

Decision 11-06-012 June 9, 2011

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

Application of Southern California Edison Company (U338E) for Approval of its 2009-2011 Energy Efficiency Program Plans and Associated Public Goods Charge (PGC) and Procurement Funding Requests.

Application 08-07-021  
(Filed July 21, 2008)

And Related Matters.

Application 08-07-022  
Application 08-07-023  
Application 08-07-031

**DECISION GRANTING REQUEST OF THE UTILITY REFORM NETWORK FOR INTERVENOR COMPENSATION FOR SUBSTANTIAL CONTRIBUTIONS TO DECISIONS (D.) 08-10-027, D.09-05-037, D.09-09-047, AND D.10-06-039**

<b>Claimant:</b> The Utility Reform Network (TURN)	<b>For contribution to</b> D.08-10-027, D.09-05-037, D.09-09-047, and D.10-06-039
<b>Claimed (\$):</b> \$561,471.00 <sup>1</sup>	<b>Awarded (\$):</b> \$516,613.90 (reduced 8%)
<b>Assigned Commissioner:</b> Michael R. Peevey for Intervenor Compensation purposes	<b>Assigned ALJ:</b> David M. Gamson
<b>Claim Filed:</b>	August 31, 2010

**PART I: PROCEDURAL ISSUES**

<b>A. Brief Description of Decision:</b>	The proceeding has produced a number of decisions during the period covered by this request for compensation. In D.08-10-027, the Commission addressed “bridge funding” issues associated with the need to have funding in place for 2009 programs even as the 2009-2011 portfolios continued to be reviewed. In D.09-05-037, the Commission addressed “policy” issues where the utility applications had proposed changes to existing Commission decisions and standards regarding the development of 2009-2011 energy efficiency portfolios. In D.09-09-047, the Commission approved 2010-2012 energy efficiency programs to be managed by the state’s major investor-owned utilities. And in D.10-06-039, the Commission permitted the extension of the Palm Desert
--	--

<sup>1</sup> We correct here the originally requested amount of \$558,689, which was based on the mathematical error.

	Demonstration Partnership (PDDP), but for a shorter term and reduced funding as compared to the utilities' request.
--	---

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

	Claimant	CPUC Verified
<b>Timely filing of notice of intent (NOI) to claim compensation (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	August 11, 2008	Correct
2. Other Specified Date for NOI:	None	
3. Date NOI Filed:	September 10, 2008	Correct
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	Correct
6. Date of ALJ ruling:	April 22, 2009	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:	A.08-05-023	Correct
10. Date of ALJ ruling:	April 22, 2009	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.10-06-039	Correct
14. Date of Issuance of Final Decision:	6/28/10	Correct
15. File date of compensation request:	8/27/10 (amended 8/31/10 and 10/6/10)	Correct
16. Was the request for compensation timely?		Yes

**C. Additional Comments on Part I**

#	Claimant	CPUC	Comment
		X	The claim was originally filed on August 27, 2010. On August 31, 2010, TURN amended the claim with additional information on its substantial contributions. On October 6, 2010, TURN filed its second amended request correcting its expert's hourly rate and the total requested amount. We adopt the date of the first amended claim (August 31, 2010), as the date of the filing, for the purposes

