

Decision 09-10-023 October 15, 2009

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company
for Approval of the 2009-2011 Low Income
Energy Efficiency and California Alternate Rates
for Energy Programs and Budget. (U39 M)

Application 08-05-022
(Filed May 15, 2008)

And Related Matters.

Application 08-05-024
Application 08-05-025
Application 08-05-026

**DECISION GRANTING INTERVENOR COMPENSATION
TO A WORLD INSTITUTE FOR A SUSTAINABLE HUMANITY FOR
SUBSTANTIAL CONTRIBUTIONS
TO DECISION 08-11-031**

This decision awards A World Institute For A Sustainable Humanity, \$86,473.99 for its substantial contributions to Decision 08-11-031. This represents a decrease of \$18,834.31 or approximately 17% from the amount requested due to excessive hours, duplication of effort, inappropriately claimed hours and expenses related to routine travel, adjusted hourly rates, and undocumented costs. Today's award payment will be allocated to the affected utilities.

This proceeding remains open to address other related matters.

1. Background

Decision (D.) 08-11-031 approved the energy-related low income programs totaling approximately \$3.6 billion for our four major investor-owned utilities (IOUs) for 2009-2011. The Low Income Energy Efficiency (LIEE) program

budgets approved total almost \$1 billion for that period, and the California Alternate Rates for Energy (CARE) subsidy budgets will be nearly \$2.6 billion.

With ratepayer funding at these levels, the low income programs can no longer operate with a business-as-usual approach. As the Commission stated in its adopted *California Long-Term Energy Efficiency Strategic Plan (Plan)*,¹ the LIEE program has evolved into a resource program that garners significant energy savings in our state while providing an improved quality of life for California's low income population.

The utilities affected by this D.08-11-031 proposed significant LIEE budget increases, as we asked them to do in D.07-12-051, a decision that set forth a new, strategic direction for the Commission's LIEE program, and emphasized the program's capacity for energy savings, while acknowledging the LIEE program's contributions to the quality of life of low income communities. D.08-11-031 created a framework within which to carry out this vision.

2. Requirements for Awards of Compensation

The intervenor compensation program, set forth in Public Utilities Code §§ 1801-1812,² 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 See www.californiaenergyefficiency.com

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

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 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.

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 June 24, 2008.

A World Institute For A Sustainable Humanity (AWISH) timely filed its NOI on July 24, 2008. No ruling was issued on AWISH's NOI.

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).)

In its NOI, AWISH submits that 100% of its constituents are residential ratepayers and "customers", pursuant to § 1802(b).³ On May 14, 2007 Administrative Law Judge (ALJ) Dorothy Duda issued a ruling in Rulemaking (R.) 06-03-004 finding that AWISH 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).)

³ Notice of Intent to Claim Compensation by AWISH, filed June 24, 2008 at 1.

AWISH notes that it was found to have met the significant financial hardship test under § 1802(g) within the past year by ALJ Duda in D.08-05-025, and also in D.08-05-015, issued May 15, 2008, thereby creating a rebuttable presumption of eligibility for compensation in other Commission proceedings commencing within a year, pursuant to § 1804(b)(1).

Regarding the timeliness of the request for compensation, AWISH filed its request for compensation on January 9, 2009, within 60 days of D.08-11-031 being issued.⁴ No party opposed the request. In view of the above, we affirm the ALJ's ruling and find that AWISH 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:

⁴ D.08-11-031 was issued on November 10, 2008.

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 the claimed contributions AWISH made to the proceeding.

