

Decision 10-05-014 May 6, 2010

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U338E) for Approval of its 2009-2011 Energy Efficiency Program Plans and Associated Public Goods Charge (PGC) and Procurement Funding Requests.

Application 08-07-021
(Filed July 21, 2008)

And Related Matters.

Application 08-07-022
Application 08-07-023
Application 08-07-031
(Filed July 21, 2008)

DECISION GRANTING REQUEST OF NATURAL RESOURCES DEFENSE COUNCIL FOR INTERVENOR COMPENSATION FOR SUBSTANTIAL CONTRIBUTION TO DECISIONS (D.) 09-05-037 AND D.09-09-047

Claimant: Natural Resources Defense Council (NRDC)	For contribution to D.09-05-037 and D.09-09-047
Claimed (\$): \$59,803.75	Awarded (\$): \$57,966.25 (reduced 3%)
Assigned Commissioner: Dian M. Grueneich	Assigned ALJ: David M. Gamson

PART I: PROCEDURAL ISSUES

A. Brief Description of Decisions

D.09-05-037: This decision adopts changes in existing rules on the calculation of energy savings and portfolio cost-effectiveness for the 2009-2011 energy efficiency portfolio applications of the California investor-owned utilities.

D.09-09-047: This decision authorizes the next three years of billpayer-supported energy efficiency programs in line with California’s energy policies and greenhouse gas mitigation strategies. Specifically, this decision approves the 2010-2012 energy efficiency programs to be managed by California’s investor-owned utilities and supported with approximately \$3.1 billion of billpayer funding.

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

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (§ 1804(a)):		
1. Date of Prehearing Conference:	August 11, 2008	Yes
2. Other Specified Date for NOI:		
3. Date NOI Filed:	September 10, 2008	Yes
4. Was the notice of intent timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	Rulemaking (R.) 09-01-019	Yes
6. Date of ALJ ruling:	June 24, 2009	Yes
7. Based on another CPUC determination (specify):		
8. Has the claimant demonstrated customer or customer-related status?		Yes
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.09-01-019	Yes
10. Date of ALJ ruling:	June 24, 2009	Yes
11. Based on another CPUC determination (specify):		
12. Has the claimant demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision	D.09-09-047	Yes
14. Date of Issuance of Final Decision:	October 1, 2009	Yes
15. File date of compensation request:	November 30, 2009	Yes
16. Was the request for compensation timely?		Yes

PART II: SUBSTANTIAL CONTRIBUTION

A. Claimant’s description of its contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059) (For each contribution, support with specific reference to final or record.)

Contribution to D.09-05-037	Citation to Decision or Record	Showing Accepted by CPUC
<p>1. NRDC argued that 2004-2005 data should be excluded from the calculation of cumulative savings goals for two main reasons. First, the California’s investor-owned utilities (IOUs) were not administrators for the 04/05 program cycle and therefore did not have any control over the design of the portfolio mix. Second, the 04/05 cycle had different policy priorities and guidelines than in later cycles. Therefore, NRDC concluded it would be reasonable to exclude 04/05 savings data from the calculation of cumulative savings goals.</p>	<p>The Commission agreed and excluded 04/05 data when calculating the cumulative savings goals: D.09-05-037, OP 1.</p> <ul style="list-style-type: none"> • NRDC 8/28/08 comments at 8 described reasons for why 2004-2005 should not be included in the cumulative savings calculations. • NRDC 5/11/09 comments at 2 reiterated the position to exclude 2004-2005 from the cumulative savings calculations, consistent with the Commission’s ultimate determination. 	<p>Yes</p>
<p>2. NRDC argued that since most of the 2008 Database for Energy Efficiency Resources (DEER) values for interactive effects were not included in the potential studies used to set the Commission’s energy savings goals, the utilities should not be required to compensate for those effects. However, if the Commission decides to include the interactive effects data, then the IOUs goals should be adjusted accordingly to maintain consistency.</p>	<p>The Commission agreed and adjusted goals to account for interactive effects: D.09-05-037, OP 3.</p> <ul style="list-style-type: none"> • D.09-05-037, p. 20: “If the Commission were to utilize the updated 2008 DEER values for interactive effects in this portfolio cycle, NRDC would recommend that the 2009-2011 goal be adjusted to maintain consistency.” • NRDC 4/3/09 comments at 2 argued for adjusting the savings goals to maintain consistency. 	<p>Yes</p>
<p>3. NRDC argued that by disallowing</p>	<p>The Commission agreed and stated that</p>	<p>Yes</p>

