

Decision 10-12-015 December 2, 2010

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

Order Instituting Rulemaking on the Commission's Own Motion to address the issue of customers' electric and natural gas service disconnection.

Rulemaking 10-02-005  
(Filed February 4, 2010)

**DECISION GRANTING INTERVENOR COMPENSATION  
TO THE UTILITY REFORM NETWORK  
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 10-07-048**

<b>Claimant:</b> The Utility Reform Network (TURN)	<b>For contribution to Decision 10-07-048</b>
<b>Claimed:</b> \$42,849.71	<b>Awarded:</b> \$42,849.71
<b>Assigned Commissioner:</b> Dian M. Grueneich	<b>Assigned ALJ:</b> Bruce DeBerry

**PART I: PROCEDURAL ISSUES**

**A. Brief Description of Decision:** This decision adopted certain low-cost measures to reduce the number of utility service disconnections in the service territories of Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), Southern California Edison (SCE), and Southern California Gas Company (SoCalGas), starting this fall and continuing until Jan. 1, 2012 for SDG&E, SCE, and SoCalGas, as the sunset date for PG&E is yet to be determined.

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

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent (NOI) to claim compensation (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	N/A	Correct
2. Other Specified Date for NOI:	March 8, 2010	Correct
3. Date NOI Filed:	March 5, 2010	Correct
4. Was the NOI timely filed?		Yes

<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	R.10-02-005	Correct
6. Date of ALJ ruling:	March, 29, 2010	Correct
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:	R.10-02-005	Correct
10. Date of ALJ ruling:	March, 29, 2010	Correct
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.10-07-048	Correct
14. Date of Issuance of Final Decision:	July 30, 2010	Correct
15. File date of compensation request:	Sept. 28, 2010	Correct
16. Was the request for compensation timely?		Yes

**PART II: SUBSTANTIAL CONTRIBUTION**

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

<b>Contribution</b>	<b>Citation to Decision or Record</b>	<b>Showing Accepted by CPUC</b>
TURN demonstrated that the Commission should prohibit late-payment deposits for all residential customers. [Hours coded as “Dep”]	<ul style="list-style-type: none"> <li>• D.10-07-048, Ordering Paragraph (OP) 3, 4</li> <li>• TURN Opening Comments, 3-12-10, pp. 25-27</li> </ul>	Yes
TURN demonstrated that the Commission should prohibit post-shutoff deposits for CARE customers. [Hours coded as “Dep”]	<ul style="list-style-type: none"> <li>• D.10-07-048, OP 2.a, providing this protection to California Alternate Rates for Energy (CARE) and Family Electric Rate Assistance (FERA) customers</li> <li>• TURN Opening Comments 3-12-10, pp. 27-28</li> </ul>	Yes

<p>TURN demonstrated that the Commission should extend the interim measure required by R.10-02-005 regarding payment plans. [Hours coded as “CPO”]</p>	<ul style="list-style-type: none"> <li>• D.10-07-048, OP 1</li> <li>• D.10-07-048, p. 8 Division of Ratepayer Advocates (DRA) and TURN recommend that the two interim customer service disconnection practices adopted in R.10-02-005 be continued into 2011.</li> <li>• TURN Reply Comments, pp. 9-11 (supporting DRA’s and NCLC’s proposals)</li> </ul>	<p>Yes</p>
<p>TURN demonstrated that the Proposed Decision’s discussion of the correlation between payment plan duration and risk of default should be modified. [Hours coded as “CPO”]</p>	<ul style="list-style-type: none"> <li>• <i>Compare</i> D.10-07-048, p. 12 (“Although it appears from the information provided that longer payment periods result in an increased likelihood that payment plans will be broken, there may be other variables affecting these payment agreements.”) and Finding of Fact 5 (“Information from PG&amp;E and the Joint Utilities shows that the greater the payment period, the more likely it is that a customer will default on a pay plan, however other variables may affect those payment agreements.”) <i>with</i> Proposed Decision, p. 11 (“However, it does appear from the information provided that longer payment periods result in an increased likelihood that payment plans will be broken.”) and Finding of Fact 5 (“Information from PG&amp;E and the Joint Utilities shows that the greater the payment period, the more likely it is that a customer will default on a pay plan.”) TURN Comments on PD, pp. 3-4</li> </ul>	<p>Yes</p>