AWISH asserts that they participated fully according to the Scoping Memo and Ruling Consolidating Proceedings including all workshops, comments and other forums that took place in the proceeding. According to AWISH, they substantially contributed to many of the findings and rulings adopted in D.08-11-031 in the following areas: advocating for leveraging and integration of LIEE with other energy programs, including the Low Income Household Energy Assistance Program (LIHEAP), to promote sustainability and maximize results; fostering job skills development in solar and "green" technologies; arguing for a whole house approach that utilizes all feasible measures; arguing that segmentation in outreach not be interpreted to mean that low income energy users receive less than all feasible measures, but rather that low income housing stock be treated fully; promoting the importance of health, safety and comfort as dual objectives with energy savings and greenhouse gas reduction; and urging metrics to measure leveraging, including a Memorandum of Understanding (MOU) between the utilities and State Department of Community Service and Development (CSD).

⁵ D.98-04-059, 79 CPUC2d 628 at 653.

According to AWISH, its contributions also focused on urging the Commission to reject proposals whereby a utility would install compact fluorescent lights (CFL) only or would give seniors or other small users, who still might be paying a high percentage of income for energy, reduced measures from those that might be feasible in a given climate zone. AWISH also agreed with other intervenors (joint parties) that the Proposed Decision (PD) was headed on a “slippery slope downward if huge swaths of low income Californians were barred from receiving heating devices or water heaters as part of the LIEE. AWISH also cautioned about adherence to quality of life issues codified in the Public Utilities Code. AWISH advocated for the position that all LIEE customers should receive the appropriate mix of measures, based on feasibility and climate, and noted KEMA’s findings that the low income population is predominately renters versus owners and transient, thereby bolstering the concept of a whole house/whole neighborhood weatherization to minimize overhead costs, transportation costs and greenhouse gas emissions.”⁶

AWISH participated in the Commission’s workshop on the LIEE applications advocating for a comprehensive approach to low income weatherization that included all feasible measures, a whole house/whole neighborhood approach, enduring measures rather than CFLs and energy education alone, and an LIEE program that promotes overall sustainability. Specifically, AWISH supported the approach that low income households should receive all feasible measures when utilities travel to a dwelling to weatherize it. Such an approach would reduce travel costs, overhead expenses and the

⁶ Request for Intervenor Compensation for Substantial Contribution to D.08-11-031 By AWISH, filed January 9, 2009 at 3-4.

greenhouse gases generated in transportation to reach the home.

AWISH submitted that by adopting long-term measures, rather than a CFL only or energy education only approach, adoption of these measures effectively promote sustainability, energy savings and reductions in greenhouse gas emissions.⁷ At the ex parte stage AWISH also supported measures, such as air conditioning and cooling, for extreme climates, but urged that even in less extreme climates utilities continue to provide heating and water heating measures that reduce hardship and promote comfort.⁸

D.08-11-031 in Section 3.1 at 11 confirms that “...we expect the IOUs to install all feasible measures in the homes of customers eligible for LIEE.” The Decision further states that utilities shall “[i]ninstall feasible measures based on housing type and climate zone...” and warns the IOUs “to minimize the number of times they visit a home...” and install measures at the same time as the energy audit, except where impossible.⁹

In Section 3.4, the Decision noted that AWISH’s position on measures, particularly its belief that segmentation in outreach needed to be distinguished from segmentation in measure installation. D.08-11-031 states “AWISH supports the concept that high energy households are targeted and that certain customer segments require more aggressive outreach efforts. However, AWISH disputes

⁷ See AWISH’s PHC Statement, filed June 2, 2008 at 1, 3-4; AWISH’s Comments on Low Income Energy Efficiency Applications for 2009-2011, filed August 1, 2008, at 1, 20-22; and AWISH’s Comments on Proposed Decision, filed October 6, 2008, at 1, 5-8.

⁸ See Ex Parte Notice regarding October 28 meetings with Advisors and Comments on the Proposed Decision, filed October 6, 2008 at 5-6 & Attachment A, Subject Index and Appendix.

⁹ *Ibid* at 11-12.

the proposal to provide measures based on a customer's energy use, asserting that such an approach unfairly impacts low energy users, overlooks health and safety opportunities, results in expensive bureaucracy, and ignores the transient nature of the low income population." Section 3.1 of the Decision adopts AWISH's position that all eligible LIEE customers should receive all feasible measures based on housing type and climate zone, while high users are targeted more aggressively in outreach.

