

Decision 09-12-041 December 17, 2009

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Continue Implementation and Administration of California Renewables Portfolio Standard Program.

Rulemaking 08-08-009
(Filed August 21, 2008)

**DECISION GRANTING INTERVENOR COMPENSATION
TO THE GREEN POWER INSTITUTE FOR SUBSTANTIAL CONTRIBUTIONS
TO DECISIONS (D.) 07-02-011, D.07-05-057, D.08-02-008, D.08-04-009,
D.09-06-018, AND D.09-06-050**

1. Summary

This decision awards The Green Power Institute (GPI) \$97,593 for its substantial contributions to Decisions (D.) 07-02-011, D.07-05-057, D.08-02-008, D.08-04-009, D.09-06-018, and D.09-06-050. This represents a decrease of \$21,333 or 18% from the amount requested due to GPI's failure to make a substantial contribution on some issues in some decisions, inefficient efforts, clerical tasks which are not compensable and unreasonable costs. Today's award payment will be allocated among Southern California Edison Company, San Diego Gas & Electric Company, and Pacific Gas and Electric Company based upon their California-jurisdictional electric revenues for the 2008 calendar year, utilizing the most recent complete year of revenue data. This rulemaking remains open.

2. Background

Senate Bill (SB) 1078 established the California Renewables Portfolio Standard (RPS) Program effective January 1, 2003.¹ The RPS Program requires each California retail seller, with limited exception, to procure a minimum quantity of electricity from eligible renewable energy resources. The amount must increase by 1% each year, and reach 20% of total retail sales no later than 2010. The legislation directs the Commission and the California Energy Commission to implement and administer the RPS Program. Commission administration includes setting procurement targets, adopting rules for flexible compliance, assessing the reasonableness of electrical corporations' renewable energy procurement plans and reviewing proposed contracts between electric corporations and owners of eligible renewable energy resource projects based on consistency with approved procurement plans.

Several plans have been implemented, and solicitations held, by Southern California Edison Company (SCE), Pacific Gas and Electric Company (PG&E), and San Diego Gas & Electric Company (SDG&E) under the RPS Program. The Commission is required to review and accept, modify or reject each plan.

The work for which GPI seeks compensation here relates to the following Commission decisions in Rulemaking (R.) 06-05-07 and R.08-08-009:

- **D.07-02-011:** Conditionally accepted the 2007 RPS procurement plans of the three largest investor owned utilities (IOUs).
- **D.07-05-057:** Modified D.07-02-011 regarding the definition of Green Attributes.

¹ Stats. 2002, Ch. 516, Sec. 3, codified as Pub. Util. Code §§ 399.11, et seq., as amended by SB 107 (Stats. 2006, Ch. 464, Sec 13, effective January 1, 2007). All subsequent references are to the Public Utilities Code unless noted otherwise.

- **D.08-02-008:** Conditionally accepted the 2008 RPS procurement plans.
- **D.08-04-009:** Compiled standard terms and conditions.
- **D.09-06-018:** Conditionally accepted the 2009 RPS procurement plans and integrated resource plan supplements.
- **D.09-06-050:** Established price benchmarks and contract review processes for short-term and bilateral procurement contracts for compliance with the RPS program.

Rulemakings (R.) 06-05-027 and R.08-08-009 both involve to RPS implementation. R.06-05-027 was closed upon the opening of R.08-08-009, and all open matters were moved to R.08-08-009. (See R.08-08-009, page 5, Ordering Paragraphs 2 and 13.) The request for compensation is being handed in R.08-08-009.

3. Requirements for Awards of Compensation

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

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

1. The intervenor must satisfy certain procedural requirements including the filing of a sufficient notice of intent (NOI) to claim compensation within 30 days of the prehearing conference (PHC), pursuant to Rule 17.1 of the Commission's Rules of Practice and Procedure (Rules), or at another appropriate time that we specify. (§ 1804(a).)