<p>TURN demonstrated that the Commission should consider allowing customers to choose their billing date as a means of reducing late payment and disconnection. [Hours coded as “CPO”]</p>	<ul style="list-style-type: none"> <li>• D.10-07-048, pp. 27-28 (“In the second phase of this proceeding we will address the following issues... k. Should customers be allowed to choose a monthly billing date for their payments?”)</li> </ul> <p>TURN Opening Comments 3-12-10, p. 32</p>	<p>Yes</p>
<p>TURN demonstrated that the Commission should address the need to reduce the discrepancy among utilities in disconnection rates, as well as the discrepancy between CARE and non-CARE disconnection rate for all utilities. [Hours coded as “Ben”]</p>	<ul style="list-style-type: none"> <li>• D.10-07-048, pp. 9-10 (discussing the disconcerting differences in shutoff rates among utilities and between CARE and non-CARE customers) and p. 27 (determining that these issues and how the Commission should respond will be addressed in the second phase of R.10-02-005); <i>compare with</i> Proposed Decision, pp. 8-9 and p. 25 (silent on these issues)</li> <li>• TURN Reply Comments 4-2-10, pp. 6-8 (supporting DRA’s recommendation for disconnection benchmarks as a tool for reducing disconnection rates, especially for PG&amp;E and SCE)</li> </ul> <p>TURN Reply Comments on the PD, p. 3 (supporting DRA’s and Greenlining’s recommendations that benchmarks and shutoff rates be addressed in the proceeding)</p>	
<p>TURN demonstrated that the Commission should review the reasonableness of costs the utilities may record in their R.10-02-005 memorandum accounts from a holistic perspective, such as that afforded by a General Rate Case (GRC), rather than quickly</p>	<ul style="list-style-type: none"> <li>• D.10-07-048, p. 29 (“The second phase of this proceeding will address the categories and significant costs associated with compliance with the practices in this proceeding. However, memorandum account cost recovery will be determined in</li> </ul>	<p>Yes</p>

<p>authorize cost recovery without a full exploration of pertinent issues, such as embedded versus incremental costs. [Hours coded as “Cost”]</p>	<p>the next GRC for each utility.”); <i>compare with</i> Proposed Decision, p. 26 (“The second phase of this proceeding will determine the process for addressing both cost reasonableness and recovery of the categories and significant costs associated with compliance with the practices in this proceeding.”)</p> <ul style="list-style-type: none"> <li>• TURN Reply Comments 4-2-10, pp. 12-16</li> </ul> <p>TURN Reply Comments on PD, pp. 3-4 (advocating modifications to the PD to make clear that cost reasonableness will be fully explored prior to utility cost recovery, in agreement with DRA)</p>	
<p>TURN demonstrated that the reporting requirements proposed by R.10-02-005 should be continued and expanded to include data points recommended by TURN. [Hours coded as “RR”]</p>	<ul style="list-style-type: none"> <li>• D.10-02-005, p. 25-26 and Appendix A; <i>compare with</i> R.10-02-005, Appendix A (requiring a more narrow set of data points)</li> <li>• TURN Opening Comments 3-12-10, pp. 18-24 (recommending the addition of the following data points which were added in D.10-07-048:             <ul style="list-style-type: none"> <li>• total number of active accounts for CARE, FERA and non-CARE/FERA customers;</li> <li>• billing cycle data, indicating the number of customers paying 100% of the billed amount, 50-99% of the billed amount, and &gt;50% of the billed amount, separately reported for CARE, FERA, non-CARE/FERA, and Medical</li> </ul> </li> </ul>	<p style="text-align: center;">Yes</p>

	<p>Baseline residential accounts;</p> <ul style="list-style-type: none"> <li>• data for Medical Baseline customers, including number of active accounts, non-pay disconnections, reconnections, and % reconnected;</li> </ul> <p>additional time periods for arrearage tracking, and on a <i>quarterly</i> basis, include monthly arrearage dollars in each vintage category.)</p>	
<p>TURN demonstrated that the Commission should adopt protections related to service disconnection for customers who are especially sensitive to the health and safety risks associated with loss of utility service. While the Commission did not adopt the additional limits on remote disconnection proposed by TURN, the Commission agreed to consider additional consumer protections related to remote disconnection in the second phase of R.10-02-005. [Hours coded as “DP”]</p>	<ul style="list-style-type: none"> <li>• D.10-02-005, p. 20, fn. 40 (offering a temporary definition of “sensitive customers” to be re-considered in Phase 2 of R.10-02-005); pp. 21-22 (requiring that all utilities “provide a field representative who can collect a payment in-person or make arrangements for payment from those customers who are on medical baseline or life-support prior to any disconnection” as a last attempt to avoid disconnection of this “vulnerable customer group”)</li> <li>• D.10-07-048, pp. 27-28 (“In the second phase of this proceeding we will address the following issues... (k.) How should sensitive customers be defined, and how can utilities identify such customers?”)</li> <li>• D.10-07-048, pp. 27-28 (“In the second phase of this proceeding we will address the following issues...(e.) Should the utilities establish a uniform protocol for remote disconnections?”)</li> <li>• TURN Opening Comments</li> </ul>	<p>Yes</p>