On these issues, AWISH submits that it has made a substantial contribution, as Section 3.5.4 at 37-38 confirms that "all feasible measure approach" with the caveat of extreme climate areas, which AWISH advocated.¹⁰ We affirm AWISH made a substantial contribution on these areas, subject to a further analysis of duplication and uniqueness of efforts.

AWISH also advocated for a whole house/whole neighborhood approach which provides a comprehensive treatment of all homes weatherized under the LIEE program. This approach was supported by AWISH because it promotes sustainability and energy savings while simultaneously reducing green house gases through efficient program delivery. Section 3.4 at 18 of the Decision observes that "AWISH applauds the Whole Neighborhood Approach, which the Energy Division previewed at the July 17, 2008 workshop."¹¹

¹⁰ At page 38, the Decision states "We expect the IOUs to treat all customers fairly, including low energy users..."

¹¹ At 10-11 of AWISH's Comments on the Application it stated "AWISH fully supports the whole house approach discussed at the LIEE workshop and Judge Thomas' caveat that the LIEE going forward include measures with enduring savings rather than a CFL only or education only....The Commission will not meet the greenhouse gas goals not its energy savings targets if it permits utilities to engage in a fast race for the bottom."

D.08-11-031 adopted the whole house/whole neighborhood approach in Sections 1 and 3.1 of the Decision, because “[b]y focusing IOU efforts on whole ‘neighborhoods’, they will be able to treat more households.” (See Section 1 at 4, 20-21.) AWISH submits that it made a substantial contribution with respect to the whole house/whole neighborhood approach and its simultaneous effect on reducing emissions furthering sustainability. We affirm that AWISH made a substantial contribution on this issue, subject to a further analysis of duplication with other parties, uniqueness of its presentation and the reasonableness of hours.

From the initiation of the proceeding, AWISH advocated that the LIEE program should be integrated with LIHEAP, and other governmental energy programs in order to achieve maximum results and effect cost savings and efficiency.¹² In the public workshops, AWISH asserts that the utilities acknowledged that they do not always know if a LIHEAP provider, for example, had been a low income household that they planned to weatherize. AWISH observed that in D.01-05-033, the Commission had previously ordered the IOUs to leverage resources with the LIHEAP program, but that many of the IOUs fell short to do so or did not have adequate records to substantiate their efforts, according to discovery propounded by AWISH. AWISH urged the Commission to track leveraging efforts through discernable metrics and to require the utilities to enter into a MOU with LIHEAP under the backing of the Commission.

¹² See AWISH’s Prehearing Conference Statement, filed June 2, 2008 at 1-2; Comments on Applications for Low Income Programs for 2009-2011, filed August 1, 2008 at 2-3 and 4-8.

D.08-11-031 adopted AWISH's position at page 6, which states that "[w]e will judge the IOU's efforts to leverage LIEE Marketing and Measure Budgets with Other Government and Private Practice Programs Based on the Objective Criteria." The Decision goes on to state "We will measure the IOUs success in leveraging the LIEE program with external resources using objective criteria...." At page 132-33, the Decision acknowledged that IOU programs do not adequately leverage with LIHEAP and required the utilities to update the "data vacuum" thus building a bridge between LIHEAP and the utilities, which is the outcome that AWISH advocated for throughout the proceeding. The Decision further requires the IOUs to enter into a MOU with CSD, another outcome advocated by AWISH. See AWISH's Prehearing Conference Statement, filed June 2, 2008 at 1-2; Comments by AWISH on Applications, filed August 1, 2008 at 2-3 and 4-9; and AWISH's Comments on Proposed Decision, filed October 6, 2008 at 2-5.¹³ We affirm that AWISH made a substantial contribution on this issue, subject to our further analysis of the reasonableness of hours.

