

Decision 11-06-015 June 9, 2011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas & Electric Company for Approval of Agreements Related to the Novation of the California Department of Water Resources Agreement with GWF Energy LLC, Power Purchase Agreement with GWF Energy II LLC, and Associated Cost Recovery (U 39 E).

Application 09-10-022
(Filed October 16, 2009)

And Related Matter.

Application 09-10-034

**DECISION AWARDING INTERVENOR COMPENSATION TO THE UTILITY
REFORM NETWORK FOR SUBSTANTIAL CONTRIBUTION
TO DECISION 10-07-042**

Claimant: The Utility Reform Network (TURN)	For contribution to D.10-07-042 (rehearing of which was denied in D.10-12-063)
Claimed: \$81,229.59	Awarded: \$65,194.09 (reduced 20%)
Assigned Commissioner: Catherine J.K. Sandoval	Assigned ALJ: Timothy Kenney

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision: In D.09-04-010, the Commission conditionally approved two long-term power purchase agreements (PPAs), for a total of 588 MW of capacity from the Tracy Transaction and the Los Esteros Critical Energy Facility Transaction. The Commission required Pacific Gas and Electric Company (PG&E) to proceed with both of these transactions if PG&E's request for approval of the proposed Marsh Landing Project and/or Oakley Project was denied in A.09-09-021. The Commission also approved one other PPA, the Peaker Transaction, under which PG&E will procure 502 MW of capacity, energy, and ancillary services from existing facilities through 2017, and 325 MW through 2021.

In D.10-12-063, the Commission denied rehearing of D.10-07-042 and closed these consolidated proceedings.

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

	Claimant	CPUC Verified
Timely filing of notice of intent (NOI) to claim compensation (§ 1804(a)):		
1. Date of Prehearing Conference:	Dec. 16, 2009	Correct
2. Other Specified Date for NOI:		
3. Date NOI Filed:	Jan. 15, 2010	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.09-10-022/-034	Correct
6. Date of ALJ ruling:	Jan. 27, 2010	Correct
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.09-10-022/-034	Correct
10. Date of ALJ ruling:	Jan. 27, 2010	Correct
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.10-12-063	Correct
14. Date of Issuance of Final Decision:	Dec. 20, 2010	Correct
15. File date of compensation request:	Feb. 18, 2011	Correct
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Claimant	CPUC	Comment
13, 15	X		Rule 17.3 of the Commission’s Rules of Practice and Procedure provides, “If an application for rehearing challenges a decision on an issue on which the intervenor believes it made a substantial contribution, the request for an award of compensation may be filed within 60 days of the issuance of the decision denying rehearing on that issue, the order or decision that resolves that issue after rehearing, or the decision closing the proceeding.” Here, TURN’s request for an award of intervenor compensation is based on our substantial contribution to D.10-07-042, issued on Aug. 4, 2010, which was challenged by an application for rehearing filed on Sept. 2, 2010. The Commission