2. The intervenor must be a customer or a participant representing consumers, customers, or subscribers of a utility subject to our jurisdiction. (§ 1802(b).)
3. The intervenor must file and serve a request for a compensation award within 60 days of our final order or decision in a hearing or proceeding. (§ 1804(c).)
4. The intervenor must demonstrate “significant financial hardship.” (§§ 1802(g) and 1804(b)(1).)
5. The intervenor’s presentation must have made a “substantial contribution” to the proceeding, through the adoption, in whole or in part, of the intervenor’s contention or recommendations by 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.

4. Preliminary Procedural Issues

An intervenor who intends to seek compensation for participation in a Commission proceeding must file an NOI to Claim Intervenor Compensation no later than 30 days after the prehearing conference, or a date otherwise set by the Commission.²

² § 1804(a)(1) and Rule 17.1 of the Commission’s Rules of Practice and Procedure.

On October 30, 2006, ALJ Burton W. Mattson found GPI eligible for compensation in R.06-05-027.³ The ruling found that GPI had reasonably shown that it is a customer for purposes of intervenor compensation as a Category 3 customer, as 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. In the same ruling, ALJ Mattson also ruled that GPI had established that its participation without an award of intervenor compensation would pose a significant financial hardship.

R.08-08-009 stated that intervenors found eligible for compensation in R.06-05-027 remain so in R.08-08-009, subject to updating their NOIs for changes, as necessary. GPI filed to update on September 25, 2008. By ruling dated November 19, 2008, GPI's update was assessed and its intervenor eligibility found to continue in R.08-08-009.

Regarding the timeliness of the request for compensation, GPI filed its request for compensation on August 13, 2009, within 60 days of D.09-06-050 being issued.⁴ No party opposed the request. In view of the above, we affirm the ALJ's ruling and find that GPI has satisfied all the procedural requirements necessary to make its request for compensation in this proceeding.

GPI also seeks compensation for hours related to prior decisions. GPI's request for compensation is consistent with the Commission's long-standing practice in proceedings that produce a number of decisions as they run their

³ Administrative Law Judge's Ruling on Notices of Intent to Claim Intervenor Compensation by The Utility Reform Network (TURN), Utility Contracts System (UCS), GPI, Aglet Consumer Alliance and Sustainable Conservation, issued on October 13, 2006 at 9-10.

⁴ D.09-06-050 was issued on June 19, 2009.

course (especially when each decision may only involve a relatively small number of hours). Therefore, the request for compensation on the prior decisions is also timely.⁵

In view of the above, we find that GPI has satisfied all the procedural requirements necessary to make its request for compensation in this proceeding.

5. 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

⁵ See TURN's request for compensation to D.06-10-050, D.07-02-011, D.07-03-046, and D.07-05-057 and for participation in procurement review groups, filed on July 30, 2007 in R.06-05-027.

whether the customer's presentation substantially assisted the Commission.⁶

Should the Commission not adopt any of the customer's recommendations, compensation may still be awarded if, in the judgment of the Commission, the customer's participation substantially contributed to the decision or order. For example, if a customer provided a unique perspective that enriched the Commission's deliberation and the record, the Commission could find that the customer made a substantial contribution. With this guidance in mind, we turn to the contributions GPI asserts it made in these proceedings.

Overall GPI claims that it has been an active participant in the Commission's RPS proceeding since the beginning of the program in 2003. GPI states that it participated in workshops, and provided testimony, briefs and comments on issues addressed in the decisions. We now look at the specific claimed contributions.

5.1. D.07-02-011, Approval of 2007 RPS Procurement Plans

GPI states that it made a substantial contribution to this decision in the area of clarifying the definition of renewable energy credits (RECs). PG&E and SCE had proposed changes to the Commission's definition of a REC. GPI argued in its comments on the Proposed Decision⁷ that additional clarifying language was necessary, and the changes should be extended to the definition of the REC in the standard terms and conditions on RECs. In support of its claim, GPI cites D.07-02-011 at 41, which states:

⁶ D.98-04-059, 79 CPUC 2d 628 at 653.

⁷ GPI's Comments on the Proposed Decision, filed January 31, 2008.