<p>the utilities to claim credit for motivating factors that are not a result of utility action (such as reach codes), the utilities would be less incented to find all cost-effective energy efficiency savings and/or could lead to competition (instead of collaboration) among the different actors to try and acquire credit allocation.</p>	<p>participants receiving incentives in communities with reach codes are not free riders, therefore allowing the IOUs to receive credit for such actions: D.09-05-037, OP 4.</p> <ul style="list-style-type: none"> NRDC 5/18/09 comments at 2 argued that “We also believe that customers should be able to take advantage of the rebate/incentive opportunities through the utilities regardless of whether or not there is a locally enforced reach code.” NRDC 5/18/09 comments at 2 reiterated that “cities and counties would be more willing to pursue reach codes if customer participation in utility programs were counted towards utility savings goals.” 	
<p>4. While NRDC agreed that extending the maximum effective useful life (EUL) would encourage investments in longer term energy efficiency measures, we argued that EULs should only be extended after estimates are derived from reliable data and are subject to a full review by Energy Division (ED). The IOU request did not include specific EULs nor did it provide data that went through an ED review.</p>	<p>The Commission agreed and did not grant the IOUs an extension of EULs due to lack of sufficient information: D.09-05-037, p. 33 and OP 5.</p> <ul style="list-style-type: none"> NRDC 4/3/09 comments at 4 stated that “We support extending the maximum EUL...if such extensions are based on reasonable estimates derived from reliable data and are subject to a full review by ED with opportunity for stakeholder input.” 	<p>Yes</p>
<p>5. NRDC recommended language to ensure that the final policy decision maintained consistent policy with previous decisions regarding costs that currently excluded from the Performance Earnings Base (PEB).</p>	<p>The Commission agreed and modified the language in the final decision: D.09-05-037, p. 46.</p> <ul style="list-style-type: none"> NRDC 5/11/09 at Appendix 1 offered the following language which was incorporated into the D.09-05-037: “Marketing, education, and oversight (ME&O) programs and Emerging Technologies are both currently excluded from the PEB in the current incentive mechanism.” 	<p>Yes</p>

<p>6. NRDC argued that to properly incent the IOUs to capture all cost-effective energy efficiency savings, they should be allowed to count savings acquired through mid-cycle funding augmentation towards the minimum performance standard (MPS), as long as the overall portfolio remains cost-effective.</p>	<p>The Commission agreed and supported mid-cycle funding augmentation to count towards MPS, as long as the portfolio remains cost effective: D.09-05-037, OP 8.</p> <ul style="list-style-type: none"> • D.09-05-037, p. 42: “We agree with the IOUs’ proposal with the caveat proposed by NRDC...as long as the total portfolio remains cost-effective.” • NRDC 8/28/08 comments at p. 12-13 stated “If the overall portfolio remains cost-effective, NRDC believes that allowing the utilities to pursue additional savings, and to book those savings for the Risk Reward Incentive Mechanism, will properly incent the utilities to capture additional savings above what they would have otherwise.” 	<p>Yes</p>
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<p>Contribution to D.09-09-047</p>	<p>Citation to Decision or Record</p>	<p>Showing Accepted by CPUC</p>
<p>1. NRDC recommended that information related to energy efficient programs and related services be clearly accessible to customers. NRDC observed that it was not clear from the IOU program plans how the information on the new programs and services would be easily available to the customers and recommended that all information be easily accessible on-line and through customer bills when appropriate. In addition, NRDC commended Southern California Edison Company’s (SCE) inclusion of a web portal program and recommended that it be</p>	<p>The Commission agreed and directed the utilities to all include a web portal: D.09-09-047, p. 8, p. 122, FOF 48, OP 21(c).</p> <ul style="list-style-type: none"> • NRDC 4/17/09 comments at p. 12-13 stated “we recommend that this effort be coordinated among all the utilities as well as with current statewide energy efficiency websites.” 	<p>Yes</p>