			of calculating the interest on the award.
--	--	--	---

**PART II: SUBSTANTIAL CONTRIBUTION**

**A. Claimant’s description of Claimant’s contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059))**

Contribution	Citation to Decision or Record (Provided by Claimant)	Showing Accepted by CPUC
<p>The Commission has issued five decisions to date addressing the merits of various proposals for the 2009-2011 (now 2010-2012) energy efficiency portfolios for each of the four major energy utilities. In each decision, TURN’s substantial contributions are numerous, as will be described in further detail below.</p> <p>In addition to the substantial contributions to the adopted decisions, TURN has also made a substantial contribution through our ongoing participation in the various informal processes associated with this proceeding. In numerous workshops and other meetings with staff and other interested parties, TURN’s critique and analysis were instrumental in helping the effort seeking to move the utility applications closer to compliance with prior Commission decisions and rulings, and to developing the necessary information needed in order to accurately assess the costs and benefits of the proposed programs. These efforts do not lend themselves to easy identification of substantial contributions, since they are not captured in final decisions or rulings. However, in a proceeding such as this one, the Commission should recognize such efforts as a critical part of an intervenor’s substantial contribution to the decision-making process.</p>		Yes
<p><b><u>D.08-10-027 -- Bridge Funding:</u></b></p> <p>Each utility proposed “bridge” funding in order to continue certain energy efficiency programs into 2009 in the event no decision issued on 2009-2011 program applications before the end of 2008. At the first prehearing conference, the ALJ stated that more information was needed to assess the bridge funding requests, and directed the utilities to submit a supplemented request to that end. The utilities presented the request on August 18, 2008.</p> <p>TURN and Division of Ratepayer Advocates (DRA) filed a joint response to the utilities’ request. The response highlighted the failure of the utilities to provide a uniform, transparent and adequately supported request. TURN and DRA urged that the bridge funding amount be set at the simple average of the monthly spending from the 2006-2008</p>		Yes

<p>programs, without any utility-proposed add-ons (approximately \$55 million), rather than the \$85 million sought under the utility proposals. (TURN/DRA Response of 8/22/08, at 5-6.) The response also proposed that the necessary funding come primarily from unspent program funds from the 2006-2008 programs. (at 7-8) TURN and DRA also raised concerns about the utilities’ proposal to use bridge funding to support “successful” programs without any indication of what defines “successful” for these purposes. (at 8-9)</p> <p>In D.08-10-027, the Commission approved the utilities bridge funding request, but with a number of modifications consistent with the points raised in the TURN/DRA response. The Commission agreed that the term “successful” lacked sufficient rationale when applied to the programs the utilities sought to enable through bridge funding. The decision agreed with TURN and DRA on using a single formula for calculating the average monthly budget from 2006-2008, and that setting the bridge funding at the higher levels sought by the utilities and others would deplete the funding available for new innovative programs once the 2009-2011 portfolios were approved and implemented. The adopted budget of \$72.7 million per month was approximately \$19 million below the level sought by the utilities.</p> <p>The Commission also addressed a request from Southern California Edison Company (SCE) to use pre-2006 unspent funds to ensure continuity through the end of 2008 and into 2009 for four programs that the utility contended had exhausted their budgets. This was the rare occasion when TURN and DRA took opposing positions. TURN urged the Commission to grant the motion expeditiously, while DRA argued that SCE had inadequately supported its request. (9/22/08 Response to SCE motion). The Commission found that SCE had demonstrated a need for continued funding, and granted the request.</p>	<p>TURN/DRA Bridge Funding Response (August 22, 2008).</p> <p>D.08-10-027, Section 4.1 (at 8-10).</p> <p>D.08-10-027, Section 4.3 (at 11-15).</p> <p>D.08-10-027, Section 4.7, Table 2 (at 18).</p> <p>D.08-10-027, Section 5 (at 19-24).</p>	
<p><b><u>D.09-05-037 -- Policy and Counting Issues:</u></b></p> <p>As originally filed, the 2009-2011 portfolio applications identified a number of policy issues on which the utilities sought changes, particularly with regard to how savings are counted and cost-effectiveness determined. The Initial Protest of DRA/TURN addressed the proposed policy changes, and generally urged rejection of the proposed changes. After initially determining that many of the issues would NOT be considered in this proceeding (Scoping Memo, November 25, 2008), the Assigned Commissioner and ALJ added a number of the decisions back to the proceeding in a ruling issued February 25, 2009. When the utilities submitted their amended applications in early</p>	<p>DRA/TURN Protest (August 28, 2008).</p>	<p>Yes</p>