We decline to add “any other tradable rights” as proposed by PG&E for a fifth item in the list of what is an environmental (green) attribute. The list is already characterized as “include[s] but not limited to.” Nonetheless, it is unreasonable to add a term as undefined and open-ended as “any other tradable right,” particularly since it may cause unintended disputes with regard to taking of property rights. We saw no need for language this broad in 2004, and similarly see no need today. Finally, we combine PG&E’s proposed fourth term with the third term, as recommended by GPI.

The Decision also agrees with GPI by saying: “We similarly conform Section 3.4 of the standard terms and conditions for RECs (as recommended by GPI in comments on the proposed decision).” D.07-02-011 at 41.

In addition, D.07-02-011 adopted Conclusion of Law 14 at 68, which states:

Each Plan should include a definition of RECs as proposed by PG&E, SCE’s additional language for conformance with SB 107 should be included for SCE’s Plan, and “Environmental Attribute” should be changed to “Green Attribute” with most of the further changes recommended by PG&E.

GPI argues that the Conclusion of Law uses the word “most” because the Commission adopted GPI’s suggested changes, rather than using PG&E’s language verbatim.

We have reviewed the record and concur that GPI is correct that it made several contributions, including suggested language that was superior to that proposed by PG&E, and was adopted. GPI also proposed combining PG&E’s proposed third and fourth term in a series of items that compose RECs. This GPI proposal was adopted. The combination, however, was found to be problematic and was effectively reversed by D.07-05-057. GPI failed to make a substantial contribution in its

recommendation to combine the third and fourth term. GPI's accounting does not differentiate its definition work between REC issues: (a) work on the combination of the third and fourth term, and (b) work on other than the combination of the third and fourth term. Absent this data, we disallow 25% of GPI's hours which relate to its work on D.07-02-011, outlined as follows:

Participant	Hours Requested	Work Year	Approved hours minus 25% reduction ⁸
G. Morris	83.0	2006	62.3
G. Morris	20.0	2007	15.0
V. Morris	15.0	2006	11.3
V. Morris	9.5	2007	7.1
Z. Harrold	22.0	2007	16.5

5.2. D.07-05-057, Modifying D.07-02-11 Regarding Definition of Green Attributes

In D.07-05-057, GPI joined PG&E, SDG&E, and TURN in requesting a correction of an inadvertent error in the definition of the REC that was adopted in D.07-02-011. The Commission adopted the joint petitioners' request, in large part because the correction was of language that GPI had originally provided, and GPI was on record as requesting the clarifying change: "GPI, as a co-signer of the April 17, 2007 letter, states that it did not mean to change SB 107's

⁸ In Section 7.1 below we discuss disallowance of time associated with clerical tasks. This time has been removed prior to calculating the 25% reduction for lack of substantial contribution to D.07-02-011. That is, we disallow 9 hours of Morris' work in 2006 and 14.5 hours of Morris' work in 2007 spent "completing, filing and serving various pleadings," which we deem to be clerical in nature and not compensable. In the table above, we have removed these hours prior to our calculation of the 25% reduction in the hours GPI requests.

statutory definition of REC when recommending combination of the two clauses.” (D.07-05-057 at 2.)

GPI submits that its substantial contribution to D.07-05-057 led to Findings of Fact 1 and 2, Conclusion of Law 2, and the Ordering Paragraph as evidenced by these contents in the decision:

Findings of Fact

1. The Commission adopted a recommendation of GPI to modify a proposal of PG&E regarding the definition of Green Attributes.
2. GPI now states that it did not mean for its recommendation to change SB 107’s statutory definition of RECs and GPI joins three other parties in recommending a change.

Conclusions of Law

2. The recommendation of Joint Parties to modify the definition of Green Attributes should be adopted.

IT IS ORDERED that the definition of Green Attributes in Decision 07-02-011 (mimeo., at 42) is corrected in relevant part.

We disagree with GPI’s assessment of its claim of substantial contribution to D.07-05-027. GPI joined other petitioners in seeking correction to GPI’s prior proposal to combine the third and fourth term in a series in the REC definition. The petition and D.07-05-027 would not have been necessary if GPI’s initial work had been more accurate. As such, we disallow 6 hours of Morris’ 2007 work for inefficient effort.