<p>coordinated among all utilities.</p>		
<p>2. NRDC suggested that the utility savings goals be maintained to ensure stretch goals.</p>	<p>Although the Commission determined it was appropriate to adjust the savings goals, they took care to maintain stretch goals: D.09-09-047, p. 36-37, OP 5.</p> <ul style="list-style-type: none"> • D.09-09-047, p. 36: “We agree with both NRDC and Women’s Energy Matters (WEM) that it is appropriate that the Commission set and enforce “stretch” goals for energy efficiency savings, and take care not to over-adjust for the differences we have identified” • NRDC 6/29/09 comments at 2 stated that “NRDC supports stretch goals to ensure the utilities are truly capturing all cost-effective energy efficiency” 	<p>Yes</p>
<p>3. NRDC strongly argued that as long as there continues to be substantial savings associated with lighting, the utilities should be allowed to fund programs that capture the remaining potential. While we consistently encouraged the utilities to look for additional way to improve the penetration rate of efficient lamps, NRDC also maintained that the utilities should be allocated sufficient funding to capture all cost-effective savings including those associated with more basic efficient lighting technologies, such as the basic screw-based Compact Fluorescent Lamps (CFL).</p>	<p>The Commission agreed and restored SCE and San Diego Gas & Electric Company budgets while reducing, but not eliminating Pacific Gas and Electric Company’s budget: D.09-09-047, p. 42, p. 333, FOF 53, OP 22.</p> <ul style="list-style-type: none"> • NRDC 9/14/09 comments at 8 explicitly urged “the Commission to reinstate the PD’s proposed lighting budget cuts.” • NRDC 6/29/09 comments at 7-9 offered further reasons for continuing funding for utility lighting programs, such as incomplete market transformation and availability of additional lighting technologies. • NRDC 5/5/09 comments at 2 and 6 continued to recommend that lighting programs be funded since they are still necessary “due to the incomplete transformation of the California lighting market.” • NRDC 4/17/09 comments at 	<p>Yes</p>

	<p>7 recommended “continued funding for lighting programs that capture cost-effective savings when there is identified potential.”</p>	
<p>4. NRDC consistently argued that the net-to-gross (NTG) and EUL values used for utility program planning should be held constant as those values are the best information available at the time of program planning. Furthermore, the utilities should not be penalized for modifications to these values when there is no opportunity for them to adjust their programs in response to the updated values.</p>	<p>The Commission agreed that measure ex ante values established for use in planning and reporting for 2010-2012 should be frozen: D.09-09-47, p. 43, p. 44, p. 304, OP 48.</p> <ul style="list-style-type: none"> • D.09-09-047, p. 44: “We concur with NRDC’s comments that the use of these frozen ex ante values is only for this portfolio planning proceeding and implementation management.” • NRDC 8/28/08 comments at 6 noted that “updates to the NTG ratio should be used only to inform program planning and not be used to true-up utility performance.” 	<p>Yes</p>
<p>5. NRDC consistently recommended that the utilities receive savings credit for programs that might be motivated by supplemental American Recovery and Reinvestment Act (ARRA) funding, but carried out by the utilities. However, we also argued that if there are savings captured in the utility territory that are not a result of programs that the IOUs carried out, then they should not receive savings credit.</p>	<p>The Commission agreed by clarifying that utilities can claim savings only for ARRA related activities that receive ratepayer funds: D.09-09-047, p. 102-103, COL 16.</p> <ul style="list-style-type: none"> • NRDC 6/29/09 comments at 4 noted that “if, however, a local government currently is collaborating with the utility, but uses the ARRA funds to go above and beyond the utility programs (therefore carrying out programs that could not take advantage of existing utility funding) [e.g., ratepayer funded programs] then the utilities should not received credit for savings.” • NRDC 7/10/09 comments at 3 stated that “If the local governments use the ARRA funds to carry out projects that do not use any utility assistance...the utilities should not receive credit for those savings.” 	<p>Yes</p>