	<p>3-12-10, pp. 14-18 (discussing the need for such protections, proposing a definition of “sensitive customers”; and discussing the challenges of and some methods for identifying sensitive customers)</p> <p>TURN Reply Comments on PD, pp. 1-3 (advocating a clear and consistent definition of customers to be subject to heightened protections surrounding service disconnection)</p>	
<p>TURN demonstrated the importance of utility communications with their customers in the customer’s preferred language. [Hours coded as “Com”]</p>	<ul style="list-style-type: none"> <li>• D.10-07-048, pp. 17-18 (citing the comments of TURN and Greenling, “We agree that many important communications may not be received when there is a language barrier... As discussed below, a topic of the next workshop in this proceeding will be identification of language choice by the customer.”)</li> <li>• D.10-07-048, p. 27 (determining that the issue of customer choice of language for utility communications should be explored in the second phase of R.10-02-005)</li> </ul> <p>TURN Opening Comments 3-12-10, pp. 4-7</p>	<p>Yes</p>
<p>TURN demonstrated that the Commission should consider clarifying the role of utility customer service representatives (CSRs) in educating customers about assistance programs. [Hours coded as “Com”]</p>	<ul style="list-style-type: none"> <li>• D.10-07-048, p. 27 (determining that the issue of the role of CSRs should be explored in the second phase of R.10-02-005)</li> <li>• TURN Opening Comments 3-12-10, p. 7 (advocating more standardization in CSR communications with customers)</li> </ul>	<p>Yes</p>

	<p>TURN Reply Comments 4-2-10, pp. 4-6 (advocating that CSRs educate customers about assistance programs)</p>	
<p>TURN contributed to the Commission’s evaluation of the utility proposals to use CARE funds to leverage federal dollars for emergency financial assistance grants for low-income utility customers. [Hours coded as “TEAF”]</p>	<ul style="list-style-type: none"> <li>• D.10-07-048, pp. 6-7 (generally discussing the Commission’s adoption of each utility’s Temporary Energy Assistance for Families (TEAF) program via 4 resolutions issued in April 2010)</li> <li>• Res. G-3444 (analyzing PG&amp;E’s TEAF proposal in terms of the following criteria: consistency with R.10-02-005; benefits to customers in need; shareholder vs. ratepayer contributions; minimization of administrative costs; and consumer protections, including transparency and accountability of program spending and results); see also Res. E-4327 (analyzing SCE’s proposal using this same framework), Res. E-4328 (SDG&amp;E), and Res. G-3446 (SoCalGas).</li> <li>• TURN Response to PG&amp;E Advise Letter (AL) G-3097-G/3622-E (recommending the adoption of PG&amp;E’s proposal because it would deliver significant benefits to PG&amp;E’s customers at a time when this assistance is greatly needed; it includes a meaningful financial contribution from PG&amp;E’s shareholders; it maximizes direct benefits to customers from ratepayer funds by keeping administrative costs to a minimum; and it incorporates important ratepayer protections related to program transparency</li> </ul>	<p>Yes</p>

