

Decision 10-07-040 July 29, 2010

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company for Approval of its 2009 Rate Design Window Proposals for Dynamic Pricing and Recovery of Incremental Expenditures Required for Implementation (U39E).

Application 09-02-022  
(Filed February 27, 2009; amended March 13, 2009)

**DECISION AWARDING INTERVENOR COMPENSATION TO THE UTILITY REFORM NETWORK FOR SUBSTANTIAL CONTRIBUTION TO DECISION 10-02-032**

<b>Claimant: The Utility Reform Network (TURN)</b>	<b>For contribution to D.10-02-032</b>
<b>Claimed (\$): \$95,721.55</b>	<b>Awarded (\$): \$95,246.55</b>
<b>Assigned Commissioner: Michael R. Peevey</b>	<b>Assigned ALJ: David Fukutome</b>

**PART I: PROCEDURAL ISSUES**

**A. Brief Description of Decision:** D.10-02-032 adopts default ‘peak day pricing’ dynamic pricing tariffs for certain classes of industrial, commercial and agricultural customers, and voluntary ‘peak day pricing’ tariffs for residential customers. The decision adopts specific rate design for the tariffs, implementation dates, and authorizes cost recovery for certain incremental cost. The decision adopts cost allocation methods for incremental implementation costs and potential revenue shortfalls due to dynamic pricing tariffs.

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

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	April 22, 2009	Yes
2. Other Specified Date for NOI:		
3. Date NOI Filed:	May 22, 2009	Yes
4. Was the notice of intent timely filed?		Yes

<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	A.08-05-023	Yes
6. Date of ALJ ruling:	April 22, 2009	Yes
7. Based on another CPUC determination (specify):		
8. Has the claimant demonstrated customer or customer-related status?		Yes
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
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
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision	D.10-02-032	Yes
14. Date of Issuance of Final Decision:	March 2, 2010	Yes
15. File date of compensation request:	May 3, 2010	Yes
16. Was the request for compensation timely?		Yes

**C. Additional Comments on Part I:**

#	Claimant	CPUC	Comment
B.7 and 11	X		TURN timely filed an NOI on May 22, 2009. Since the ALJ did not issue a ruling on the NOI, TURN hereby requests that the Commission, based on the information submitted in the NOI, issue a finding in the decision on the compensation request that TURN is a customer, has met the requirements for significant financial hardship and is eligible for compensation in this proceeding.

**PART II: SUBSTANTIAL CONTRIBUTION**

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

Contribution	Citation to Decision or Record	Showing Accepted by CPUC
1. Residential TOU/ CPP Rate Design: TURN presented expert testimony on the bill impacts and intra-class cost shifting resulting from PG&E’s proposed residential TOU/ CPP tariff. TURN emphasized the potential harm caused by	TURN Direct Testimony (Nahigian), Sec. II and III, p. 2-7. TURN Opening Brief, Sec. II.A., p. 2-11. PG&E Rebuttal Testimony, Exh. 7,	Yes

