

Decision 11-03-028 March 10, 2011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of San Diego Gas & Electric Company (U902E) for Adoption of an Advanced Metering Infrastructure Deployment Scenario and Associated Cost Recovery and Rate Design.

Application 05-03-015
(Filed March 15, 2005)

DECISION AWARDING INTERVENOR COMPENSATION TO UTILITY CONSUMERS' ACTION NETWORK FOR SUBSTANTIAL CONTRIBUTION TO DECISION 10-12-061

Claimant: Utility Consumers' Action Network (UCAN)	For contribution to D.10-12-061
Claimed: \$ 6,303	Awarded: \$ 6,303
Assigned Commissioner: Dian Grueneich	Assigned ALJ: David M. Gamson

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision: Decision accepted UCAN's application for rehearing of a compensation decision and modified the previous decision.

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:	N/A	Correct
2. Other Specified Date for NOI:		
3. Date NOI Filed:	July 8, 2005	Correct
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.05-03-015	Correct
6. Date of ALJ ruling:		
7. Based on another CPUC determination (specify):	D.09-04-031	Correct

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.05-03-015	Correct
10. Date of ALJ ruling:		
11. Based on another CPUC determination (specify):	D.09-04-031	Correct
12. Has the claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision	Decision 10-12-061	Correct
14. Date of Issuance of Final Decision:	December 20, 2010	Correct
15. File date of compensation request:	January 5, 2011	Correct
16. Was the request for compensation timely?		Yes

PART II: SUBSTANTIAL CONTRIBUTION

A. Claimant’s contribution to the final decision

	Citation to Decision or Record	Showing Accepted by CPUC
The rehearing application is granted.	“We have carefully considered the arguments raised in the application for rehearing, and are of the opinion that reconsideration is warranted concerning whether UCAN should be awarded its costs for the Smart Grid Study. Therefore, we grant rehearing of this specific issue.” (D.10-12-061 at 2.)	Yes
Modification proposed by UCAN is accepted.	“Therefore, we will modify D.09-04-031 to award UCAN its portion of the Smart Grid Study costs.” (D.10-12-061 at 2.)	Yes
UCAN’s arguments were persuasive.	“That said, upon review we are persuaded that on whole, the Study did reasonably limit its scope to the San Diego region, as well as the following guiding issues: (1) the relevant economic and regulatory climate to support Smart Grid activities; (2) functionality via the technologies necessary to implement an effective Smart Grid; and (3) cost-effectiveness/cost-benefit analyses.” (D.10-12-061 at 6.)	Yes

Adopts UCAN's factual arguments.	<p>“UCAN is correct that the adopted settlement agreement required SDG&E to modify its Advanced Metering Infrastructure (AMI) proposal to, among other things, establish the Technology Advisory Panel (TAP), and incorporate two added functionality requirements: a Home Area Network (HAN) communication system, and remote connect/disconnect functionalities . . . the record does show that the HAN and remote connect/disconnect functionalities could be linked to the Study.” (D.10-12-061 at 7.)</p>	Yes
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A. Claimant’s contribution to the final decision

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

<p>Claimant’s explanation as to how the cost of claimant’s participation bore a reasonable relationship with benefits realized through claimant’s participation</p>	<p>CPUC Verified</p>
<p>"While we should carefully scrutinize expenditures for studies such as this, the overall the cost in this instance was not disproportionate in relation to the benefits we expect to receive from recommendations which were attributed to UCAN and the Study. UCAN’s portion of the Study cost was \$206,000. We found between \$40 million and \$50 million in added net benefits that were attributed to the HAN and remote connect/ disconnect functionalities incorporated in the settlement. (D.07-04-043 at 85.) The parties also represented that these capabilities should provide meaningful KWh savings. We did not take these factors into consideration when reaching our original determination regarding compensation. Accordingly, we will find that the Study reasonably satisfied our productivity standard.” (D.10-12-061 at 8.)</p>	<p>We find UCAN’s claim is reasonable and should be adopted without adjustments.</p>

B. Specific Claim:

CLAIMED						AWARD			
ATTORNEY AND ADVOCATE FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
M. Shames	2008-2010	17.60	330	D.10-05-013 and ALJ-267	5,808	2008-2010	17.60	330	5,808
Subtotal: \$5,808						Subtotal: \$5,808			
INTERVENOR COMPENSATION CLAIM PREPARATION **									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
M. Shames	2011	3.00	165	½ D.10-05-013 and ALJ 267	495	2011	3.00	165	495
Subtotal: \$495						Subtotal: \$495			
Total Claim: \$6,303						Total Award: \$6,303¹			
<p>**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>									

A. CPUC Disallowances & Adjustments: None

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the claim?

No

B. Comment Period: Was the 30-day comment period waived?

Yes

¹ This award addresses only UCAN's hours spent preparing its application for rehearing and its award for intervenor compensation. The correspondence file contains an email dated January 6, 2011 directing San Diego Gas & Electric Company to pay UCAN \$206,000, plus interest, for UCAN's costs related to the Smart Grid Study. See D.10-12-061 modifying D.09-04-031.

FINDINGS OF FACT

1. Claimant has made a substantial contribution to D.10-12-061.
2. The claimed fees 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 \$6,303.

CONCLUSION OF LAW

1. The claim satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. Claimant is awarded \$6,303.
2. Within 30 days of the effective date of this decision, San Diego Gas & 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 28, 2009, the 75th day after the filing of claimant's request for rehearing, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated March 10, 2011, at San Francisco, California.

MICHAEL R. PEEVEY
President
TIMOTHY ALAN SIMON
CATHERINE J.K. SANDOVAL
Commissioners

I abstain.

/s/ MICHEL PETER FLORIO
Commissioner

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:	D1103028	Modifies Decision? Yes
Contribution Decision:	D1012061	
Proceeding:	A0503015	
Author:	ALJ David M. Gamson	
Payer:	San Diego Gas & Electric Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Utility Consumers' Action Network	01-05-11	\$6,303	\$6,303	No	None

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Michael	Shames	Attorney	Utility Consumers' Action Network	\$330	2008/2011	\$330

(END OF APPENDIX)