	<p>and accountability, consistent with R.10-02-005); see also TURN Protest of SCE AL 2448-E-A, TURN Protest of SDG&amp;E AL 2151-E-A/1937-G-A, and TURN Protest of SoCalGas AL 4086-A (using this same framework in all cases)</p> <p>See i.e., Res. G-3444, p. 10 (discussing TURN’s analysis of and support for PG&amp;E’s proposal)</p>	
<p>TURN demonstrated that the Commission should ensure that the utility Temporary Energy Assistance for Families (TEAF) programs maximize direct benefits to customers in need by limiting the use of ratepayer funds on administrative costs. [Hours coded as “TEAF”]</p>	<ul style="list-style-type: none"> <li>• Res. G-3444, pp. 7-8 (requiring Pacific Gas and Electric (PG&amp;E) to keep ratepayer funded administrative costs to a minimum, consistent with TEAF guidelines.</li> <li>• TURN Response to PG&amp;E AL G-3097-G/3622-E, pp. 5-6 (discussing PG&amp;E’s proposed administrative costs and arguing, “Using the bulk of ratepayer funds to provide direct benefits to customers, as PG&amp;E has proposed, maximizes the ratepayer payback from this investment. The Commission should ensure that this remains the case in approving PG&amp;E’s proposal.”).</li> <li>• Res. E-4327, p. 13 (discussing TURN’s protest related to SCE’s administrative costs proposal, SCE’s clarifications, and stating, “SCE’s clarifications are satisfactory to TURN concerns. Therefore, the Commission finds TURN’s protest moot and SCE’s allocation for administrative costs to be reasonable.”)</li> <li>• Res. E-4328, pp. 17-18</li> </ul>	<p>Yes</p>

	<p>(discussing TURN’s protest related to SDG&amp;E’s administrative costs proposal, SDG&amp;E’s clarifications, and finding that because SDG&amp;E’s clarifications about administrative costs satisfy TURN’s concerns, the Commission should authorize SDG&amp;E’s proposed allocation.)</p> <p>Res. G-3446, pp. 17-18 (discussing TURN’s protest related to SoCalGas’ administrative costs proposal, SoCalGas’ clarifications, and finding that because SoCalGas’ clarifications about administrative costs satisfy TURN’s concerns, the Commission should authorize SoCalGas’ proposed allocation.)</p>	
<p>TURN demonstrated that the Commission, as part of its approval of the TEAF programs, should encourage the utilities to increase their charitable contributions to emergency financial assistance programs. [Hours coded as “TEAF”]</p>	<ul style="list-style-type: none"> <li>• Res. E-4327, p. 13 (discussing TURN’s recommendation that SCE further increase shareholder contributions for emergency financial assistance for customers and responding, “Additionally, the Commission highly encourages SCE to continually increase shareholders [sic] contribution towards payment assistance for needy customers as it would help to maximize benefits.”)</li> <li>• Res. E-4328, p. 19 (“We do agree with TURN that during these economic conditions, any increased contribution [from shareholders] would provide greater program benefits to the utility’s customers and so we continue to encourage SDG&amp;E to increase its shareholder contributions to NTN [Neighbor-to-Neighbor] in 2010</li> </ul>	<p>Yes</p>

	<p>in order to provide the maximum program benefits to its customers if possible.”)</p> <p>Res. G-3446, p. 19 (“We do agree with TURN that during these economic conditions, any increased contribution [from shareholders] would provide greater program benefits to their customers. Therefore, we encourage SoCalGas to continually increase its shareholder contributions to GAF [Gas Assistance Fund] in 2010 in order to provide the maximum program benefits to its customers if possible.”)</p>	
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**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
<b>c. If so, provide name of other parties:</b> The City and County of San Francisco (the City), Disability Rights Advocates (DisabRA), The Greenlining Institute (Greenlining), the National Consumer Law Center (NCLC), PG&E, SDG&E, SoCalGas, SCE.		Correct
<p><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></p> <p>From the outset of this proceeding, TURN has been coordinating our coverage of issues with DRA and the other consumer groups to avoid duplication to the extent possible. For instance, the consumer groups agreed on an allocation of issue coverage in opening comments filed March 12, 2010, with each party taking the lead on certain issues. (See TURN Opening Comments 3-12-2010, p. 3.) TURN provided an extensive showing on remote disconnections, especially the need for in-person contact with particularly sensitive customers during service disconnection; on reporting requirements; on re-establishment of credit deposits; and on limited issues associated with customer communications, including language access and the role of CSRs. Also, because of TURN’s work directly with consumers, TURN was also able to provide unique anecdotal information about the experiences of consumers interfacing with utility credit and collections practices. In</p>		Correct