5.3. D.08-02-008, Approval of 2008 RPS Procurement Plans

GPI submits that its substantial contributions to D.08-02-008 were made in the areas of unlimited earmarking of contracts and procuring towards the 33% renewable target.

On the subject of the unlimited use of earmarking in the flexible-compliance process, GPI argued against the extension of the rules that the Commission ultimately adopted in the decision. Nevertheless, GPI believes that evidence of its contribution to broadening the record is acknowledged in the decision in a footnote on page 17, which states:

Otherwise eligible for earmarking means (as PG&E and SCE say in reply comments on the proposed decision) that the applicable energy meets all other requirements for earmarking. Contrary to GPI's concern, this does not negate the safeguards that are in current earmarking rules, create unlimited earmarking, or change any existing rules. This is the case because pooling does not alter whether a contract is eligible for earmarking, the time limits associated with earmarking, or the amounts of energy permitted to be earmarked from year to year.

Moreover, GPI submits that the decision shares its overriding concern about the unlimited rollover of procurement deficits by concluding in Conclusion of Law 11:

Unlimited carry-forward of a procurement deficit is incompatible with the statutory provision that inadequate procurement in one year may be carried forward to no more than the following three years. (D.08-02-008 at 52.)

On the subject of the 33% target, GPI filed comments on the 2008 Procurement Plans on August 30, 2007, which argued that it is essential to enact a stretch goal for the renewables program, in order to continue and consolidate the progress already made.

GPI believes that its concerns were acknowledged on page 20 of the decision which states:

GPI, among others, supports the 33% by 2020 target, observing that to rest at 20% by 2010 would result in a quick

burst of energy followed by an abrupt and precipitous halt. Also, as recently stated, we agree with Aglet that pursuing a 33% target is a policy goal of the Commission and one that should be pursued by the IOUs at this time.

GPI submits that, although the decision does not adopt annual procurement targets greater than the statutory limit of 20 percent, it does instruct the utilities to address, on a planning-level basis, 33% renewables by 2020. Conclusion of Law 13 states:

Retail sellers should be expected to increase RPS procurement each year toward a goal of 33% by 2020, but should not, at this time, be subject to penalties for failure to procure more than 20% by 2010.

We agree that GPI made a substantial contribution as outlined here. We did not adopt GPI's exact recommendation in all of these areas, but GPI made a substantial contribution to our discussion. The Commission's understanding in each of these areas was improved as a result of GPI's work, and the Commission's decision was influenced and improved as a result of GPI's concerns. We fully compensate GPI for all work related to D.08-02-008.

5.4. D.08-04-009, Compiling Standard Terms and Conditions

GPI asserts its substantial contribution to D.08-04-009 was made through its efforts to avert changes to the standard terms and conditions of the definition of RECs offered by PG&E. In support of this claim, it cites:

In its comments [on the proposed decision], PG&E suggests several changes to standard terms and conditions 2 which PG&E characterizes as non-substantive. In reply comments, a subgroup of Joint Parties [including GPI] contend the changes may adversely affect the interest of parties. We decline to make a change to the proposed decision given controversy about its

effects absent adequate vetting of the change and its implications.
(D.08-04-009 at 5-6.)

We agree that GPI made a substantial effort in fending off an effort to change the standard terms and conditions on the definition of RECs offered by PG&E. We fully compensate GPI for all work related to D.08-04-009.

5.5. D.09-06-018, Approval of RPS Procurement Plans

GPI asserts that it made a substantial contribution to D.09-06-018 in the areas of application of the project-viability calculator and prudent over-contracting in order to achieve state RPS goals. GPI's concerns focused on (a) how the project-viability calculator will be used in the RPS program, and (b) its belief that the utilities appear to be assuming a much higher rate of project success than is justified by historical experience, or by their own current experience with their current portfolios of contracts for new renewables projects.