<p>revenue shifting from coastal to inland customers due to PG&amp;E’s proposal to use the existing steeply differentiated E-6 TOU tariff.</p> <p>TURN recommended that the tariff be redesigned to use a lower CPP charge on top of the existing non-TOU E-1 rate. TURN engaged in discussions with Pacific Gas and Electric Company (PG&amp;E) and Division of Ratepayer Advocates (DRA), which ultimately led to PG&amp;E’s alternative rate proposals filed in rebuttal testimony.</p> <p>TURN supported PG&amp;E’s ‘Alternative 1’ rate design in our briefs. The Commission noted the concerns of TURN and DRA concerning “significant bill increases” and agreed that PG&amp;E’s Alternative 1 was reasonable.</p>	<p>p. 2-21 to 2-22.</p> <p>D.10-02-032, Sec. 9, p. 46-48.          “Both DRA and TURN indicate that PG&amp;E’s Alternative 1 responds to their concerns and recommend that it be adopted. PG&amp;E also agrees that Alternative 1 is the superior residential peak day pricing (PDP) proposal. No other party addressed this issue. The alternative 1 proposal is reasonable and will be adopted.” (p. 47-48.)</p>	
<p>2. Residential Rate Design – PDP Event Notification and Cancellation:</p> <p>TURN objected to PG&amp;E’s proposal to cancel a PDP event without any restriction. In our testimony, TURN recommended that PG&amp;E not be allowed to cancel a PDP event.</p> <p>After reviewing PG&amp;E’s rebuttal testimony and conducting cross-examination of PG&amp;E’s witness, TURN amended our recommendation to prohibit cancellation after 4:00 p.m. on the day before, thus giving PG&amp;E a two-hour window to correct problems. In its rebuttal testimony, PG&amp;E agreed that it would be reasonable to impose some cutoff time for cancellation notification but proposed to address this issue in an implementation advice letter.</p> <p>The Commission agreed that some cutoff time is reasonable and adopted PG&amp;E’s suggested advice letter process.</p>	<p>TURN Direct Testimony (Nahigian), Sec. V, p. 9-10.</p> <p>TURN Opening Brief, Sec. II.C., p. 14-20.</p> <p>D.10-02-032, Sec. 23, p. 99-102 (“Based on TURN’s cross-examination of PG&amp;E witness Chan, a 4 p.m. cut-off appears to be in a reasonable zone. However, the record on what the optimal time should be is limited by the timing of TURN’s proposal and the fact that PG&amp;E did not provide evidence regarding how much time it needs. As suggested by PG&amp;E, we will allow the company to file an advice letter to explain and support an alternative cut-off time. Parties will have the opportunity to respond. If no protests are filed, PG&amp;E’s proposed cut-off time will be adopted and should be included in PG&amp;E’s tariffs. If protested, the cut-off time will be determined by Commission resolution.”)</p>	<p>Yes</p>

	<p>TURN notes that in Advice Letters 3631-E and 3657-E (April 26, 2010) PG&amp;E agreed that event cancellations would be initiated by 4:00 p.m.</p>	
<p>3. Cost Recovery – Allocation of Implementation Costs:</p> <p>TURN agreed with DRA that costs should be recovered in distribution rates and allocated by generation equal percentage of marginal costs (EPMC), and TURN provided additional analyses supporting allocation by generation EPMC based on the function and purpose of these costs.</p> <p>The Commission agreed that the costs should be recovered in distribution rates, contrary to the position of the Direct Access Customer Coalition (DACC), but should be allocated based on distribution EPMC. The Commission emphasized, however, that this cost allocation pertains only to revenues for 2008-2011, and that future revenue allocation can be litigated in the phase two of the 2011 rate case.</p>	<p>TURN Rebuttal Testimony (Nahigian), Sec. III, p. 3-5.</p> <p>TURN Opening Brief, Sec. V, p. 34-39.</p> <p>D.10-02-032, Sec. 33.5 and 33.6, p. 135-140.</p>	<p>Yes</p>
<p>4. Cost Recovery – Cost Allocation of Revenue Shortfalls:</p> <p>TURN provided testimony recommending that revenue shortfalls should be treated differently depending on whether they are caused by a) variation in the number of PDP events, or b) variation in customer performance. TURN recommended that revenue variation due to number of PDP events should be kept within the customer class, as suggested by PG&amp;E, but that there should be no ‘deadband’ for PDP events as originally suggested by PG&amp;E. TURN opposed the Building Owners and Managers Association of California (BOMA’s) recommendation to allocate costs only to participants within the class. PG&amp;E revised its proposal to remove the</p>	<p>TURN Direct Testimony (Nahigian), Exh. 901, Sec. IV p. 7-9.</p> <p>TURN Rebuttal Testimony (Nahigian), Sec. IV, p. 5-6.</p> <p>TURN Opening Brief, Sec. II.B.1.</p> <p>PG&amp;E Rebuttal Testimony, Exh. 7, p. 2-4 to 2-5.</p> <p>D.10-02-032, Sec. 5.5.1 (“We will also adopt the principle of allocating under- and over-collections due to the number of PDP events by customer class to both participants and non-participants.”)</p>	<p>Yes</p>