			subsequently denied rehearing and closed the instant proceedings in D.10-12-063. While TURN did not participate in the Commission’s disposition of the application for rehearing of D.10-07-042, we submit this request for an award of compensation for our work related to D.10-07-042 pursuant to Rule 17.3, which explicitly provides that an award for compensation to an underlying decision, such as D.10-07-042, may be filed within 60 days of the issuance of a subsequent decision denying rehearing and/or the decision closing the proceeding. Since D.10-12-063 does both of these things, TURN’s request is timely filed.
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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. TURN demonstrated that D.08-11-056 and/or subsequent rulings in R.07-05-025 did not authorize PG&E to execute new long-term PPAs as part of the novation or renegotiation of existing DWR PPAs without regard to the amount of new capacity authorized by D.07-12-052.	<ul style="list-style-type: none"> • TURN Opening Brief, at 3-5; TURN Reply Brief, at 3-6. • D.10-07-042, at 53-54. 	Yes
2. TURN demonstrated that the proposed Tracy and Los Esteros long-term PPAs must be consistent with PG&E’s long-term procurement plan approved in D.07-12-052 to be authorized by the Commission.	<ul style="list-style-type: none"> • TURN Opening Brief, at 4-5. • D.10-07-042, at 38: “In order to approve the two Transactions (Tracy and LECEF), we must find they are consistent with PG&E’s long-term procurement plan.” 	Yes
3. TURN demonstrated that the Upgrade PPAs, taken in conjunction with the winners of PG&E’s 2008 LTFRO (Mariposa, Marsh Landing, and Oakley) exceed the new capacity authorized by D.07-12-052.	<ul style="list-style-type: none"> • TURN Opening Brief, at 10. • D.10-07-042, at 40. 	Yes
4. TURN demonstrated that the Upgrade PPAs are not needed to address a potential supply shortage in the event of project delays or failure because there is no risk of a supply	<ul style="list-style-type: none"> • TURN Ex. 5-C, at 18-19 (discussing two CEC reports). • TURN Reply Comments on PD, at 4 (discussing the CAISO’s 	Yes

<p>shortage.</p>	<p><i>2010 Summer Loads and Resources Operations Assessment</i>, dated May 10, 2010).</p> <ul style="list-style-type: none"> • D.10-07-042, at 46 (discussing the October 2008 CEC staff report about capacity flowing from North to South on Path 26, and the CEC 2009 Demand Forecast). • D.10-07-042, at 47 (agreeing with TURN about the CAISO's May 10, 2010 report). 	
<p>5. TURN demonstrated that the approach to hedging risk of project delay and failure endorsed in D.07-12-052 – deferring the retirement of existing power plants -- continues to be practical and is superior to PG&E's proposal to procure expensive and unneeded capacity.</p>	<ul style="list-style-type: none"> • TURN Opening Brief, at 2, 7-9. • TURN Reply Comments on PD, at 1-3 (discussing impact of the State Water Resources Control Board's (SWRCB) May 4, 2010 decision on Once Through Cooling). • D.10-07-042, at 43-44. • D.10-07-042, at 48 (agreeing with TURN re: SWRCB). 	<p>Yes</p>
<p>6. TURN demonstrated that the Commission should dismiss the IE's opinion on hedging risk, as it is beyond the scope of the IE's responsibility.</p>	<ul style="list-style-type: none"> • TURN Reply Brief, at 8. • D.10-07-042, at 44. 	<p>Yes</p>
<p>7. TURN demonstrated that it would be unreasonable for PG&E to contract for more new capacity than authorized by D.07-12-052 due to the risk of project/contract failure.</p>	<ul style="list-style-type: none"> • TURN Opening Brief, at 7, 9-10. • D.10-07-042, at 48. 	<p>Yes</p>
<p>8. TURN demonstrated that no link had been established between the Upgrade PPAs and achievement of 33% RPS by 2020.</p>	<ul style="list-style-type: none"> • TURN Ex. 5-C, at 17. • D.10-07-042, at 50. 	<p>Yes</p>
<p>9. TURN demonstrated that, if the Commission determines PG&E should procure capacity at the high end of the allowed range, then the Commission should authorize the Marsh Landing</p>	<ul style="list-style-type: none"> • TURN Opening Brief, at 12-13. • D.10-07-042, at 40. 	<p>Yes</p>