In GPI's comments and replies on the February 3, 2009 Assigned Commission Commissioner's Ruling in this proceeding (filed February 27, 2009 and March 6, 2009), comments on the project-viability calculator (filed May 5, 2009), and comments on the Proposed Decision (filed May 21, 2009), GPI argued that the appropriate use of the project-viability calculator is not in determining which projects are or are not eligible for the short list, but rather in assigning a reasonable estimate of probability of success to the projects as one element of the consideration of whether they should make the short list, and in order to assess how many megawatt (MW) of projects under contract will be needed in order to realistically achieve the necessary operating MWs to provide for the utilities' RPS procurement obligations.

GPI submits that consistent with the advice it proffered in various comments and at the project-viability calculator workshop, the Decision adopts the project-viability calculator as part of the three utilities' procurement plans, but declines to use it as a tool to eliminate low-scoring bids from consideration,⁹ reaffirms the basic RPS compliance rules, declines to link the project-viability score to flexible compliance treatment of projects,¹⁰ and declines to link the project-viability score to the development security.¹¹

GPI maintains that it has been consistent in its position that the utilities are not building a sufficient margin of expected contract failure into their RPS procurement planning efforts. GPI points out that the IOUs have collectively lost ground with respect to the attainment of their annual procurement targets every year since the inception of the RPS program in 2003. GPI states that some of its areas of concerns were addressed in the admonitions included in D.09-06-018, including: (1) that the flexible compliance provisions do not excuse a utility from fulfilling its RPS Program targets with actual deliveries of energy by the end of the flexible compliance period,¹² and (2) the final paragraph on page 32-33 of the decision which states:

We have made it clear that success is not measured by contracts or promises but by actual deliveries of energy. Deficit deferral permitted for up to three years pursuant to flexible compliance provisions must ultimately be filled by actual deliveries no later than at the end of three years. Failure to do so exposes the utility

⁹ See D.09-06-018, Findings of Fact 11 and Conclusions of Law 10 and 13.

¹⁰ See D.09-06-018, Findings of Fact 12 and Conclusions of Law 14.

¹¹ See D.09-06-018, Findings of Fact 10 and Conclusions of Law 12.

¹² See D.09-06-018, Finding of Fact 15.

to a penalty up to \$25 million. [Footnote deleted.] This gives each utility a strong incentive to select viable projects, but permits a three-year window to allow for various contingencies. Moreover, we have consistently stated that each utility must include a reasonable margin of safety in its procurement in order to build a buffer against contingencies, and should build and operate its own plants, if necessary, to meet RPS Program targets.

We agree that in part based on GPI's concerns, the Commission reaffirmed basic compliance rules and declined to adopt the project viability calculator and its resulting score (a) as a deterministic tool, (b) for purposes of flexible compliance, or (c) as a strict link with project development security amounts. GPI's work made a substantial contribution to D.09-06-018 and, as such, we fully compensate GPI for all work related to D.09-06-018.

5.6. D.09-06-050, Establishing Price Benchmarks for Short-Term Contracts

GPI states that it made a substantial contribution to D.09-06-050 in the areas of setting short-term contracting parameters, use of short-term contracts for projects in startup and early-term operations, and the importance of including a renewable adder in benchmarks for RPS contract terms.

In its May 26, 2009 comments on the Proposed Decision, GPI pointed out that short-term contracts for RPS energy could be a useful option for new renewables projects under development in order to carry them through their startup, and, in some cases, period of pre-participation in local RPS programs. GPI asserts that its participation is acknowledged on page 11 of the decision (and is foundational to Finding of Fact 4 and Conclusion of Law 2), where GPI is

identified as one of several parties[1] that pointed out that “valuable opportunities for short-term contracts could also arise with generation facilities in development that were close to commercial operation.”

Additionally, GPI argues that it made a substantial contribution to the decision by making a case for the inclusion of a renewables adder in any price benchmark that is applied to the RPS program. GPI states that it advocated for this in various pleadings on June 14, 2007, June 25, 2007, September 24, 2007, and May 26, 2009, the first three of which were in R.06-02-012. GPI submits that its position was adopted in principle by the Commission in D.09-06-050, although it believes the implementation is incomplete in the sense that the decision employs the use of an adder in the determination of a benchmark for very short-term contracts, but does not include one in the determination of a benchmark for moderately-short term contracts. GPI believes that its contribution is acknowledged on page 14 of the decision (and is foundational to Findings of Facts 9 and 10, and Conclusion of Law 4), which states:

Parties agree that this basic price should be supplemented by an additional renewable value, though they do not agree on what that value should be.