<p>deadband, as recommended by TURN and other parties.</p> <p>The Commission adopted the revised proposal to allocate revenue shortfalls to all customers within the class.</p>		
<p>5. Cost Recovery – Contingency Allowance:</p> <p>TURN supported the Federal Executive Agencies (FEA’s) recommendation to eliminate the information technology (IT) contingency and provided additional argument based on a comparison to the advanced metering infrastructure (AMI) contingency and contingencies approved in other applications.</p> <p>The Commission agreed with TURN’s argument concerning the relative magnitude of the contingency.</p>	<p>TURN’s Opening Brief, Sec. III.A., p. 20-22.</p> <p>D.10-02-032, Sec. 31.4 and 31.5</p> <p>“However, 25.6% is a significant increase over these amounts.” (p. 124).</p> <p>“[W]e see no compelling reason for authorizing any contingencies in this proceeding, especially in light of our concern regarding the magnitude of the contingencies and our regulatory responsibilities.” (p. 125).</p>	<p>Yes</p>
<p>6. Incremental Customer Acquisition Costs:</p> <p>TURN supported DRA’s recommendation to use unspent AMI funds for non-residential customer acquisition.</p> <p>The Commission declined to use AMI funds for nonresidential customers.</p>	<p>TURN Opening Brief, Sec. III.C.</p> <p>D.10-02-032, Sec. 11.4</p>	<p>Although TURN did not prevail on this issue, we agree that they clearly influenced the Commission’s decision making process.</p>
<p>7. Incremental Customer Acquisition Costs:</p> <p>TURN recommended a disallowance of between \$0.47 and \$0.87 million due to improper accounting of incremental costs for commercial and industrial customers (C&amp;I) acquisition from AMI.</p> <p>The Commission fully agreed with TURN’s analysis and in fact increased the disallowance proposed by TURN.</p>	<p>TURN Opening Brief, Sec. III.C.1.</p> <p>D.10-02-032, Sec. 11.3 and 11.4</p> <p>“In its reply brief, PG&amp;E states that it would agree to the \$2.09 million reduction proposed by TURN, but not the alternative proposal of a \$2.490 million reduction.” (p. 64).</p> <p>“However, in considering the evidence on this issue, we are not convinced that PG&amp;E’s quantification of \$1.62 million as the overlap between this proceeding and the AMI proceeding, with respect to small and medium C&amp;I customer acquisition costs, is reasonable.”</p>	<p>Yes</p>

	(pp. 66-68, discussing additional disallowance beyond TURN's recommendation).	
<p>8. Incremental Proposed Decision (PD) Notification Costs:</p> <p>TURN argued that PG&amp;E should not seek additional costs in this application due to the effect of D.09-08-027. However, TURN alternatively showed that any incremental costs should be at most \$150,000 rather than the requested \$1.2 million (a disallowance of \$1.05 million) based on the number of additional customers impacted.</p> <p>The Commission disallowed \$0.763 million (.657+.106) due to a lack of showing by PG&amp;E that these costs were incremental.</p>	<p>TURN Opening Brief, Sec. III.C.2. D.10-02-032, Sec. 22</p>	Yes
<p>9. Incremental Customer Inquiry Costs:</p> <p>TURN recommended a disallowance of \$281,600 due to overlap with AMI. The Commission adopted a disallowance of \$281,550 but rejected TURN's rationale and adopted the disallowance due to the delay in CPP implementation for residential customers.</p>	<p>TURN Opening Brief, Sec. III.C.3. D.10-02-032, Sec. 20.1</p>	Yes