Throughout the proceeding, AWISH urged the Commission to include low income residents in green jobs creation as the LIEE program expands to meet Assembly Bill (AB) 32, greenhouse gas reduction goals. AWISH cited provisions from the Public Utilities Code that provides for job skills training as a goal for the LIEE program and noted that the potential economic benefits that such a program could have in low income communities. See AWISH's Prehearing Conference Statement, filed June 2, 2008 at 1-2; Comments on Applications for

¹³ In Comments on the PD at 4, AWISH stated: "...AWISH observes that despite the statutory language of the Decision on leveraging, there are few or no consequences for

Footnote continued on next page

Low Income Programs for 2009-2011, filed August 1, 2008 at 10; and Comments on Proposed Decision filed October 6, 2008 at 1 and 3.

D.08-11-031 adopted workforce education and training in Section 8 at 75-79. AWISH submits that through its advocacy on this issue they made a substantial contribution to the Decision. We affirm that AWISH made a substantial contribution on this issue subject to further analysis of the reasonableness of hours.

AWISH submits that it advocated for several positions that were not adopted, such as a more comprehensive cost-test that would value societal benefits, including greenhouse gas reduction and non-energy benefits, along with energy savings. AWISH posited a Washington state test that's metric does precisely that and noted its high cost-benefit ratio. The Commission declined to adopt a new test for the LIEE at this juncture, although AWISH argues that its participation was useful in the proceeding through its expansion of this information into the record. We agree that AWISH's position, although not adopted by the Commission, contributed to full participation that supplemented the necessary discussions which ultimately resulted in D.08-11-031.

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

failure to do so....The first step should be a requirement that an MOU developed between the utilities...., the Commission and CSD."

the presentation of another party if that participation makes a substantial contribution to the Commission order.

AWISH alleges that it did not duplicate the efforts of other intervenors and provided the Commission with a unique perspective that focused on sustainability, reducing greenhouse gases, maximizing energy efficiency and coordination with LIHEAP and other energy programs. AWISH supported segmentation in outreach, and urged all feasible measures based on climate, and against any approach that would segment customers based on energy usage, additionally AWISH supported segmentation in outreach. AWISH also advocated for green jobs creation, leveraging of program dollars with metrics to measure success, and consideration of hardship, comfort and equity as part of the LIEE. AWISH believes that it was the only party that addressed low income energy efficiency in a sustainable context. In sum, AWISH believes that its unique contributions helped inform the Commission on a number of important issues, and submits that its contributions were substantial and were not duplicated by any other party. We agree that AWISH took reasonable steps to coordinate with all parties in an attempt to keep duplication to a minimum. AWISH also filed joint documents with other parties when its position was also supported by other parties. Therefore, we make no reductions to the claim for unnecessary duplication of efforts with other active parties.

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

5. Reasonableness of Requested Compensation

AWISH requests \$103,053.30 for its participation in this proceeding, as follows:

Work on Proceeding				
Attorney/Staff	Year	Hours	Hourly Rate	Total
Susan Brown	2007	2.50 ¹⁴	\$400	\$1,000.00
Susan Brown	2008	172.20	\$412	\$70,946.40
Michael Karp	2008	140.70 ¹⁵	\$206	\$28,984.20
Subtotal Hourly Compensation:				\$100,930.60
Expenses				\$2,122.70
Total Requested Compensation				\$103,053.50

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:

¹⁴ AWISH fails to separate Brown's hours (25 hrs. in 2008) spent on intervenor compensation matters and Brown's travel hours (1 hr. in 2007 and 7.75 hrs. in 2008) which are billed at ½ rate, from Brown's professional hours. Instead, AWISH states that it has only billed ½ the actual hours required to prepare the claim and for actual travel time. We remove and adjust the hours spent on intervenor compensation preparation accordingly from AWISH's totals and allocate these in the proper area in Section 7 of this claim. Other than 2 hrs. of Brown's travel time in 2008 to attend a meeting in Sacramento, we disallow the remainder of the travel hours, as we have in the past (See D.09-03-042), as being related to routine travel.