<p>and Oakley projects and reject the Tracy Upgrade and LECEF Upgrade.</p>		
<p>10. TURN demonstrated that the above market costs of the two Upgrade PPAs are not “just and reasonable”, particularly because these PPAs are not needed for reliability purposes (unless RCEC is cancelled or one of the two projects proposed in A.09-09-021, Oakley and Marsh Landing, is rejected).</p>	<ul style="list-style-type: none"> • TURN Opening Brief, at 16. • D.10-07-042, at 40: “We conclude that it is unjust and unreasonable for PG&E’s ratepayers to pay for more capacity than PG&E’s authorized need, particularly given the substantial costs involved.” • D.10-07-042, at 41: “...we generally agree with DRA and TURN’s assessment that the two projects [Tracy Upgrade and LECEF] are a poor deal for ratepayers if only because they were not winners in the RFO process.” (citing TURN Ex. 5-C, at 13-15). 	<p>Yes</p>
<p>11. TURN demonstrated that the Commission should not authorize PG&E’s proposed Upgrade PPAs with GWF and Calpine unless and until PG&E has an unmet need for new fossil capacity, which could occur if the Commission rejects the proposed Marsh Landing and/or Oakley projects in A.09-09-021.</p>	<ul style="list-style-type: none"> • TURN Opening Brief, at 12-14. • D.10-07-042, at 56-57 (citing TURN at fn. 77). 	<p>Yes</p>
<p>12. TURN demonstrated that the cost of the Upgrade PPAs would only become reasonable if a fossil project authorized by the Commission fails or the Commission rejects the proposed Marsh Landing Project and/or Oakley Project in A.09-09-021, leaving a need for these projects based on the range adopted in D.07-12-052.</p>	<ul style="list-style-type: none"> • TURN Opening Brief, at 16. • D.10-07-042, FOF 10. 	<p>Yes</p>
<p>13. TURN demonstrated that the Commission should direct PG&E to work with DWR to novate the existing Tracy and LECEF contracts to PG&E, in the event that the Commission denies PG&E’s request for approval of the</p>	<ul style="list-style-type: none"> • TURN Opening Brief, at 2: “If the Commission rejects any of the Novation and Replacement Agreements submitted in this proceeding, it should consider requesting DWR to exercise its 	<p>Yes</p>

<p>Tracy and LECEF Novation Agreements in this proceeding.</p>	<p>rights under its existing GRW and Calpine contracts to trigger an ‘as is’ novation of the existing contracts to PG&E.”</p> <ul style="list-style-type: none"> • D.10-07-042, at 59: “Therefore, as contemplated by D.08-11-056, PG&E should work with DWR to novate the existing DWR-GWF Contract and the DWR-LECEF Contract to PG&E.” 	
<p>14. TURN demonstrated that the Proposed Decision’s discussion of PG&E’s “need” for the Peakers Transaction should be modified to correct the confusion between “system” and “bundled portfolio” needs.</p>	<ul style="list-style-type: none"> • TURN Comments on PD (which addressed this single issue). • <i>Compare</i> PD, at 55, Section 7.3.1, with D.10-07-042, at 60, Section 7.3.1; and PD, at 56, Section 7.3.3 with D.10-07-042, at 61, Section 7.3.3. 	<p>Yes</p>

TURN’s Time Spent on Recommendations Not Adopted

We agree with the all the substantial contributions TURN lists above. We note below, however, additional recommendations of TURN’s that were not adopted by D.10-07-042:

- TURN recommended that the Commission evaluate the proposed Upgrade projects in conjunction with three other projects that PG&E had brought before the Commission and select the combination of projects that best fit PG&E’s authorized need. (D.10-07-042, Sec. 5.1, at 26, first paragraph.) D.10-07-042 rejected this proposal at at 39 – 40.
- TURN recommended that the Commission defer a decision on the proposed Upgrade projects until after September 10, 2010. (D.10-07-042, Sec. 5.10, at 32, first paragraph.) D.10-07-042 does not address this recommendation, but the proposal was not adopted.
- TURN recommended that the Commission reject the Tracy Transition Agreement. (D.10-07-042, Sec. 5.10, at 32, second paragraph.) D.10-07-042 does not address this recommendation, but the proposal was not adopted.
- TURN opined that the Commission had flexibility to approve some contracts and reject others. (D.10-07-042, Sec. 5.11, at p. 32.) The Commission disagreed in D.10-07-042 at 37 and 59, and Conclusion of Law 1 at 67.
- TURN recommended that the Commission reject the Peakers purchased power agreement. (D.10-07-042, Sec. 5.12, at 33, first full paragraph.) The recommendation was rejected by D.10-07-042 at 61.