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

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>a. Was DRA a party to the proceeding?</b>	Yes	Yes
<b>b. Were there other parties to the proceeding?</b>	Yes	Yes
<p><b>c. If so, provide name of other parties:</b></p> <p>A number of other parties participated representing the interests of large industrial, commercial and agricultural bundled customers (e.g., the California Large Energy Consumers Association (CLECA), the Federal Executive Agencies (FEA), Farm Bureau, the Energy Producers and Users Coalition (EPUC) and the interests of direct access customers (the Direct Access Customer Coalition (DACC), and CLECA).</p>		Yes
<b>d. Claimant's description of how it coordinated with DRA and other parties to avoid duplication or how claimant's participation supplemented, complemented, or contributed to that of another party:</b>		Yes

<p>In this proceeding the DRA submitted testimony concerning residential and small commercial rate design. TURN was the only party that submitted detailed residential bill impact analyses. TURN also addressed certain incremental cost recovery issues separately.</p> <p>TURN's compensation in this proceeding should not be reduced for duplication of the showings of other parties. In a proceeding involving multiple participants, it is virtually impossible for TURN to completely avoid some duplication of the work of other parties. In this case, TURN took all reasonable steps to keep such duplication to a minimum, and to ensure that when it did happen, our work served to complement and assist the showings of the other parties.</p> <p>TURN coordinated with DRA to provide additional and separate support for modifying the proposed residential rate design. TURN also addressed incremental cost issues separate from DRA. TURN provided additional arguments to support the recommendations made by FEA concerning contingency allowances.</p>	
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**C. Additional Comments on Part II:**

#	Claimant	CPUC	Comment
A.1, 3, 6	X		<p>In this proceeding TURN's recommendation were largely adopted by the Commission. Even where the Commission did not adopt TURN's initial recommendation (e.g., use the E-1 tariff as the base, prohibit any event cancellation), the Commission either relied on TURN's analyses (e.g., bill impacts) and/or adopted a position that TURN eventually supported in rebuttal testimony or briefs (e.g., PG&amp;E's revised 'Alternative 1' residential PDP rate).</p> <p>The Commission has interpreted the Section 1802 definition, in conjunction with Section 1801.3, so as to effectuate the legislature's intent to encourage effective and efficient intervenor participation. The statutory provision of "in whole or in part," as interpreted by multiple Commission decisions on intervenor compensation requests, has established as a general proposition that when a party makes a substantial contribution in a multi-issue proceeding, it is entitled to compensation for time and expenses even if it does not prevail on some of the issues. See, for example, D.98-04-028 (awarding TURN full compensation in CTC proceeding, even though TURN did not prevail on all issues); D.98-08-016, pp. 6, 12 (awarding TURN full compensation in SoCalGas PBR proceeding); D.00-02-008, pp. 4-7, 10 (awarding TURN full compensation even though we unsuccessfully opposed settlement).</p> <p>In this case, there were no significant recommendations or analyses made by TURN that were not adopted by the Commission in whole or in part. Thus, TURN requests compensation for all our time and expenses in the</p>

			proceeding.
A.1.	X		TURN’s attorneys and experts devoted some time to “settlement” discussions with PG&E concerning residential rate design, as well as concerning some cost allocation issues. While there was not formal settlement or stipulation filed in this proceeding, PG&E revised its positions and recommendations concerning a) residential rate design, and b) treatment of revenue shortfalls due to event numbers, directly in response to the concerns of intervenors and settlement discussions. While the Commission has held that mere “participation in settlement negotiations” is not sufficient to guarantee productive participation, it has also recognized that active participation in settlements does justify compensation, especially when it contributes to the development of a record that assists the Commission. D.00-07-046, <i>mimeo.</i> at 6; D.00-07-015, <i>mimeo.</i> at 5. TURN’s substantial contributions on residential rate design can be inferred directly from PG&E’s rebuttal testimony amending its rate design.