¹⁵ AWISH fails to separate Karp's hours (20 hrs. in 2008) spent on intervenor compensation matters and Karp's travel time (15.5 in 2008) which are billed at ½ rate, from Karp's professional hours. Instead, AWISH states that it has only billed ½ the actual hours required to prepare the claim and for actual travel time. We remove and adjust the hours spent on intervenor compensation preparation accordingly from AWISH's totals and allocate these in the proper area in Section 7 of this claim.

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.

AWISH has documented its claimed hours by presenting a daily breakdown of the hours of its attorneys, accompanied by a brief description of each activity. While AWISH has substantially contributed to this proceeding and the hours claimed, in general are reasonable, we have made adjustments and disallowances to this claim. These adjusted hours or costs illuminate areas of excessiveness, inefficiency, or are not justified or compensable in the filings of AWISH.

In addition, we make adjustments in several areas where we feel that Brown and Karp's work overlap, without explanation. AWISH describes Brown as an attorney for over 30 years who has 15 years of experience in consumer utility issues. AWISH describes her role in this proceeding as directing AWISH's legal advocacy, attending workshops and drafting comments. Michael Karp is the founder and Chief Executive Officer (CEO) of AWISH who has more than 30 years of experience and expertise in consumer utility issues. AWISH describes Karp's role as overseeing policy and program design, conducting analysis and researching the underlying issues and drafting key sections of AWISH's comments. Clearly, both Brown and Karp are experienced individuals who were

assigned certain tasks by AWISH's own admission. As such, we would expect that duplication of efforts would be non-existent, minimal or at the very least, explained in AWISH's claim. We do not find, however, that this is the case.

The table listed below outlines adjustments and or disallowance we have made to AWISH's request for compensation.

Participant	California Public Utilities Commission Disallowance & Adjustments
2007-Brown	Disallow .5 hrs. of travel as being "routine" and not compensable. See D.08-04-022.
2008-Brown	Disallow 5.25 hrs. of travel as being "routine" and not compensable. See D.08-04-022. We do, however, approve 4 hrs. of travel which we deem to be "non-routine" for Brown's attendance at a LIOB meeting in Sacramento.
2008-Brown	In May 2008, Brown logged 3.25 hrs. for "reviewing and analyzing SoCalGas, SCE and PG&E applications for Low Income Programs." We find this task to be duplicative of Karp's hours and inefficient. As such, we disallow 3.25 hrs. of Brown's time.
2008-Brown	In May 2008, Brown logged 5.75 hrs. for "prepping editing and finalizing the prehearing conference statement." Karp logged 1.25 hrs. for "work on prehearing conference statement." We find these efforts to be inefficient and duplicative of each others work. As such, we reduce Brown's hours by 4.5 hrs. equal to Karp's hours.
2008-Karp	In June 2008, Brown logged 1 hr. and Karp logged 1.75 hrs. for reviewing other parties PHC statements. We find these efforts to be inefficient and duplicative of each others. As such, we disallow 1.75 hrs. of Karp's work.
2008-Brown	In July 2008, Brown logged 2.5 hrs. and Karp logged 1.5 hrs. for "prepping for workshop for LIEE." We find these efforts to be inefficient and duplicative of each others work. As such, we reduce Brown's hours by 1 hr. equal to Karp's time.
2008-Brown	On July 25th both Brown and Karp logged time for "drafting comments for LIEE." We find these efforts to be inefficient and duplicative of each others work. As such, we reduce Brown's time by 2. hrs.
2008-Brown	On July 26th and July 27th, both Brown and Karp logged time for "drafting LIEE Comments." We reduce Brown's time by 2.5 hrs. to equal Karp's hours.