<p>March, 2009, the proposed two additional changes of a policy nature – interactive effects and the estimated useful life (EUL) were added. TURN submitted comments on those new policy proposals on April 3, 2009.</p> <p>The utilities sought to limit the cumulative savings goal to 2009-2011, and exclude 2004-2005 and 2006-2008. TURN and DRA opposed this change, arguing that using the longer period appropriately encouraged a focus on long-term rather than short-term savings. The Commission removed the 2004-2005 data from cumulative savings, but retained the inclusion of 2006-2008 data.</p> <p>On interactive effects, the utilities sought removal of negative therm interactive effects from Database for Energy Efficiency Resources (DEER). TURN opposed this change, noting that the DEER update’s treatment of interactive effects is consistent with the Strategic Plan and would help break the reliance on Compact Fluorescent Lamps (CFLs) in the utilities’ portfolios. TURN also challenged the “study” the utilities relied upon in support of their position. The Commission agreed that the utility-cited study is deficient for purposes of supporting the utility position on interactive effects. However, it adopted reductions in therm goals, although not at the level sought by the utilities.</p> <p>The utilities also sought to be able to claim credit for energy savings for energy efficiency actions that may be motivated by factors other than utility programs, including federal stimulus funding or local codes and ordinances. DRA and TURN opposed this change, as it would permit double-counting and was inconsistent with the ultimate goal of market transformation. The Commission retained the reliance on net savings for the 2009-2011 time frame.</p> <p>The utilities asked that the maximum EUL be extended from 20 years to 30. TURN opposed this change, arguing that it was inadequately supported and noting that it appeared theoretical at this juncture, given that the utilities had not identified any measure with a EUL of greater than 20 years. The Commission denied the utilities’ request, both due to the lack of information from the utilities and the limited value of making the change at this time.</p> <p>The utilities sought to use a post-tax discount rate rather than their full cost of capital for purposes of determining the cost-effectiveness of portfolio programs. DRA and TURN opposed the change, noting that it would increase the estimated benefits without increasing the delivered savings. After a Proposed Decision (PD) issued that would have agreed with the utilities, TURN submitted comments explaining the factual errors of that approach and citing the inconsistency with similar calculations for transmission</p>	<p>TURN Comments, April 3, 2009.</p> <p>DRA/TURN Protest, at 17-18.</p> <p>D.09-05-037, Section 3.1.2 (at 13-18).</p> <p>TURN Comments, April 3, 2009 (at 2-9)</p> <p>D.09-05-037, at 21-22.</p> <p>DRA/TURN Protest, at 22-23.</p> <p>D.09-05-037, at 27-30.</p> <p>TURN Comments April 3, 2009, at 9-11.</p> <p>D.09-05-037, at 31-34.</p> <p>DRA/TURN Protest, at 21.</p> <p>TURN Comments on PD (May 11, 2009), at 4-7.</p>	
--	---	--