<p>6. NRDC noted that the utilities’ residential incentive energy efficiency programs in their March 2, 2009 filings would benefit from a more comprehensive whole home retrofit approach. NRDC also recommended that a prescriptive whole house program is needed to ensure that California can capture the deep energy retrofits needed to meet our climate and energy goals.</p>	<p>The Commission agreed and directed the utilities to include a prescriptive whole house program to move toward capturing more energy savings associated with comprehensive whole-home retrofits: D.09-09-047, p. 119, OP 21.</p> <ul style="list-style-type: none"> • D.09-09-047, p. 115: “NRDC supports the concept, stating that comprehensive residential retrofits of all of California’s homes are necessary to address the energy and climate challenges California faces.” • NRDC 4/17/09 comments at 11 stated that “While the current residential energy efficiency measures appear to be moving towards a “whole-house” approach through increased coordination of existing independent measures, it is unclear that the level of planning coordination will be sufficient to access all cost-effective efficiency upgrades and be easily accessible to customers.” • NRDC 6/29/09 comments at 7 reiterated the need for a prescriptive whole house retrofit program and cautioned against “retrofit programs that use a checklist or small number of prescriptive measures to satisfy a retrofit.” 	<p>Yes</p>
<p>7. NRDC recommended that any utility prescriptive whole home program be coordinated with existing rating and labeling programs. This would ensure that programs are helping to move the market and establish the industry while making program offerings more streamline and consistent among California homeowners.</p>	<p>The Commission agreed and directed that the prescriptive program be coordinated with the California Energy Commission’s Home Energy Rating System (HERS) Providers: D.09-09-047, p. 120.</p> <ul style="list-style-type: none"> • D.09-09-047, p. 115: “NRDC suggests that a prescriptive utility program should utilize existing rating and labeling systems...such as HERS.” 	<p>Yes</p>

	<ul style="list-style-type: none"> NRDC 6/29/09 comments at 7 noted that “Such a [prescriptive] program should utilize existing rating and labeling programs such as Home Performance with ENERGY STAR (HPwES) and California Home Energy Rating System II (HERS II). The home performance and retrofit industry would greatly benefit from utility incentive programs to transform the market and help establish the industry.” 	
<p>8. NRDC recommended repeatedly that while the Commission should approve program funding for basic CFLs, the utilities should also be exploring additional advanced lighting techniques, which might warrant a reallocation of the current incentive structure without eliminating incentives for basic CFLs.</p>	<p>The Commission agreed and directed the utilities to gear CFL program dollars to the advanced lighting program (D.09-09-047, p. 136, COL 36) and to reconsider incentive levels and the inclusion of additional lighting technologies (D.09-09-047, p. 142)</p> <ul style="list-style-type: none"> D.09-09-047, p. 133: “NRDC recommends further expanding the Advanced Lighting Programs.” D.09-09-047, p. 141: “we agree with NRDC that the utilities should reconsider relative incentive levels.” D.09-09-047, p. 142: “we agree with NRDC that certain customer concerns regarding basic CFLs may be resolved through the promotion of next generation halogen and incandescent bulbs.” NRDC 6/29/09 comments at 8 stated that “we reiterate our recommendation to reassess the current incentive structure for the lighting programs to determine if a modified rebate program is necessary to pull improved efficient lighting products, while not eliminating rebates for CFLs.” 	<p>Yes</p>
<p>9. NRDC argued that the cost of CFL recycling should not be</p>	<p>The Commission agreed and stated that the IOUs are not required to pay for cost</p>	<p>Yes</p>

<p>included in the utility lighting programs as this reduces funding that could be used to capture additional energy savings. However, NRDC recommended that the IOUs should be involved with related education and outreach.</p>	<p>of recycling: D.09-09-047, p. 145.</p> <ul style="list-style-type: none"> • D.09-09-047, p. 136: “NRDC does not support the view that the cost of CFL disposal should be rolled into the utilities’ programs.” • NRDC 5/5/09 comments at 8 stated that “we do not support...that the cost of disposal should be rolled into the cost of the CFL program and therefore born by customers.” 	
<p>10. NRDC consistently argued that a limit of mercury on fluorescent bulbs could undermine the quality of the bulbs and therefore inhibit the advancement of fluorescent lighting technologies as well as the uptake of such lighting in the market.</p>	<p>The Commission agreed in part and limited minimum mercury requirement to 3 mg only to basic CFLs of 25 watts or less. D.09-09-047, p. 146, OP 23.</p> <ul style="list-style-type: none"> • D.09-09-047, p. 146: “NRDC raised concerns related to the quality of CFLs that have a 3 mg mercury maximum, especially in relation to advanced lighting technologies which are the ones that need more market penetration” (emphasis added). • NRDC 5/5/09 comments at 8 states that “we encourage the utilities to target incentives for bulbs with lower mercury to the extent that they meet the same quality, light output, and bulb-life standards as other Energy Star© rated bulbs.” • NRDC 9/14/09 comments at 10 reiterated “that limits beyond what is technically feasible at this time will encourage poor quality bulbs and undermine the efficient lighting market.” 	<p>Yes</p>
<p>11. NRDC recommended benchmarking as important to obtain critical information about a building’s energy use. Furthermore, it would help customers determine the best energy efficiency measures to</p>	<p>The Commission agreed that it is necessary to include benchmarking in the utility commercial programs to access energy data about buildings to improve energy usage over time: D.09-09-047, p. 152, FOF 79, COL 53, OP 30(c).</p>	<p>Yes</p>

