contribution to D.08-05-028.

3. This order should be effective today so that CARE may be compensated without further delay.

4. This proceeding is closed.

O R D E R

IT IS ORDERED that:

1. CALifornians for Renewable Energy is awarded \$19,411.45 as compensation for its substantial contributions to Decision 08-10-036.

2. Within 30 days of the effective date of this decision, Southern California Edison Company shall pay CALifornians for Renewable Energy 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 March 4, 2009, the 75th day after the filing date of CALifornians for

Renewable Energy's request for compensation, and continuing until full payment is made.

3. Application 07-02-026 is closed.

This order is effective today.

Dated September 10, 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:	D0909023	Modifies Decision? No
Contribution Decision(s):	D0805028	
Proceeding(s):	A0702026	
Author:	ALJ Division	
Payer(s):	Southern California Edison Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
CALifornians for Renewable Energy	12-19-08	\$39,592.00	\$19,411.45	No	miscalculations; inefficiency; unproductive effort; adjusted hourly rates; excessive hours

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Michael	Boyd	Expert	CALifornians For Renewable Energy	\$125	2007	\$125
Michael	Boyd	Expert	CALifornians For Renewable Energy	\$135	2008	\$135
Lynne	Brown	Advocate	CALifornians For Renewable Energy	\$110	2007	\$110
Lynne	Brown	Advocate	CALifornians For Renewable Energy	\$119	2008	\$120
Martin	Homec	Attorney	CALifornians For Renewable Energy	\$500	2007	\$170
Martin	Homec	Attorney	CALifornians For Renewable Energy	\$540	2008	\$175
Alfredo	Figueroa	Expert	CALifornians For Renewable Energy	\$100	2008	\$100
Patricia	Figueroa	Expert	CALifornians For Renewable Energy	\$100	2008	\$100
Carmella	Figueroa	Expert	CALifornians For Renewable Energy	\$100	2008	\$100

(END OF APPENDIX)