Lastly, GPI submits that it made a substantial contribution to the decision in areas where the Commission did not adopt GPI’s recommendations by enrichment of the record upon which the Commission made its final decision. In supports of this claim, GPI states that it suggested that the Commission did not need to move forward quickly with the development of a fast-track process for the approval of short-term RPS contracts, but rather use the standard of just

[1] CEERT, PG&E, SCE and SDG&E provided various comments on this point.

and reasonable for such contracts. Additionally, GPI states that it argued for the use of five years, close to the adopted four, as the upper limit on very short-term contracts.

We agree that GPI made a substantial contribution as outlined above on these issues¹³ and should be fully compensated for all of its work related to D.09-06-050.

6. Duplication

Section 1801.3(f) provides that an intervenor will not be compensated for participation that (1) duplicated that of other parties representing similar interests, or (2) is unnecessary for a fair determination of the proceeding. However, if there is overlapping participation between parties, § 1802.5 provides that an intervenor may be eligible for compensation if its participation materially supplements, complements, or contributes to the presentation of other parties.

GPI believes no reduction for duplication of effort is warranted because it not only coordinated its efforts with other parties to avoid duplication of effort, but in several cases, it filed joint pleadings with other parties in an effort to avoid duplication.

We make no reductions to GPI's claim for duplication of effort as we find that GPI neither duplicated the work of other parties representing similar interests nor participated in this proceeding in a way that was unnecessary for a fair determination of the proceeding.

¹³ The Commission did not adopt GPI's suggestion to delay the development of the fast-track process, but GPI's comments about the state of RPS contracting were helpful in developing the record.

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

7. Reasonableness of Requested Compensation

GPI requests \$118,926 for participation in these proceedings, as follows:

Work on Proceedings				
Attorney/Staff	Year	Hours	Hourly Rate \$	Total \$
Gregory Morris, Expert	2006	92.0	220	20,240.00
Gregory Morris, Expert	2007	130.0	225	29,250.00
Gregory Morris, Expert	2008	72.5	230	16,675.00
Gregory Morris, Expert	2009	192.5	240	46,200.00
Valerie Morris, Research Associate	2006	15.0	31	465.00
Valerie Morris, Research Associate	2007	25.0	32	800.00
Zoë Harrold, Research Associate	2007	22.0	32	704.00
Zoë Harrold, Research Associate	2008	25.5	33	841.50
Subtotal Hourly Compensation:				115,175.50
NOI and Intervenor Compensation Preparation (1/2 rate)				
Gregory Morris	2009	22.0	120	2,640.00
Subtotal NOI/Intervenor Compensation Preparation:				2,640.00
Expenses:				1,110.00
Total Requested Compensation:				\$118,925.50

7.1. Hours and Costs Related to and Necessary for Substantial Contribution

To determine whether the requested compensation is reasonable, we first assess whether the hours claimed are related to the work performed and necessary for the substantial contribution.

GPI documented its claimed hours by presenting a daily listing of the hours that Morris and GPI's Research Associates (RAs) spent on these proceedings, accompanied by a brief description of the work performed and the specific issue (identified by GPI) the task addresses. GPI breaks down Morris' 487 hours of professional time by task as follows:

Issue	Requested Hours	% of Hours by Issue
Assigned Commissioner's Rulings-Comments on 7 Issues	66.0	14%
Report Spreadsheets	42.0	9%
Compliance Reports	73.5	15%
Resolution E-4052	17.5	4%
2007 Procurement Plans	67.5	14%
Renewable Energy Credit Definition	2.0	.004%
Short-Term Benchmarks	48.0	10%
Phase II Issues	26.5	5%
Comments on OIR	8.0	2%
Standard Terms and Conditions	4.5	.009%
2008 Procurement Plans	22.0	5%
Project Viability Calculator	39.5	8%
Imperial Valley/Contract Issues	70.0	14%
Totals	487.0	100%

For the most part, we find that GPI's listed hours are commensurate with the work it performed. We do note however, that GPI's claim contains multiple entries where Morris logs time for "completing, filing and serving" various pleadings. The filing and serving of documents are clerical tasks in nature and are not compensable. We caution GPI against the combining of multiple tasks in one entry. As such, we disallow 9 hours of Morris' 2006 work, 14.5 hours of Morris' 2007 work, 13.5 hours of Morris' 2008 work and 21.5 hours of Morris' 2009 work.