<p>pursue. NRDC also urged that in addition to using benchmarking to assess how a building is being used, utilities should also incorporate benchmarking that provides a comparison between buildings (e.g., asset-value or calculated benchmarking).</p>	<ul style="list-style-type: none"> • D.09-09-047, p. 150 “NRDC also supports benchmarking and proposes integration between the benchmarking asset-value approach...and the operational approach.” • NRDC 6/29/09 comments at 9 stated that “calculated rating can provide a comparison between buildings that is useful for determining retrofit measures and communicating to various tenants or buyers how efficient a buildings is compared to another building of the same type.” 	
<p>12. NRDC argued that the utilities should continue to be the program administrator for marketing, education, and outreach program.</p>	<p>The Commission agreed and maintained the IOUs as the main program administrator of the Marketing Education, and Oversight (ME&O) program, while working more closely with ED: D.09-09-047, p. 233, OP 34.</p> <ul style="list-style-type: none"> • D.09-09-047, p. 228 “NRDC proposes the utilities lead in implementing the Statewide Marketing & Outreach Program; however they urge the utilities to stay involved in ME&O task force and to incorporate pertinent and effective marketing design recommendations from key stakeholders and field experts.” • NRDC 5/5/09 comments at 7 states “NRDC believes that the utilities are well position to carry out program marketing and outreach efforts.” 	<p>Yes</p>
<p>13. NRDC strongly supports traditional and innovative financing to increase customer participation in energy efficiency upgrades and to push the market. In addition to on-bill financing, NRDC recommended that the</p>	<p>The Commission agrees, but directs ED (rather than the utilities) to prepare an energy efficiency financing assessment that addresses similar topics: D.09-09-047, p. 284, p. 290, and reference to the study in OP 40.</p> <ul style="list-style-type: none"> • NRDC comments at 7 stated that 	<p>Yes</p>

<p>utilities elaborate on other opportunities, barriers to implementing financing options, and steps to overcome them.</p>	<p>“We believe innovative financing is crucial to improving the energy performance of existing buildings and suggest that the utilities jointly provide: (1) a discussion of the barriers to residential financing, (2) approached to overcome residential financing issues, and (3) clear methodologies or implementation plans that illustrate how the utilities plan to effectively increase participation in the financing mechanisms included in their portfolios.”</p> <ul style="list-style-type: none"> • D.09-09-047, Sec 6.2.2.4 at 290 directs ED to “undertake meeting, workshops, or other means to explore this wide range of additional financing possibilities and oversee preparation of a report that can recommend the most-promising approached that should be considered.” 	
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was DRA a party to the proceeding? (Y/N)	Y	Yes
b. Were there other parties to the proceeding? (Y/N)	Y	Yes
c. If so, provide name of other parties: Division of Ratepayer Advocates (DRA), The Utility Reform Network (TURN), Local Government Sustainable Environment Coalition, City and County of San Francisco, Women’s Energy Matters, California Center for Sustainable Energy, Community Environmental Council, and a number of independent consultants and energy providers as provided in Attachment 4.		Yes
d. Describe how you coordinated with DRA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party: NRDC is one of the only consistently active environmental organizations in A.08-07-021 et al., focusing mainly on the environmental perspective to maximize overall cost-effective energy savings and ensuring that customers will benefit from the most comprehensive set of energy savings options possible. In meetings, workshops and various other discussions, NRDC worked		Yes