<p>reply comments filed April 2, 2010. TURN complemented the showing of other consumer groups on issues we had not addressed in opening comments, including tracking disconnection rates with benchmarks; payment plans; and utility cost recovery. This close coordination reduced the total amount of time TURN (and the other consumer groups) needed to devote to researching and drafting opening and reply comments, while providing the Commission with a full record upon which to resolve the issues under consideration.</p> <p>Additionally, TURN was the only party to file a response or protest to the utility advice letters proposing programs to implement the Commission’s directive in R.10-02-005 regarding using CARE funds to leverage federal American Recovery and Reinvestment Act (ARRA) and Temporary Assistance to Needy Families (TANF) funds for emergency financial assistance for low-income utility customers. These programs, called Temporary Energy Assistance for Families (TEAF) in D.10-07-048, were adopted by the Commission in resolutions adopted in April 2010.</p> <p>For these reasons, TURN submits that there was no undue duplication between TURN’s participation and that of DRA and the other consumer groups, and that any duplication served to supplement, complement or contribute to the showing of other consumer groups in the proceeding.</p>	
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**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

<b>Claimant’s description of how its participation bore a reasonable relationship with benefits realized through claimant’s participation</b>	<b>CPUC Verified</b>
<p>TURN’s advocacy reflected in D.10-07-048 addressed policy matters rather than specific rates or disputes over particular dollar amounts. TURN cannot easily identify precise monetary benefits to ratepayers from our work in related to D.10-07-048, given the nature of the issues presented. TURN submits that its positive impact however, will afford residential customers expanded opportunities to avoid service termination and to continue receiving gas and electricity services. Because utility shutoffs trigger all kinds of financial impacts, including service reinstatement costs, food spoilage and replacement costs, and possibly eviction, in addition to a host of health and safety issues, policies that assist consumers in being able to pay their bills, manage arrearages, and avoid shutoffs bestow enormous benefits upon those Californians most in need of assistance. Accordingly, the Commission should find that TURN’s efforts have been productive.</p>	<p>We agree with TURN that its participation was productive and although difficult to quantify, will afford residential customers increased opportunities to avoid service termination and the financial costs associated with the discontinuance of gas and electricity services.</p>

**B. Specific Claim:**

CLAIMED						CPUC AWARD			
<b>ATTORNEY AND ADVOCATE FEES</b>									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
H. Goodson	2010	128.25	295	Adopted here	37,833.75	2010	128.25	295	37,833.75
R. Finkelstein	2010	3.00	470	D.10-06-046	1,410.00	2010	3.00	470	1,140.00
M. Hawiger	2010	0.75	325	D.10-07-040	243.75	2010	0.75	325	243.75
<b>Subtotal: \$39,487.50</b>						<b>Subtotal: \$39,487.50</b>			
<b>EXPERT FEES</b>									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
J. Nahigian	2010	8.25	190	D.10-07-040	1,567.50	2010	8.25	190	1,567.50
<b>Subtotal: \$1,567.50</b>						<b>Subtotal: \$1,567.50</b>			
<b>INTERVENOR COMPENSATION CLAIM PREPARATION**</b>									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
H. Goodson	2010	11.75	147.50	½ hourly rate adopted here	1,733.13	2010	11.75	147.5	1,733.13
<b>Subtotal: \$1,733.13</b>						<b>Subtotal: \$1,733.13</b>			
<b>COSTS</b>									
#	Item	Detail of Costs			Amount \$	Amount \$			
1	Photocopying	Photocopies of TURN's pleadings related to Phase 1 of R.10-02-005			44.40	44.40			
2	Phone	Telecommunications related to TURN's participation in Phase 1 of R.10-02-005			2.50	2.50			
3	Postage	Postage costs related to TURN's participation in Phase 1 of R.10-02-005			14.68	14.68			
<b>Subtotal: \$61.58</b>						<b>Subtotal: \$61.58</b>			
<b>TOTAL REQUEST: \$42,849.71</b>						<b>TOTAL AWARD: \$42,849.71</b>			
<p>**Reasonable claim preparation time typically compensated at ½ of preparer's normal hourly rate.</p> <p><b>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.</b></p>									