After the reductions we made to GPI's claim as described in Section 5, the remainder of hours are reasonable and should be fully compensated.

7.2. Intervenor Hourly Rates

We next consider if GPI's claimed hourly rates are comparable to the market rates paid to experts with comparable training and experience and offering similar services. GPI requests 2006, 2007 and 2008 hourly rates for

Morris and its Research Associates which have previously been approved by the Commission. We apply these same rates here without further discussion.

Participant	Hourly Rate Requested	Year Work Performed	Justification
Gregory Morris	\$220	2006	D.06-08-013
Gregory Morris	\$225	2007	D.08-09-036
Gregory Morris	\$230	2008	D.08-11-029
Research Associate	\$ 31	2006	D.06-08-013
Research Associate	\$ 32	2007	D.08-09-036
Research Associate	\$ 33	2008	D.08-11-029

GPI requests an increase of 4.35 percent, equal to \$240, for the 2009 work of Morris. GPI acknowledges that Resolution ALJ-235 disallows cost-of-living (COLA) increases for intervenors, but argues that Morris has been representing GPI before the Commission for over 6 years and has never requested a step increase, although he has been a senior-level renewable-energy expert even before the beginning of his work at the Commission. Under these circumstances, applying a step-increase to the hourly rate for Morris is reasonable and is adopted here.

7.3. Direct Expenses

GPI requests compensation for the following direct expenses:

Item	Requested \$ Amount	Approved \$ Amount
Photocopying	422.80	422.80
Postage/Mailing	188.70	188.70
Courier Services	498.50	70.00
Totals	\$1,110.00	\$681.50

Excluding the disallowance of \$428.50 from GPI's request for courier services, all other miscellaneous expenses are reasonable and commensurate with the work performed. We approve courier services only for GPI's October 13, 2006 and November 3, 2006 pleadings in R.06-05-027 as they were

not filed electronically. With these two exceptions, all other filings of GPI's were served electronically, so the use of courier services is not justified.

8. Productivity

GPI submits that although the decisions in this and predecessor rulemakings did not offer GPI the opportunity to demonstrate specific monetary benefits to residential customers, it argues that the enactment of the Commission's RPS program is premised, in part, on the assumption of reduced risks of price spikes to ratepayers. In addition, GPI believes that some of the most important benefits of the RPS program are in the areas of environmental and health improvements, and that these benefits will only arise should the rules and procedures adopted in these proceedings eventually lead to the achievement of the RPS program goals. In the absence of explicitly defined financial benefits, GPI states that the Commission has previously recognized the overall benefit of the participation of consumer and environmental intervenors where that participation assisted the Commission in developing a record on which to assess the reasonableness of the utility's operations, and in particular, its preparedness and performance in the future.

While we cannot quantify the benefits of GPI's substantial contributions, we believe it is likely that the future benefits to ratepayers will exceed the amount awarded to GPI by today's decision. We find that GPI's participation in these proceedings have been productive.

9. Award

As set forth in the table below, we award GPI \$97,593.