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

<b>Claimant’s explanation of how the cost of claimant’s participation bore a reasonable relationship with benefits realized through claimant’s participation.</b>	<b>CPUC Verified</b>
<p>TURN provided analyses and testimony that supported at least three disallowances adopted in the Decision, saving ratepayers a total of \$31.017 million. TURN was the only party that recommended reductions in incremental small C&amp;I acquisition costs (adopted disallowance of 3.98-1.62=\$2.36 million) and incremental PDP notification costs (adopted disallowance of \$0.657 million).</p> <p>Additionally, TURN supported FEA’s testimony concerning contingency cost reductions and provided additional arguments in support of disallowing the IT component of the contingency (\$28.0 out of \$32.4 million). The Commission entirely eliminated PG&amp;E’s requested contingency.</p> <p>TURN’s contribution regarding residential PDP rate design did not result in quantifiable benefits to the residential class as a whole. However, TURN showed how PG&amp;E’s original proposed rate design would result in intra-class cost shifting resulting in significant bill impacts for certain segments of the residential customer class. While the proposed residential PDP rates are voluntary, the Commission has already ordered PG&amp;E to file default dynamic rates for residential customers as soon as authorized under newly-enacted § 745, which could be as soon as 2013. D.08-07-045, OP 8. TURN expects that the rate design adopted in D.10-02-032 for the</p>	<p>After the disallowances we make to TURN’s claim, the remainder of hours and costs are reasonable and should be compensated.</p>

voluntary PDP tariff will very likely form the basis for a future default PDP tariff. Thus, we submit that the policy importance of the bill impact analysis conducted in this proceeding, combined with the quantifiable benefits of TURN's participation, warrant full compensation for TURN's time and expenses.
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**B. Specific Claim:**

CLAIMED						CPUC AWARD			
ATTORNEY AND ADVOCATE FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
M. Hawiger	2009	117.0	325	D.08-08-027	38,025.00	2009	117.0	325	38,025.00
M. Hawiger	2010	5.25	325	ALJ 247	1,706.25	2010	5.25	325	1,706.25
M. Florio	2009	1.25	535	D.09-08-025	668.75	2009	1.25	535	668.75
H. Goodson	2009	77.5	280	D.09-10-051	21,700.00	2009	77.5	280	21,700.00
H. Goodson	2010	5.5	280	ALJ 247	1,540.00	2010	5.5	280	1,540.00
<b>Subtotal: \$63,640.00</b>						<b>Subtotal: \$63,640.00</b>			
EXPERT FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
J. Nahigian	2009	94.50	190	D.10-02-010	17,955.00	2009	92.0	190	17,480.00
J. Nahigian	2010	4.25	190	ALJ 247	807.50	2010	4.25	190	807.50
G. Ruzovan	2009	59.34	180	ALJ 235	10,681.20	2009	59.34	180	10,681.20
W. Marcus	2009	2.00	250	D.10-03-019	500.00	2009	2.00	250	500.00
G. Schilberg	2009	1.22	200	D.10-02-010	244.00	2009	1.22	200	244.00
<b>Subtotal: \$30,187.70</b>						<b>Subtotal: \$29,712.70</b>			
INTERVENOR COMPENSATION CLAIM PREPARATION **									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
M. Hawiger	2009	0.5	162.5	D.08-08-027	81.25	2009	0.5	162.5	81.25
M. Hawiger	2010	11	162.5	½ rate	1,787.50	2010	11	162.5	1,787.50
<b>Subtotal: \$1,868.75</b>						<b>Subtotal: \$1,868.75</b>			
COSTS									
#	Item	Detail			Amount \$	Amount \$			
1	Xeroxing	Photocopies for pleadings not emailed			22.80	22.80			
2	Phone/Fax				2.30	2.30			
<b>Subtotal: \$25.10</b>						<b>Subtotal: \$25.10</b>			
<b>TOTAL REQUEST: \$95,721.55</b>						<b>TOTAL AWARD: \$95,246.55</b>			
*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.									
<b>We remind all intervenors that Commission staff may audit their records related to the award and that</b>									