**C. Comments Documenting Specific Claim:**

Comment #	Description/Comment																								
#1	<p><b>Allocation of TURN Attorney Hours by Issue/Activity Code:</b> TURN has allocated all of our attorney time by issue area or activity, as evident on our attorney timesheets attached to this request for compensation.</p> <p>The following codes relate to specific substantive issue areas addressed by TURN:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Code</th> <th style="text-align: center;">Stands For:</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Ben</td> <td>Benchmarks – work related to comparing utility disconnection rates and eliminating the discrepancy between utilities and CARE / non-CARE customer shutoff rates within each utility</td> </tr> <tr> <td style="text-align: center;">Com</td> <td>Customer Communications – work related to utility communications with their customers</td> </tr> <tr> <td style="text-align: center;">Cost</td> <td>Cost Recovery – work related to utility recovery of costs associated with the Commission’s orders in R.10-02-005</td> </tr> <tr> <td style="text-align: center;">CPO</td> <td>Customer Payment Options -- work related to payment plans and other payment options, including customer choice of billing date</td> </tr> <tr> <td style="text-align: center;">Dep</td> <td>Customer Deposits -- work related to deposits, particularly, re-establishment of credit deposits following late payment or service termination for non-payment, intended to reduce the financial burden on customers already struggling to keep up with bills and prevent shutoff</td> </tr> <tr> <td style="text-align: center;">DP</td> <td>Disconnection Protections – work related to consumer protections associated with service disconnection, including protections for “sensitive customers” and remote disconnections</td> </tr> <tr> <td style="text-align: center;">RR</td> <td>Reporting Requirements – advocacy related to reporting requirements</td> </tr> <tr> <td style="text-align: center;">TEAF</td> <td>Temporary Energy Assistance for Families – work related to Res. G-3444, Res. E-4327, Res. 4328, and Res. G-3446, which authorized the use of CARE funds by PG&amp;E, SCE, SDG&amp;E, and SoCalGas (respectively) as matching funds to leverage federal grants for customer emergency financial assistance available through the TANF Emergency Fund</td> </tr> </tbody> </table> <p>TURN has additionally allocated attorney time to the following codes:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Code</th> <th style="text-align: center;">Stands For:</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Coord</td> <td>Coordination with other parties -- meetings, phone calls, e-mails with DRA and other intervenors about issue coverage, strategy, etc.</td> </tr> <tr> <td style="text-align: center;">GP</td> <td>General Participation -- work that spans multiple issues and/or would not vary with the number of issues that TURN addresses,</td> </tr> </tbody> </table>	Code	Stands For:	Ben	Benchmarks – work related to comparing utility disconnection rates and eliminating the discrepancy between utilities and CARE / non-CARE customer shutoff rates within each utility	Com	Customer Communications – work related to utility communications with their customers	Cost	Cost Recovery – work related to utility recovery of costs associated with the Commission’s orders in R.10-02-005	CPO	Customer Payment Options -- work related to payment plans and other payment options, including customer choice of billing date	Dep	Customer Deposits -- work related to deposits, particularly, re-establishment of credit deposits following late payment or service termination for non-payment, intended to reduce the financial burden on customers already struggling to keep up with bills and prevent shutoff	DP	Disconnection Protections – work related to consumer protections associated with service disconnection, including protections for “sensitive customers” and remote disconnections	RR	Reporting Requirements – advocacy related to reporting requirements	TEAF	Temporary Energy Assistance for Families – work related to Res. G-3444, Res. E-4327, Res. 4328, and Res. G-3446, which authorized the use of CARE funds by PG&E, SCE, SDG&E, and SoCalGas (respectively) as matching funds to leverage federal grants for customer emergency financial assistance available through the TANF Emergency Fund	Code	Stands For:	Coord	Coordination with other parties -- meetings, phone calls, e-mails with DRA and other intervenors about issue coverage, strategy, etc.	GP	General Participation -- work that spans multiple issues and/or would not vary with the number of issues that TURN addresses,
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Code	Stands For:																								
Coord	Coordination with other parties -- meetings, phone calls, e-mails with DRA and other intervenors about issue coverage, strategy, etc.																								
GP	General Participation -- work that spans multiple issues and/or would not vary with the number of issues that TURN addresses,																								