<p>cooperatively with DRA and TURN (as well as the utilities) whenever possible to address numerous party concerns (as well as those raised by NRDC) in our comments on the utilities’ applications, workshop questions, and related policy issues. NRDC believes that these efforts resulted in productive improvements to the utilities’ applications and enhanced timely Commission decision making. NRDC submits that any overlap in the showings of NRDC with DRA and TURN, which was modest in any case, was the result of such cooperative efforts as opposed to overlapping initial positions.</p> <p>Specifically, NRDC coordinated closely with the other parties whenever possible to minimize duplication and increase consensus in advance of submitting comments. For example: (1) On 8/11/08 NRDC met with other Peer Review Group members DRA and TURN to discuss and coordinate recommendations for the IOU bridge funding proposal; (2) On 4/5-4/6/09 NRDC reached out to several other parties to discuss party positions on changing the cycle and wrote our recommendations accordingly; and (3) On 6/19/09 NRDC and DRA discussed positions on lighting and where there was potential congruity. These are just a few examples of how NRDC made a concerted effort to coordinate with other parties in this proceeding, including trying to find common ground on various issues. Thus, NRDC’s compensation in this proceeding should not be reduced for duplication of the showing of other parties.</p>	
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C. Additional Comments on Part II (use line reference # or letter as appropriate):

#	Claimant	CPUC	Comment
II.A	X		NRDC maintained detailed time records indicating the number of hours that were devoted to proceeding activities, with a description of each separate activity on which hours were spent. All hours represent substantive work related to this proceeding. These hours are conservative and no time was claimed for travel. The energy project staff in NRDC's San Francisco office has participated in Commission proceedings for over 25 years and has extensive experience in promoting cost-effective energy efficiency, resource diversity, and other measures that work to increase the sustainability and mitigate environmental and economic impacts of electricity production and use. The rates requested by NRDC are purposely conservative, and not only reflect rates below market for expertise at similar levels, but also below other requests received by the Commission.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

<p>Concise explanation as to how the cost of claimant’s participation bears a reasonable relationship with benefits realized through participation (include references to record, where appropriate)</p>	<p>CPUC Verified</p>
<p>NRDC’s continued focus in this and other proceedings on policies that ensure a reliable, affordable and environmentally sustainable energy resource portfolio should have lasting benefits to billpayers. While our policy and procedural contributions can be difficult to quantify in monetary terms, we submit that NRDC contributed substantially to the adoption of the utilities’ 2010-2012 energy efficiency portfolios and the policies that guided their applications.</p> <p>If the utilities meet the energy savings goals as adopted by D.09-09-047, we estimate savings from 2010-2012 will reduce greenhouse gas emissions by approximately 3 million metric tons of carbon dioxide (also noted in the CPUC Press Release on September 24, 2009), equivalent to the emissions from nearly 600,000 cars a year, an important contribution to meeting the state’s 2020 greenhouse gas emissions limit required by Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006. Moreover, D.09-09-047 notes on p. 4 that the peak savings will reach above 1500 MW, which avoids the construction of 3 large (500 MW) power plants Although the cost of greenhouse-gas (GHG) emissions under the AB 32 regulations has yet to be determined, assuming a cost of \$30/ton would result in an estimated \$190 million in avoided regulatory costs due to reductions in GHG emissions. In addition, if the energy efficiency goals are met and net benefits per kWh saved are similar to the average for IOU programs for the 2006-2008 program cycle, then we estimate that these goals will produce a net benefit for customers of over \$4 billion.</p>	<p>Yes</p>

B. Specific Claim:

CLAIMED FOR D.09-05-037						CPUC AWARD			
EXPERT FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
L. Ettenson	2009	30.50	125	D.09-05-018 Res. ALJ-235	3,812.50	2009	28.50	125	3,562.50
A. Chang	2009	7.00	155	D.09-05-018 Res. ALJ-235	1,085.00	2009	7.00	155	1,085
Subtotal: \$4,897.50						Subtotal: \$4,647.50			
CLAIMED FOR D.09-09-047						CPUC AWARD			