Work on Proceedings				
Attorney/Staff	Year	Hours	Hourly Rate \$	Total \$
Gregory Morris, Expert	2006	62.3	220	13,706.00
Gregory Morris, Expert	2007	104.5	225	23,512.50

Gregory Morris, Expert	2008	59.0	230	13,570.00
Gregory Morris, Expert	2009	171.0	240	41,040.00
Valerie Morris, Research Associate	2006	11.3	31	350.30
Valerie Morris, Research Associate	2007	22.6	32	723.20
Zoë Harrold, Research Associate	2007	16.5	32	528.00
Zoë Harrold, Research Associate	2008	25.5	33	841.50
Subtotal Hourly Compensation:				94,271.50
NOI and Intervenor Compensation Preparation (1/2 rate)				
Gregory Morris	2009	22.0	120	2,640.00
Subtotal NOI/Intervenor Compensation Preparation:				2,640.00
Expenses:				681.50
TOTAL AWARD:				\$97,593.00
				0

Pursuant to § 1807, we order PG&E, SCE, and SDG&E, the three largest affected utilities, 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 October 27, 2009, the 75th day after GPI filed its compensation request, and continuing until full payment of the award is made.

We direct PG&E, SCE, and SDG&E to allocate payment responsibility among them based upon their California-jurisdictional electric revenues for the 2008 calendar year, the most recent complete year for which there is revenue data.

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. GPI'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.

10. Waiver of Comment Period

This is an intervenor compensation matter. Accordingly, as provided by Rule 14.6(c)(6) of the Commission's Rules of Practice and Procedure, we waive the otherwise applicable 30-day comment period for this decision.

11. Assignment of Proceeding

Michael R. Peevey is the assigned Commissioner, and Burton W. Mattson and Anne E. Simon are the assigned ALJs in this proceeding.

Findings of Fact

1. GPI has satisfied all the procedural requirements necessary to claim compensation in this proceeding. GPI made a substantial contribution to D.07-02-011, D.07-05-057, D.08-02-008, D.08-04-009, D.09-06-018, and D.09-06-050 as described and adjusted herein.
2. GPI requested hourly rates which are reasonable when compared to the market rates for persons with similar training and experience.
3. The total of the reasonable compensation is \$97,593.
4. The Appendix to this decision summarizes today's award.

Conclusions of Law

1. GPI has fulfilled the requirements of §§ 1801-1812, which govern awards of intervenor compensation, and is entitled to intervenor compensation for its claimed expenses incurred in making substantial contributions to D.07-02-011, D.07-05-057, D.08-02-008, D.08-04-009, D.09-06-018, and D.09-06-050.

2. GPI should be awarded \$97,593 for its contribution to D.07-02-011, D.07-05-057, D.08-02-008, D.08-04-009, D.09-06-018, and D.09-06-050.
3. This order should be effective today so that GPI 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. The Green Power Institute is awarded \$97,593 as compensation for its substantial contributions to Decisions (D.) 07-02-011, D.07-05-057, D.08-02-008, D.08-04-009, D.09-06-018, and D.09-06-050.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company shall pay GPI their respective shares of the award. We direct Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company to allocate payment responsibility among them, based on their California-jurisdictional electric revenues for the 2008 calendar year. 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 October 27, 2009, the 75th day after the filing date of GPI's request for compensation, and continuing until full payment is made.
3. Rulemaking 08-08-009 remains open to address other related matters.

This order is effective today.

Dated December 17, 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:	D0912041	Modifies Decision? No
Contribution Decision(s):	D0702011, D0705057, D0802008, D0804009, D0906018, and D0906050	
Proceeding(s):	R0808009	
Author:	ALJs Burton W. Mattson and Anne E. Simon	
Payer(s):	Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Green Power Institute	08-13-09	\$118,926	\$97,593	No	Lack of substantial contribution, inefficient efforts, clerical tasks, and unreasonable expenses

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested \$	Year Hourly Fee Requested	Hourly Fee Adopted \$
Gregory	Morris	Expert	The Green Power Institute	220	2006	220
Gregory	Morris	Expert	The Green Power Institute	225	2007	225
Gregory	Morris	Expert	The Green Power Institute	230	2008	230
Gregory	Morris	Expert	The Green Power Institute	240	2009	240
Research Associates (Valerie Morris and Zoë Harrold)			The Green Power Institute	31	2006	31
Research Associates (Valerie Morris and Zoë Harrold)			The Green Power Institute	32	2007	32
Research Associates (Valerie Morris and Zoë Harrold)			The Green Power Institute	33	2008	33

(END OF APPENDIX)