Conclusion. Some of the time that TURN devoted to the previously identified recommendations did not result in a substantial contribution to D.10-07-042. However, TURN did not itemize its claimed hours by issue as required by the Commission, so it is not possible to calculate a precise disallowance. We disallow 10% of the total hours claimed by TURN, for lack of substantial contribution, excluding the hours TURN spent preparing its NOI and compensation request.

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

Claimant		CPUC Verified
a. Was Division of Ratepayer Advocates (DRA) a party to the proceeding?	Yes	Yes
b. Were there other parties to the proceeding?	Yes	Yes
c. If so, provide name of other parties: As D.10-07-042 explains, the following intervenors other than TURN and DRA “participated actively in this proceeding: the Alliance for Retail Energy Markets jointly with the California Large Energy Consumers Association (together, AREM/CLECA); Californians for Renewable Energy (CARE); California Unions for Reliable Energy (CURE); Calpine Corporation (Calpine); GWF Energy LLC (GWF); the Independent Energy Producers Association (IEP); Pacific Environment.” (D.10-07-042, at 4.)		Correct
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: While both TURN and DRA represented ratepayer interests, TURN alone only represented the interests of residential and small commercial customers. Moreover, TURN actively coordinated with DRA, as well as PE and CARE, to divide up issues and avoid undue duplication by focusing their efforts on somewhat different areas. The result was fully complementary showings that built off each other toward common objectives where feasible, although the parties did not always take identical positions on all of the issues. A review of the decision clearly indicates that the intervenors’ efforts were cumulative and not duplicative. Moreover, multi-party participation was truly necessary in this case, particularly in light of the fact that several adverse parties were advocating approval of all of the proposed contracts. TURN’s showing was also unique in clearly identifying the fact that there were only two alternative portfolios of proposed contracts that could be approved consistent with the range of need adopted in the LTPP (TURN Ex.5-C). Additionally,		See Part D, Section III for our assessment on duplication of effort.

<p>TURN submits that our showing presented the most comprehensive discussion of the various Commission precedents and how they compelled the Upgrade PPAs to be viewed as part of the LTFRO, rather than stand-alone opportunities that did not need to count toward the total new generation procurement authorized by the Commission, an analysis embraced by the Commission in D.10-07-042. (See TURN Opening Brief, at 3-14 (discussing D.07-12-052, D.08-11-056, and the November 18, 2009, Assigned Commissioner’s Ruling in R.07-05-025); TURN Reply Brief, at 3-8 (discussing D.07-12-052 and D.08-11-056); and D.10-07-042 Sections 7.2.2, 7.2.6).</p> <p>For all of these reasons, TURN respectfully submits that the Commission should find that TURN’s participation was not unduly duplicative, but that our contributions complemented those of the other active intervenors with similar interests in this proceeding.</p>	
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PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

<p>Claimant’s explanation of how the cost of claimant’s participation bore a reasonable relationship with benefits realized through claimants participation</p>	<p>CPUC Verified</p>
<p>TURN’s work in this proceeding achieved an extremely successful outcome against significant opposition, resulting in the Commission’s rejection of PG&E’s request to enter into two PPAs for 254 MW of new capacity, to the extent that these PPAs would exceed the need determination made by the Commission in D.07-12-052. TURN delivered substantial cost savings to consumers by ensuring that PG&E would not be authorized to proceed with the Tracy and Los Esteros Upgrade PPAs unless there is an unfilled need for new capacity due to either 1) the Commission’s rejection of the Marsh Landing and/or Oakley Project in A.09-09-021, or 2) future events creating an unfilled need for new capacity authorized by D.07-12-052. Moreover, TURN’s representatives were able to leverage their work in the related PG&E Application 09-09-021, such that the total time spent here was smaller than would otherwise have been the case.</p> <p>TURN cannot reveal the magnitude of savings for consumers, due to our obligations under the Protective Order and Nondisclosure Agreement entered into in this proceeding. This limit on disclosure makes our typical showing of costs vs. benefits flowing to ratepayers from TURN’s participation more difficult to present to the Commission in this instance. However, TURN notes that the Commission found in D.10-07-042 that the “cost of the Upgrade PPAs is unreasonable when compared to the market price for capacity, energy, and ancillary services contained in the winning bids from PG&E’s 2008 LTRFO.” (D.10-07-042, Finding of Fact 6).</p>	<p>After the reductions we make to this claim, the remainder of TURN’s hours and costs bear a reasonable relationship with benefits realized for ratepayers as a result of TURN’s participation.</p>