	<table border="1"> <tr> <td data-bbox="440 205 570 285"></td> <td data-bbox="570 205 1570 285">for the most part</td> </tr> <tr> <td data-bbox="440 285 570 407">PD</td> <td data-bbox="570 285 1570 407">Proposed Decision -- work on analyzing, commenting on, lobbying on, strategizing on the PD and revisions thereto</td> </tr> </table> <p>Finally, TURN has coded hours “Comp” that were devoted to preparation of this request for compensation.</p>		for the most part	PD	Proposed Decision -- work on analyzing, commenting on, lobbying on, strategizing on the PD and revisions thereto
	for the most part				
PD	Proposed Decision -- work on analyzing, commenting on, lobbying on, strategizing on the PD and revisions thereto				
#2	<p><b>Hourly Rates for TURN Attorneys:</b></p> <p><u>Hayley Goodson’s 2010 Rate</u></p> <p>In Res. ALJ-247, the Commission did not adopt any COLA adjustment for 2010. However, it explicitly continued the previously adopted policy of “step increases” for 2008 and beyond. Res. ALJ-247, pp. 4-5. In D.08-04-010, the Commission had provided for up to two annual 5% “step increases” in hourly rates within each experience level for all intervenor representatives, and specifically explained that an attorney would be eligible for additional step increases upon reaching the next higher experience level. D.08-04-010, pp. 2, 11-12.</p> <p>TURN seeks an hourly rate of \$295 for Ms. Goodson’s work in 2010. This figure represents the hourly rate previously adopted for her work in 2008 and 2009 escalated by a 5% step increase (rounded to the nearest \$5 increment). Ms. Goodson is a 2003 law school graduate. In 2008, TURN sought and was awarded an hourly rate of \$280, the low end of the range set for attorneys with 5-7 years of experience. D.08-08-027, p. 5 (adopting the requested rate), and D.08-04-010, p. 5 (setting the ranges for 2008). This is the first step increase TURN has sought for Ms. Goodson upon reaching this experience level.</p> <p>TURN’s showing in support of this requested increase is based on and consistent with the showing UCAN made in C.08-08-026 in support of the requested increase for its attorney’s hourly rate. The Commission approved the requested increase in D.10-08-018 (p. 8).</p> <p><u>Marcel Hawiger’s 2010 Rate</u></p> <p>TURN requests that the Commission apply the 2009 rate for Marcel Hawiger to his very limited number of hours in 2010 in this proceeding. However, we reserve the right to seek a higher billing rate for Mr. Hawiger’s work in 2010 in future requests for compensation.</p>				
#3	<p>TURN asked Mr. Nahigian of JBS Energy to attend PG&amp;E’s focus groups on customer communication that were held in Sacramento, whereas the Bay Area focus groups were attended by TURN employees. TURN used the data obtained from PG&amp;E’s focus groups in preparing our comments in this proceeding. By sending Mr. Nahigian rather than TURN attorney Hayley Goodson (TURN’s lead on this case), TURN was able to</p>				

	avoid travel-related expense because Mr. Nahigian lives and works in the Sacramento area. Mr. Nahigian’s time devoted to participating in these focus groups and reporting back to TURN was a significantly more efficient use of resources than would have been required for Ms. Goodson to attend.
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**D. CPUC Adoptions:**

<b>Adoptions</b>	
2010-Goodson hourly rate	In this proceeding, TURN requests a 5% “step increase” equal to an hourly rate of \$295 for Goodson’s 2010 work. Goodson is a 2003 law school graduate with previously established rates of \$280 for her 2008-2010 Commission work. TURN states that this request is at the low end of the range of \$280-\$300 established in D.08-04-010 for attorneys with 5-7 years of experience. This is Goodson’s first request for a “step increase”. We find the hourly rate request of \$295 to be reasonable and adopt it here.

**PART IV: OPPOSITIONS AND COMMENTS**

A. Opposition: Did any party oppose the claim? No

B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(2)(6))? Yes

**FINDINGS OF FACT**

1. Claimant has made a substantial contribution to Decision 10-07-048.
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 \$42,849.71.

**CONCLUSION OF LAW**

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

**ORDER**

1. Claimant is awarded \$42,849.71.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company, and Southern California Edison Company shall pay Claimant the total award. We direct these utilities to allocate payment responsibility among themselves, based on their second quarter 2010 California-jurisdictional electric and natural gas revenues, 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 December 12, 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.

This decision is effective today.

Dated December 2, 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>	D1012015	<b>Modifies Decision?</b> No
<b>Contribution Decision(s):</b>	D1007048	
<b>Proceeding(s):</b>	R1002005	
<b>Author:</b>	ALJ Bruce DeBerry	
<b>Payer(s):</b>	Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company, and Southern California Edison 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	09-28-10	\$42,849.71	\$42,849.71	No	None

**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>
Hayley	Goodson	Attorney	The Utility Reform Network	\$295	2010	\$295
Robert	Finkelstein	Attorney	The Utility Reform Network	\$470	2010	\$470
Marcel	Hawiger	Attorney	The Utility Reform Network	\$325	2010	\$325
Jeff	Nahigian	Expert	The Utility Reform Network	\$190	2010	\$190

**(END OF APPENDIX)**