ATTORNEY FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Noah Long	2009	102.75	150	Res. ALJ-235	15,412.50	2009	97.50	150	14,625
Subtotal: \$15,412.50					Subtotal: \$14,625				
EXPERT FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
L. Ettenson	2008	44.50	125	D.09-05-018	5,562.50	2008	43.00	125	5,375
A. Chang	2008	12.50	155	D.09-05-018	1,937.50	2008	12.50	155	1,937.50
L. Ettenson	2009	198.75	125	D.09-05-018 Res. ALJ-235	24,843.75	2009	193.85	125	24,231.25
A. Chang	2009	29.00	155	D.09-05-018 Res. ALJ-235	4,495.00	2009	29.00	155	4,495.00
Nick Zigelbaum	2009	12.50	125	D.09-05-018 Res. ALJ-235	1,562.50	2009	12.50	125	1,562.50
Subtotal: \$38,401.25					Subtotal: \$37,601.25				
INTERVENOR COMPENSATION CLAIM PREPARATION **									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
L. Ettenson	2009	15.00	62.50	D.09-05-018 Res. ALJ-235	937.50	2009	15.00	62.50	937.50
A. Chang	2009	2.00	77.50	D.09-05-018 Res. ALJ-235	155.00	2009	2.00	77.50	155.00
Subtotal: \$1,092.50					Subtotal: 1,092.50				
TOTAL REQUEST \$: \$59,803.75					TOTAL AWARD \$: 57,966.25				
<p>*If hourly rate based on CPUC decision, provide decision number; otherwise, attach rationale. **Reasonable claim preparation time typically compensated at ½ of preparer's normal hourly rate. We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant's records should identify specific issues for which it seeks 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.</p>									

C. Attachments or Comments Documenting Specific Claim:

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	A list of NRDC comments in A.08-07-021 et al.
3	NRDC's Key to Abbreviations
4	Staff Time Records
5	Complete Service List for A.08-07-021 et al.
6	Nick Zigelbaum Resume
Comment 1	Rationale for Lara Ettenson's hourly rates: The Commission previously awarded Ms. Ettenson a 2008 hourly rate of \$125 in D.09-05-018, and thus we request the same rate here for 2009. This rate is in accordance with Res ALJ-235, as this resolution did not adopt a cost of living adjustment to 2008 rates for 2009, and is at the lowest end of the range adopted for experts with zero to six years of experience for 2009 (\$125-185). Ettenson has a Master's in Public Administration from Columbia University School of International and Public Affairs and a Bachelor's degree in Biology and Environmental Studies from Oberlin College. Ettenson has four years of experience working on energy and environmental issues.
Comment 2	Rationale for Audrey Chang's hourly rates: The Commission previously awarded Ms. Chang an hourly rate of \$155 for 2008 in D.09-05-018, and thus we request the same rate here for 2009. This rate is in accordance with Res ALJ-235, as this resolution did not adopt a cost of living adjustment to 2008 rates for 2009. This rate is at the lowest end of the range adopted for experts with seven to 12 years of experience for 2009 (\$155-270). Chang now has over eight years of experience working on energy and environmental issues. Chang has a Master's degree in Energy Engineering and a Bachelor's degree in Earth Systems, both from Stanford University. Prior to joining NRDC in 2005, Chang worked in energy efficiency and green building consulting at Energy Solutions and at Stanford University.
Comment 3	Rationale for Noah Long's hourly rates: NRDC requests an hourly rate of \$150.00 for Mr. Long. NRDC previously requested compensation for Long for work accomplished in R.06-04-009 submitted on December 22, 2009. This rate is at the lowest end of the range adopted in Res. ALJ-235 for attorneys with zero to two years of experience for 2009 (\$150-205). Long has a Joint Degree (JD) from Stanford University Law School, an Master of Science (MSc) from the London School of Economics and a Business Administration (BA) in Government and Environmental Studies from Bowdoin College. Long is a first year attorney and has worked in energy policy for five years.
Comment 4	Rationale for Nick Zigelbaum's hourly rates: NRDC requests an hourly rate of \$125.00 for Zigelbaum. NRDC has not previously requested compensation for Zigelbaum. This rate is at the lowest end of the range adopted in Resolution ALJ-235 for experts with zero to six years of experience for 2009 (\$125-185). Zigelbaum has a B.S. in Mechanical and Aerospace Engineering and four years of experience working

on building efficiency issues.