<p>Because TURN’s participation in this proceeding directly resulted in the protection of ratepayers from overpaying for unneeded capacity, compared to our relatively very modest costs of participation, TURN submits that the Commission should find that the costs of our participation bear a reasonable relationship with the benefits realized through participation.</p>	
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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 \$
Michel Florio	2009	26.25	535	D.10-10-014	14,043.75	2009	26.25	535	14,043.75
Michel Florio	2010	72.75	535	D.10-05-012	38,921.25	2010	72.75	535	38,921.25
Subtotal: \$52,965.00						Subtotal: \$52,965.00			
						20% Disallowances¹: -\$10,593.00			
						Adjusted Subtotal: \$42,372.00			
EXPERT FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Kevin Woodruff	2009	5.25	225	D.09-11-029	1,181.25	2009	5.25	225	1,181.25
Kevin Woodruff	2010	114.25	225	Adopted here	25,706.25	2010	114.25	225	25,706.25
Subtotal: \$26,887.50						Subtotal: \$26,887.50			
						20% Disallowances²: -\$ 5,377.50			
						Adjusted Subtotal: \$21,510.00			
INTERVENOR COMPENSATION CLAIM PREPARATION **									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Michel Florio	2010	0.25	267.50	½ D.10-05-012 rate	66.88	2010	0.25	267.50	66.88
Hayley Goodson	2011	7.75	147.50	½ rate adopted here	1,143.13	2011	7.75	147.50	1,143.13
Subtotal: \$1,210.00						Subtotal: \$1,210.00			

¹ See page 12---10% disallowance for lack of substantial and 10% disallowance for duplication of effort.

² See footnote 1.

COSTS				
#	Item	Detail	Amount \$	Amount \$
1	Consultant Travel	Travel by consultant Kevin Woodruff from Sacramento to San Francisco to attend All Party Meeting – roundtrip fare on train (\$56), plus parking at Sacramento train station (\$9)	65.00	-0-
2	Photocopying	Photocopies of TURN’s pleadings in A.09-10-022/-034	84.60	84.60
3	Postage	Postage expense associated with service of TURN’s pleadings in A.09-10-022/-034	17.49	17.49
Subtotal: \$167.09			Subtotal: \$102.09	
TOTAL REQUEST: \$81,229.59			TOTAL AWARD: \$65,194.09	

* 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.

**Reasonable claim preparation time typically compensated at ½ of preparer’s normal hourly rate.

C. Comments Documenting Specific Claim

Comment #	Description/Comment						
1	<p>Allocation of TURN Attorney Hours by Issue/Activity Code:</p> <p>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. This proceeding essentially addressed the single substantive issue of whether the contracts proposed by PG&E should be approved. TURN accordingly used the code “ContApp” for much of our work in this proceeding. The table below explains this and the other codes used by TURN.</p> <table border="1" style="width: 100%;"> <thead> <tr> <th>Code</th> <th>Stands For:</th> </tr> </thead> <tbody> <tr> <td>ContApp</td> <td>Contract Approval -- work necessary to evaluate the reasonableness of the contracts presented by PG&E for approval in A.09-10-022 and A.09-10-034</td> </tr> <tr> <td>PD</td> <td>Proposed Decision -- work on analyzing, commenting on, lobbying on,</td> </tr> </tbody> </table>	Code	Stands For:	ContApp	Contract Approval -- work necessary to evaluate the reasonableness of the contracts presented by PG&E for approval in A.09-10-022 and A.09-10-034	PD	Proposed Decision -- work on analyzing, commenting on, lobbying on,
Code	Stands For:						
ContApp	Contract Approval -- work necessary to evaluate the reasonableness of the contracts presented by PG&E for approval in A.09-10-022 and A.09-10-034						
PD	Proposed Decision -- work on analyzing, commenting on, lobbying on,						