2008-Brown	Timesheets for Brown indicate multiple entries which simply note telephone communication with individuals whose affiliation with a party is not specified (e.g., telephone communications with Hodges, Hernandez, Hassan and Watts-Zagha). These entries lack a clear description of the purpose of those communications and how they related to AWISH's contribution to this proceeding. Rather than having to infer how those activities may relate to the proceeding and AWISH's contribution, we disallow .95 hrs. of Brown's time.
2008-Brown 2008-Karp	In October 2008, Brown logged 4 hrs. and Karp logged 6 hrs. for "reviewing parties opening comments to LIEE PD, reviewing more comments of other parties opening comments on LIEE PD, additional response to LIEE response to PD." We find these efforts to be inefficient and duplicative of each others work and disallow 50% of time spent on these tasks. We reduce Brown's time by 2 hrs. and Karp's time by 3 hrs.
2008-Brown 2008-Karp	On July 25th, Brown logged 2 hrs. and Karp logged 3 hrs. for "drafting comments for LIEE." We find these efforts to be inefficient and duplicative of each others work and disallow 50% of time spent on this task. We reduce Brown's time by 1 hr. and Karp's time by 1.5 hrs.
2008-Karp	On July 17th, Karp logged 6.5 hrs. to attend a CPUC workshop in San Francisco and Brown logged 5.75 hrs. for her attendance at the same workshop. We reduce Karp's time by .75 hrs. to equal the same time logged by Brown for the same task.
2008-Brown 2008-Karp NOI and Intervenor Compensation Claim Preparation	Brown logged a total of 25 hrs. (1/2 rate) for NOI and Intervenor Compensation Claim Preparation and Brown logged a total of 20 hrs. (1/2 rate) hours for these same tasks. We find these excessive and unreasonable given the fact the claim is a relatively short one and is related to only one decision. We approve a more reasonable amount of 15 hrs. split equally (7.5 hrs.) between both participants. To achieve this allowance, we reduce Brown's hours at 1/2 rate hours by 17.5 hrs. and Karp's hrs. at 1/2 rate by 12.5 hrs.
Direct Expenses	Reduced \$788.46 for reasons outlined in Section 5.3.

Excluding the adjustments and disallowances listed above, the remainder of AWISH's professional hours and costs 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. Brown and Karp both have existing rates approved by the Commission for work performed. We use those rates without further discussion.

Adopted Rates			
Participant	Year	Hourly Rate	Justification
Susan Brown	2007	\$400	D.08-05-015
Susan Brown	2008	\$410	D.09-06-045
Michael Karp	2008	\$205	D.09-06-045

5.3. Direct Expenses

AWISH requests reimbursement for costs of \$2,122.70, as follows:

Expenses	Requested \$	Approved \$
Photocopying	83.94	83.94
Lodging (Brown)	214.43	-0-
Supplies	173.53	-0-
Ground transportation/airport shuttle	100.50	-0-
Airfare	587.00	587.00
Lodging (Karp)	963.30	963.30
Total of Approved Expenses		\$1,634.24

We disallow AWISH's request for lodging for Brown as there is no receipt included in the request for compensation and this expense is a cost related to routine travel. Additionally, we disallow AWISH's request of reimbursement for supplies, ground transportation and airport shuttle expenses as AWISH failed to submit receipts as required for compensation. After the disallowance of the items we list above, the remainder of AWISH's costs are reasonable and commensurate with the work performed.

6. Productivity

Decision (D.) 98-04-059 directed customers to demonstrate productivity by assigning a reasonable dollar value to the benefits of their participation to ratepayers. (D.98-04-059, at 34-35). 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. D.98-04-059 also requires a party's participation be guided by the Scoping Memos.

AWISH submits that all of its participation was within the scope of the proceeding and that its participation was unique and provided, augmented and facilitated low income energy and sustainability benefits to energy customers, especially low income customers and other vulnerable communities, with a focus on promoting sustainability, energy assistance, renewable technologies, and environmental justice for these constituencies. The costs of AWISH's participation in proceedings for individual low income customers would be prohibitive and in excess of the individual benefit derived. Without the intervention of participants such as AWISH championing their interests, AWISH argues that these customers would face rising rates, health and comfort issues, energy insecurity and the negative impacts of greenhouse gases.