D. CPUC Adoptions and Disallowances:

Item	Adoptions
2009 rate- Noah Long	NRDC requests an hourly rate of \$150.00 for Long's 2009 work. The Commission has not previously established hourly rate for Long. This rate is at the lowest end of the range adopted in D.08-04-010 and Res. ALJ-235 for attorneys with zero to two years of experience for 2009 (\$150-205). Long has a JD from Stanford University Law School, an MSc from the London School of Economics and a BA in Government and Environmental Studies from Bowdoin College. Long is a first year attorney and has worked in energy policy for five years. We find this rate to be reasonable and adopt it here.
2009 rate- Nick Zigelbaum	NRDC requests an hourly rate of \$125.00 for Zigelbaum's 2009 work. The Commission has not previously established rate for Zigelbaum. This rate is at the lowest end of the range adopted in D.08-04-010 and Res. ALJ-235 for experts with zero to six years of experience for 2009 (\$125-185). Zigelbaum has a B.S. in Mechanical and Aerospace Engineering and 4 years of experience working on building efficiency issues. We find this rate to be reasonable and adopt it here.
Disallowances for D.09-05-037	
2009- Ettenson	On several occasions NRDC combines multiple tasks in one entry on its timesheets, (i.e. 4/2/09 1 hr "finalizing comments and submit", 5/11/09 2 hrs "revising comments and submit" and 5/18/09, 1 hr "revising comments and submit"), in violation of the provisions of Rule 17.4. We caution NRDC to avoid this practice in future claims and disallow 2.0 hrs of this work here as being clerical in nature.
Disallowances for D.09-09-047	
2008- Ettenson	For the same reasoning listed above, we reduce Ettenson's 8-18-08 time "reviewing bridge funding PD and submitting comments" by 1.5 hours as being clerical in nature.
2009- Ettenson	We reduce Ettenson's time listed on 7-10-09, 7-17-09, 7-20-09, 9-14-09 and 9-21-09 (two separate entries on this date for separate tasks) by 4.9 hours. The "submitting" of documents is clerical in nature and is disallowed.
2009-Long	We disallow a total of 5.25 hrs for Long's time listed on 9-9-09, 9-16-09, 9-21-09, 9-18-09 and 9-21-09 attending an all party meeting and for attendance at various ex-parte meetings with Commissioners. These hours are duplicative of Ettenson's time and excessive. Ettenson was in attendance on these same dates and has been compensated. We see no reason why ratepayers should pay NRDC twice for its efforts.

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

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

No

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

Yes

FINDINGS OF FACT

1. Claimant has made a substantial contribution to Decisions (D.) 09-05-037 and D.09-09-047.
2. The claimed fees and costs, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The total of reasonable contribution is \$57,966.25.

CONCLUSION OF LAW

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

ORDER

1. Claimant is awarded \$57,966.25.
2. Within 30 days of the effective date of this decision, Southern California Edison Company, Southern California Gas Company, San Diego Gas & Electric Company and Pacific Gas and Electric Company shall pay the award. We direct Southern California Edison Company, Southern California Gas Company, San Diego Gas & Electric Company and Pacific Gas and Electric Company to allocate payment responsibility among themselves, based on their California-jurisdictional gas and electric revenues for the 2009 calendar year, to reflect the year in which the proceeding was primarily litigated. 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 February 13, 2010, the 75th day after the filing of claimant's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. This proceeding remains open to address other related matters.

5. This decision is effective today.

Dated May 6, 2010, at San Francisco, California.

MICHAEL R. PEEVEY

President

DIAN M. GRUENEICH

JOHN A. BOHN

TIMOTHY ALAN SIMON

NANCY E. RYAN

Commissioners

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:	D1005014	Modifies Decision? No
Contribution Decision(s):	D0905037 and D0909047	
Proceeding(s):	A0807021, A0807022, A0807023, and A0807031	
Author:	David M. Gamson	
Payer(s):	Southern California Edison Company, Southern California Gas Company, San Diego Gas & Electric Company and Pacific Gas and Electric Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Natural Resources Defense Council	11-30-09	\$59,803.75	\$57,966.25	No	clerical tasks; duplication of effort

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Ettenson	Lara	Expert	Natural Resources Defense Council	\$125	2008	\$125
Chang	Audrey	Expert	Natural Resources Defense Council	\$155	2008	\$155
Ettenson	Lara	Expert	Natural Resources Defense Council	\$125	2009	\$125
Chang	Audrey	Expert	Natural Resources Defense Council	\$155	2009	\$155
Nick	Zigelbaum	Expert	Natural Resources Defense Council	\$125	2009	\$125
Noah	Long	Attorney	Natural Resources Defense Council	\$150	2009	\$150

(END OF APPENDIX)