	GP	General Participation -- work that spanned multiple issues and/or was not dependent on the number of issues that TURN addressed	
	Comp	Compensation -- hours devoted to preparation of this request for compensation and TURN's NOI	
2	<p>Reasonableness of TURN's Hours and Expenses:</p> <p>Michel Florio was TURN's attorney in this proceeding, as reflected in the attached timesheets. Mr. Florio was assisted by outside consultant Kevin Woodruff, of Woodruff Expert Services, the same expert TURN has extensively relied on related to other supply side procurement matters. Mr. Woodruff assisted TURN with discovery and evaluation of PG&E's application; he prepared and sponsored expert testimony, assisted TURN with the drafting of portions of TURN's opening and reply briefs, and helped with evaluation of the proposed decision. TURN submits that all of the hours claimed in this request were reasonably necessary to the achievement of TURN's substantial contributions, and no unnecessary duplication of effort is reflected in the attached timesheets.</p> <p>TURN has included in this request Mr. Woodruff's travel expense associated with attending an All Party Meeting held by the Commission in San Francisco on a July 14, 2010. This travel was not "general commuting," as Mr. Woodruff only rarely comes to the CPUC for business, and Mr. Woodruff would not have traveled to San Francisco but for his need to appear at the All Party Meeting. Mr. Woodruff did not separately bill TURN for travel time associated with this trip to San Francisco.</p> <p>In D.10-11-032 (awarding compensation in A.08-05-023), the Commission disallowed travel time and expenses, saying "We consider travel time and costs incurred by attorneys, consultants and other experts participating in Commission proceedings to be non-compensable "routine travel" when the travel distance is 120 miles or less." TURN submits that this is an arbitrary standard. Whether Mr. Woodruff is traveling from Sacramento (less than 120 miles) or Auburn (more than 120 miles) does not change anything about the nature of the trip in terms of whether or not it is "routine travel" but, under the Commission's approach, would produce different outcomes. The more relevant factors to consider include whether the individual routinely travels to San Francisco as part of his or her employment, and whether he or she would have traveled to San Francisco on the date in question but for the work on behalf of TURN. Therefore TURN seeks recovery of travel-related costs, and urges the Commission to reconsider its recently applied practice.</p>		
3	<p>Preparation of the Request for Compensation by TURN Attorney Hayley Goodson and Application of Her 2010 Hourly Rate:</p> <p>As noted above, TURN was represented in this proceeding by staff attorney Michel Florio. Under ordinary circumstances, Mr. Florio, as the person most familiar with the proceeding, would have prepared this request for an award of compensation. However, Mr. Florio left TURN in January 2011 to fill an appointment by Governor Brown to the Commission, and Mr. Florio did not have time to prepare this request before his</p>		

	<p>departure from TURN. As a result, TURN assigned the preparation of this request to staff attorney Hayley Goodson, a significantly less senior attorney (with a much lower hourly rate) who nonetheless has extensive experience preparing requests for compensation. TURN submits that the substitution of Ms. Goodson for Mr. Florio in the preparation of this request is reasonable under the circumstances.</p> <p>TURN seeks compensation for Ms. Goodson’s work in preparing this request, all of which occurred in 2011, at the hourly rate adopted by the Commission for her work in 2010, reduced by 50%, per the Commission’s requirements. TURN reserves the right to seek a higher rate for Ms. Goodson’s work in 2011 in another proceeding.</p>
4	<p>If the Commission has any questions regarding any of the time or expenses claimed for compensation by TURN in this request, or any other concerns regarding the content of this request, TURN respectfully asks that it be given an opportunity to answer any such questions prior to the issuance of a decision on this request.</p>