We agree that to the extent energy usage is lowered through energy efficiency programs, ratepayers benefit monetarily by avoiding energy costs. We also agree that these programs, improved through AWISH's participation, have social benefits which, though hard to quantify, are substantial. Thus, we find that AWISH's efforts have been productive.

7. Award

As set forth in the table below, we award AWISH \$86,473.99.

CALCULATION OF FINAL AWARD

Attorney/Staff	Year	Hours	Hourly Rate	Total
Susan Brown	2007	2.00	\$400	\$800.00
Susan Brown	2008	130.25	\$410	\$53,402.50
Michael Karp	2008	121.20	\$205	\$24,846.00
Subtotal Hourly Compensation:				\$79,048.50
Expenses				\$1,634.24
Travel, NOI and Compensation Request Preparation (1/2 rate)				\$5,791.25
Karp 2008 Travel- 30 hrs. x \$102.50=\$3,075				
Brown 2008 Travel - 2 hrs. x \$205 =\$410.00				
Brown 2008 NOI/Icomp Claim Preparation-7.5 hrs. x \$205=\$1,537.50				
Karp 2008 NOI/Icomp Claim Preparation- 7.5 hrs. x 102.50=\$ 768.75				
TOTAL AWARD				\$86,473.99

Pursuant to § 1807, we order Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company, and Southern California Edison Company to pay this award based on their 2008 calendar year jurisdictional gas and electric revenue. 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 25, 2009, the 75th day after AWISH filed its compensation request, and continuing until full payment of the award is made.

We remind all intervenors that Commission staff may audit its records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. AWISH'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.

8. 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.

9. Assignment of Proceeding

Dian M. Grueneich is the assigned Commissioner, and Kimberly H. Kim is the assigned ALJ in this proceeding.

Findings of Fact

1. AWISH has satisfied all the procedural requirements necessary to claim compensation in this proceeding.
2. AWISH made a substantial contribution to D.08-11-031 as described herein.
3. AWISH 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. AWISH requested related expenses, as adjusted herein, that are reasonable and commensurate with the work performed.
5. The total of the reasonable compensation is \$86,473.99.
6. Appendix to this decision summarizes today's award.

Conclusions of Law

1. AWISH 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.08-11-031.

2. AWSIH should be awarded \$86,473.99 for its contribution to D.08-11-031.

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

4. This proceeding remains open to address other related matters.

O R D E R

IT IS ORDERED that:

1. A World Institute for a Sustainable Humanity is awarded \$84,218.99 as compensation for its substantial contributions to Decision 08-11-031.

2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company, and Southern California Edison Company shall pay A World Institute for a Sustainable Humanity the award, based on their California-jurisdictional gas and electric revenues for the 2008 calendar year.

3. 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 25, 2009, the 75th day after the filing date of A World Institute for a Sustainable Humanity request for compensation, and continuing until full payment is made.

4. Applications 08-05-022 et al. remain open to address other related matters.

This order is effective today.

Dated October 15, 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:	D0910023	Modifies Decision?	No
Contribution Decision(s):	D0811031		
Proceeding(s):	A0805022		
Author:	ALJ Kim		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company, and Southern California Edison Company.		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
A World Institute For A Sustainable Humanity	01-09-09	\$103,053.30	\$86,473.99	No	excessive hours, duplication of efforts, disallowance of hours and costs related to "routine travel", undocumented expenses and the disallowances of expenses related to "routine travel", adjusted hourly rates

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Susan	Brown	Attorney	A World Institute For A Sustainable Humanity	\$400	2007	\$400
Susan	Brown	Attorney	A World Institute For A Sustainable Humanity	\$412	2008	\$410
Michael	Karp	Expert	A World Institute For A Sustainable Humanity	\$206	2008	\$205

(END OF APPENDIX)