**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.**

**C. Comments on Specific Claim:**

Attachment or Comment #	Description/Comment
Comment 1: Attorney hourly rates for 2010	The Commission has authorized TURN’s hourly attorney rates for 2008. The CPUC did not authorize any increase for attorney rates in 2009. Given the limited number of hours, TURN requests authorization to use the 2009 hourly rates for attorney work performed in 2010 in this proceeding; however, TURN reserves the right to request different hourly attorney rates for 2010 in subsequent compensation requests.
Comment 2: Expert witness hourly rates for 2010	The Commission authorized hourly rates for expert witnesses from JBS Energy, Inc., for 2008. JBS Energy did not change its rates for 2009. TURN hereby requests authorization to use the 2008 hourly rate for 2009 and 2010; however, TURN reserves the right to request higher hourly rates for 2010 should JBS Energy, Inc. change its billing rates for 2010.
Comment 3: Allocation of Attorney time by issue	<p>TURN typically allocates its work activities on an issue-by-issue basis in its compensation requests, when such allocation is possible. In this proceeding, TURN attorneys Goodson and Hawiger worked together, allocating issues and tasks based on time availability and issue areas.</p> <p>TURN used the following activity codes to categorize attorney work time in this proceeding:</p> <ul style="list-style-type: none"> <li>RD – residential rate design</li> <li>CR – incremental cost recovery, including contingency</li> <li>CA – cost allocation of incremental costs and revenue shortfalls</li> <li>Proc – procedural issues</li> <li>Disc – discovery work that is not issue-specific</li> <li>Coord – coordination with other intervenors (DRA)</li> <li>Sett – settlement discussions with PG&amp;E</li> <li>GP – general participation work necessary for participation in CPUC proceedings (e.g., reading rulings, reading proposed decisions, reading other pleadings); work that often spans multiple issues and/or would not vary with the number of issues addressed by TURN</li> <li># - multi issue work difficult to segregate</li> <li>Comp – work related to the NOI and the compensation request (billed at ½ the normal hourly rate)</li> </ul> <p>Ms. Goodson devoted approximately 60-70% of her time to residential rate design issues, including the CPP cancellation notification issue. The remainder of her time was spent on discovery, coordination and time unallocable to specific issues. Mr. Hawiger devoted approximately 50% of his time to issues concerning cost recovery</p>

	<p>and cost allocation, approximately 30% to rate design, and approximately 20% to discovery, coordination and time unallocable to specific issues.</p> <p>TURN includes a very minimal (less than 1 hour) amount of time coded as “GP” reading proposed decisions in this proceeding and in A.06-03-005. TURN suggests that this work (which was relevant to issues in dispute in this proceeding) is necessary for participation and should be compensated. TURN did not include the minimal time spent on our comments on the proposed decision ultimately adopted as D.09-07-001.</p>
<p>Comment 4: Reasonableness of Attorney Time</p>	<p>TURN’s attorneys devoted approximately 200 hours to this rate design window proceeding. This amount is somewhat higher than typical for a rate design window proceeding which does not address major cost allocation issues. However, this proceeding concerned the design of a voluntary Critical Peak Pricing (or Peak Day Pricing) tariff that will likely become the benchmark for the future default dynamic pricing tariff for residential customers. Thus, TURN decided that as a matter of policy it was critical to address the intra-class distribution aspects of the proposed tariff. TURN and DRA coordinated in order to promote a better rate design for the voluntary CPP tariff.</p> <p>TURN thus suggests that this amount of attorney time was reasonable and our attorney work was conducted in an efficient manner that warrants full compensation for all hours.</p>
<p>Comment 5: Allocation of expert time by issue</p>	<p>TURN retained the services of JBS Energy, Inc. to assist with the technical work in this proceeding.</p> <p>Most of the work in this proceeding was performed by Mr. Jeff Nahigian. Mr. Nahigian devoted approximately 100 hours (two and a half weeks) of time to this proceeding. Mr. Nahigian reviewed all testimonies, prepared written direct and rebuttal testimonies, and participated in discussions with PG&amp;E.</p> <p>Approximately 80% of Mr. Nahigian’s time was spent on residential rate design issues, including an analysis of the distributional bill impacts of PG&amp;E’s proposal on the residential class. Approximately 20% of his time was spent on incremental cost recovery issues, including overlap with AMI cost recovery.</p> <p>Mr. Ruzovan prepared all the statistical bill analyses that supported Mr. Nahigian’s direct testimony concerning the distributional bill impacts within the residential customer class of PG&amp;E’s original Time-of-use (TOU)/Critical peak pricing (CPP) proposed rates.</p> <p>Mr. Marcus and Ms. Schilberg spent a very limited amount of hours providing technical support on rate design and load impacts.</p>