D. CPUC Adoptions and Disallowances:

Adoptions	
2010- Woodruff hourly rate	We adopt TURN’s requested hourly rate of \$225 for Woodruff’s 2010 work here. This rate is equal to the same rates awarded to Woodruff for his work before the Commission from since 2006. ³
2011- Goodson hourly rate	We adopt TURN’s requested hourly rate of \$295 for Goodson’s 2011 work here. This rate is equal to the same hourly rate approved for Goodson’s 2010 work in D.10-12-015.
Disallowances	
10% disallowance for lack of substantial contribution	See Part II, Section A for disallowance of time associated with TURN’s recommendations that were not adopted by D.10-07-042.
10% disallowance for duplication of effort	<p>TURN was one of several “Opposing Parties” who made similar recommendations and arguments, which are summarized in D.10-07-042 at the following locations:</p> <ul style="list-style-type: none"> • PG&E should not be allowed to procure more new capacity than authorized by D.07-12-052. (D.10-07-042, Sec. 5.1, at 25 – 27; and Sec. 7.2.3, at 47, first full paragraph.) • The requested new capacity is not authorized by D.08-11-056. (D.10-07-042, Sec. 5.2, at 27.) • There is no need for a hedge. (D.10-07-042, Sec. 5.3, at 28; and Sec. 7.2.2, at 42, second paragraph.) • The requested new capacity is too expensive. (D.10-07-042, Sec. 5.5, at 29; Sec. 7.2.1 at 41, last paragraph; and Sec. 7.2.5, at 52, first line.)

³ See D.07-06-045 and D.09-11-029.

	<ul style="list-style-type: none"> • The CAISO letter should be ignored. (D.10-07-042, Sec. 5.8, at 30 - 31.) • The transactions can be disaggregated. (D.10-07-042, Sec. 5.11, at 32.) <p><u>Conclusion.</u> TURN’s participation duplicated unnecessarily the participation of other parties to some degree. However, TURN did not itemize its claimed hours by issue as required by the Commission, so it is not possible to calculate a precise disallowance. We disallow 10% of the total hours claimed by TURN, for unnecessary duplication of effort with other parties, excluding the hours TURN spent preparing its NOI and compensation request.</p>
Disallowance of Consultant travel costs	We disallow \$65 of TURN’s consultant’s travel costs as they were incurred during “routine commuting.” In Decision 10-11-032, the Commission disallowed travel time and expenses concluding that “[w]e consider travel time and costs incurred by attorneys, consultants and other experts participating in Commission proceedings to be non-compensable “routine travel” when the travel distance is 120 miles or less one-way.” Woodruff Expert Services is located in Sacramento, CA. a distance that does not exceed 120 miles one-way.

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

FINDINGS OF FACT

1. Claimant has made a substantial contribution to D.10-07-042.
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 \$65,194.09.

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 \$65,194.09.
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 May 4, 2011, 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.

This decision is effective today.

Dated June 9, 2011, at San Francisco, California.

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

I abstain.

/s/ MICHEL PETER FLORIO
Commissioner

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:	D1106015	Modifies Decision? No
Contribution Decision:	D1007042	
Proceeding:	A0910022 and A0910034	
Author:	Timothy Kenney	
Payer:	Pacific Gas & Electric Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Utility Reform Network	02-18-11	\$81,2129.59	\$65,194.09	No	lack of substantial contribution, duplication of effort and disallowance for travel costs associated with "routine" commuting

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	2009/2010	\$535
Hayley	Goodson	Attorney	The Utility Reform Network	\$295	2011	\$295
Kevin	Woodruff	Expert	The Utility Reform Network	\$225	2009/2010	\$225

(END OF APPENDIX)