

Decision 10-05-012 May 6, 2010

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Expedited Authorization to Change Residential Electric Rates Effective January 1, 2010, as Permitted by Newly Enacted Public Utilities Code Section 739.9. (U39E)

Application 09-10-013
(Filed October 14, 2009)

And Related Matters.

Application 09-10-014
Application 09-10-015

DECISION AWARDING INTERVENOR COMPENSATION TO THE UTILITY REFORM NETWORK FOR SUBSTANTIAL CONTRIBUTION TO DECISION 09-12-048

Claimant: The Utility Reform Network	For contribution to D.09-12-048
Claimed (\$): \$ 4,481	Awarded (\$): \$ 4,481
Assigned Commissioner: Michael R. Peevey	Assigned ALJ: Thomas R. Pulsifer

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision: D.09-12-048 authorizes rate adjustments pursuant to Public Utilities Code Section 739.9 for Pacific Gas and Electric Company, Southern California Edison, and San Diego Gas & Electric Company. The decision authorized the utilities to implement residential rate changes effective January 1, 2010 under provisions of Senate Bill (SB) 695. The Commission authorized a rate increase for Tiers 1 and 2 of only 3% effective January 1, 2010, with a corresponding reduction to the higher-usage tiers, to result in no change in the overall amount of revenues collected from residential customers. The Commission also requires that the utilities, in subsequent annual requests for rate adjustments pursuant to SB 695, utilize the most recently published figures for the prior year preceding the effective date of the requested rate change. The utilities are authorized to propose future annual changes to residential rates pursuant to this statute by filing Tier 2 advice letters no later than November 15th of the year prior to when the rates are to change.

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:	None	Yes
2. Other Specified Date for NOI:	See Section C-1 comments below	Yes
3. Date NOI Filed:	February 12, 2010	Yes
4. Was the notice of intent timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	A.09-09-013	Yes
6. Date of ALJ ruling:	January 7, 2010	Yes
7. Based on another CPUC determination (specify):		
8. Has the claimant demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.08-05-023	Yes
10. Date of ALJ ruling:	April 22, 2009	Yes
11. Based on another CPUC determination (specify):		
12. Has the claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision	D.09-12-048	Yes
14. Date of Issuance of Final Decision:	December 17, 2009	Yes
15. File date of compensation request:	February 12, 2010	Yes
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I (use line reference # as appropriate):

#	Claimant	CPUC	Comment
1		X	ALJ Pulsifer advised potential claimants of intervenor compensation in A.09-10-013, et al. to make simultaneous filings of the Notice of Intent to claim compensation along with the request for intervenor compensation, pursuant to Section 1804 (a)(1) of the Public Utilities Code. Section 1804(a)(1) provides that where no pre-hearing conference is scheduled, that the Commission determine the procedure to be used for intervenors requesting compensation. TURN timely filed both documents here.

PART II: SUBSTANTIAL CONTRIBUTION

A. Claimant’s description of its claimed contribution to the final decision:

(See § 1802(i), § 1803(a) & D.98-04-059)

Contribution	Citation to Decision or Record	Showing Accepted by CPUC
TURN worked with the utilities both before and after the filing and presented in its limited protest a proposal for processing future requests for rate changes under SB 695. The decision adopted TURN’s proposal on this issue.	TURN’s Limited Protest, dated November 5, 2009. D.09-12-048, pp. 9-10, 20-21, Ordering Paragraph 5, p.27.	Yes

B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was DRA a party to the proceeding? (Y/N)	Yes	Yes
b. Were there other parties to the proceeding? (Y/N)	Yes	Yes
c. If so, provide name of other parties: The three IOUs, DRA, TURN and UCAN were the only active parties.		Yes
d. Claimant’s description of how it coordinated with DRA and other parties to avoid duplication or how it’s participation supplemented, complemented, or contributed to that of another party: TURN actively coordinated with DRA throughout this proceeding, and the parties addressed different aspects of the proposed advice letter process for future rate changes under SB 695. TURN also conferred briefly with UCAN, but UCAN took a different position on the amount of the allowed increase to 130% of baseline rates. As a result, there was no duplication of effort between TURN, UCAN and DRA and, to the extent that some overlap was unavoidable, TURN’s efforts served to complement those of DRA.		Yes

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

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)	CPUC Verified
TURN’s costs of participation in this proceeding were quite small, as indicated below. As a result of TURN’s work on clarifying the process for future rate changes under SB 695, future proceedings will be greatly simplified with attendant cost savings for all parties and the Commission itself.	Yes

B. Specific Claim:

CLAIMED						CPUC AWARD			
ATTORNEY AND ADVOCATE FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Michel Florio	2009	7.50	535	D.08-07-043 and Res. ALJ-235	4,012.50	2009	7.50	535	4,012.50
Subtotal: \$ 4,102.50						Subtotal: \$ 4,102.50			
INTERVENOR COMPENSATION CLAIM PREPARATION **									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Michel Florio	2010	1.75	267.50	50% of 2009 rate	468.13 ¹	2010	1.75	267.50	468.13
Subtotal: \$ 468.13						Subtotal: \$ 468.13			
TOTAL REQUEST \$: 4,481						TOTAL AWARD \$: 4,481			

*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. CARE’s records should identify specific issues for which it requested compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants, and any other costs for which compensation was claimed. 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.

¹ TURN reserves the right to request a higher hourly rate for Florio’s substantive work in 2010 in a future proceeding.

C. Attachments or Comments Documenting Specific Claim:

Attachment or Comment #	Description/Comment
Comment 1	TURN typically includes in its compensation requests an allocation of time among the issues that it addressed. In this case TURN’s participation addressed only a single issue and a very limited amount of time was spent on that issue, so no further allocation is possible.
Attachment 1	Detailed Time Reports for TURN’s Attorney
Attachment 2	Certificate of Service

D. CPUC Disallowances & Adjustments: None

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

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(2)(6)) (Y/N)?

Yes

FINDINGS OF FACT

1. Claimant has made a substantial contribution to Decision (D.) 09-12-048.
2. The claimed fees and costs are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The total of reasonable contribution is \$4,481.
4. The Appendix to today’s decision summarizes the award.

CONCLUSION OF LAW

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

ORDER

1. Claimant is awarded \$4,481.
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 each pay claimant 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 themselves, based on their California-jurisdictional electric revenues for the 2009 calendar year, 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 April 28, 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. The consolidated Applications (A.) 09-10-013, A.09-10-014 and A.09-10-015 are closed.
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:	D1005012	Modifies Decision? No
Contribution Decision(s):	D0912048	
Proceeding(s):	A0910013, A0910014 and A0910015	
Author:	ALJ Thomas R. Pulsifer	
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 Utility Reform Network	02-12-10	\$ 4,481	\$ 4,481	No	None

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Michel	Florio	Attorney	The Utility Reform Network	\$535	2009	\$535
Michel	Florio	Attorney	The Utility Reform Network	\$535	2010	\$535

(END OF APPENDIX)