**D. CPUC Adoptions and Disallowances:**

Item	Reason
2009-Nahigian	We disallow 2.5 hours of professional time (billed at half rate) for travel between Sacramento and San Francisco to attend a hearing. We have previously disallowed this time as being related to “routine” travel which is non-compensable. <sup>1</sup>
2009 hourly rate for Ruzovan	ALJ 235 did not allow an increase in rates for 2009 work. We apply Ruzovan’s previously adopted 2008 rate to his work here.
2010 hourly rates for Hawiger, Goodson and Nahigian	ALJ 247 did not allow an increase in rates for 2010 work. We apply the previously adopted 2009 rates for these individuals here.

**PART IV: OPPOSITIONS AND COMMENTS**

**A. Opposition: Did any party oppose the claim?**

No
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**B. Comment Period: Was the 30-day comment period waived (*see* Rule 14.6(2)(6))?**

Yes
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**FINDINGS OF FACT**

1. Claimant has made a substantial contribution to Decision (D.) 10-02-032.
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 \$95,246.55.

**CONCLUSION OF LAW**

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

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<sup>1</sup> See D.09-04-027 and D.09-05-014.

**ORDER**

1. Claimant is awarded \$95,246.55.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay claimant the total award. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning July 17, 2010, the 75<sup>th</sup> 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. Application 09-02-022 is closed.
5. This decision is effective today.

Dated July 29, 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**

<b>Compensation Decision:</b>	D1007040	<b>Modifies Decision?</b> No
<b>Contribution Decision(s):</b>	D1002032	
<b>Proceeding(s):</b>	A0902022	
<b>Author:</b>	ALJ David Fukutome	
<b>Payer(s):</b>	Pacific Gas and Electric Company	

**Intervenor Information**

<b>Intervenor</b>	<b>Claim Date</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
The Utility Reform Network	05-03-10	\$95,721.55	\$95,246.55	No	Disallowance of routine travel

**Advocate Information**

<b>First Name</b>	<b>Last Name</b>	<b>Type</b>	<b>Intervenor</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Marcel	Hawiger	Attorney	The Utility Reform Network	\$325	2009-2010	\$325
Michel	Florio	Attorney	The Utility Reform Network	\$325	2009	\$325
Hayley	Goodson	Attorney	The Utility Reform Network	\$280	2009-2010	\$280
Jeff	Nahigian	Expert	The Utility Reform Network	\$190	2009-2010	\$190
Greg	Ruszovan	Expert	The Utility Reform Network	\$180	2009	\$180
William	Marcus	Expert	The Utility Reform Network	\$250	2009	\$250
Gayatri	Schilberg	Expert	The Utility Reform Network	\$200	2009	\$200

**(END OF APPENDIX)**