<p>investments, where the Commission had used a pre-tax discount rate. The final decision reversed this element of the PD, and specifically cited TURN’s comments as the basis for doing so.</p> <p>The utilities proposed using gross, rather than net metrics for program performance calculations. DRA and TURN opposed this change, arguing that such an approach would undermine the integrity of the Risk/Reward Incentive Mechanism (RRIM), and reminding the Commission that it had recently rejected the same requested change. The Commission specifically agreed with the DRA/TURN position that net metrics helps distinguish between effective and ineffective programs, and did not adopt the utilities’ proposal.</p>	<p>D.09-05-037, at 53.</p> <p>DRA/TURN Protest, at 19-20.</p> <p>D.09-05-037, at 50-51.</p>	
<p><b><u>D.09-09-047 (2010-12 Energy Efficiency Portfolios:</u></b></p> <p>TURN’s substantial contribution appears in numerous places throughout D.09-09-047, the decision authorizing ratepayer-supported energy efficiency programs for 2010-2012.</p> <p><b><i>Budget Transparency:</i></b> The DRA/TURN initial protest raised as a general matter the lack of transparency in the utilities’ applications, and cited the example of administrative and general (A&amp;G) costs, both for the amount proposed to be spent and what it would be spent on. TURN’s comments on the amended applications continued to focus on the inadequacy of the showing on A&amp;G costs.</p> <p>In D.09-09-047, the Commission agreed with TURN and DRA that the lack of transparency made it difficult to determine the total cost of the portfolios and whether costs had been correctly characterized as implementation or administrative costs.</p> <p><b><i>Administrative Cost Cap and audit:</i></b> The DRA/TURN initial protest raised initial concerns about the high level of costs deemed “administrative” in the utility applications. TURN’s comments on the amended applications presented an analysis showing that other jurisdictions saw administrative costs of 8% on average, and called for an audit of the utilities’ A&amp;G costs. The Commission adopted a 10% cap on A&amp;G costs for the utilities, and directed a full audit of utility-claimed A&amp;G costs.</p> <p><b><i>Overall Budget Levels:</i></b> The DRA/TURN initial protest raised concerns about the overall spending levels proposed by the utilities, but mostly in the context of the inability to analyze the proposed spending due to the inadequate showing on various elements of the applications. TURN’s comments on the amended applications contended that the overall budgets were unjustified, and emphasized that a doubling of the budgets as compared to the 2006-2008 cycle would yield only a 10% increase in savings under the utility proposals.</p>	<p>DRA/TURN Protest (8/28/08), at 3-6.</p> <p>TURN Comments (4/23/09), at 64-76.</p> <p>D.09-09-047, at 56-57.</p> <p>DRA/TURN Protest (8/28/08), at 5-6.</p> <p>TURN Comments (4/23/09), at 15-19.</p> <p>D.09-09-047, at 56-63 (see fn. 35, citing TURN’s comments).</p> <p>DRA/TURN Protest (8/28/08), at 3-6.</p> <p>TURN Comments (4/23/09), at 12-19.</p>	<p>Yes</p>

<p>The Commission adopted lower-than-requested funding levels in order to achieve “cost-effective budgets for each utility which provide an appropriate balancing of ratepayer cost protection and quality energy efficiency programs, consistent with the Strategic Plan.”</p> <p><b>Residential New Construction:</b> TURN’s comments on the amended applications recommended that the Commission substantially reduce the utility-proposed budgets for residential new construction programs, in light of the economic and housing downturn. The Commission agreed and reduced the utility proposed budgets by 30% where the utility had not already proposed a similar reduction.</p> <p><b>Basic CFL Budgets:</b> The DRA/TURN initial protest alluded to the applications’ heavy reliance on basic CFL programs as evidence that the proposed approach is “more of the same” for 2009-2011. TURN’s comments on the amended applications focused on the need to phase out the basic CFL programs, with a substantial portion of the comments addressing those concerns and an attached white paper laying out the more detailed analysis TURN had performed on these issues. In D.09-09-047, the Commission agreed that “[w]ith standard CFLs fast becoming accepted in the market, the advent of new lighting standards makes the upcoming budget cycle an opportune time to initiate a phased reduction in basic CFL subsidies and scale up utility efforts on advanced lighting products.” To this end, it reduced PG&amp;E’s funding levels for the Basic CFL program by 50% and commensurately increased its funding for the Advanced Lighting Program by 50% (at a net savings of \$19 million to ratepayers).</p> <p><b>Mercury Content in Basic CFLs:</b> TURN’s comments on the amended applications called for a 3 Milligauss (MG) limit for mercury content in CFLs receiving ratepayer subsidies. The PD would have had the Commission adopt this limit. However, in the final decision the Commission revised this outcome to adopt the 5 MG limit the utilities proposed.</p> <p><b>Marketing, Education and Outreach (ME&amp;O):</b> DRA and TURN’s comments on workshop issues addressed the scope of the ME&amp;O brand by emphasizing that the brand should be the Commission’s given its ongoing responsibility for clean energy programs and the ratepayers’ long-term investment in the statewide brand. The Commission cited this position with favor, and explicitly agreed with DRA and TURN.</p> <p><b>On- and Off-Bill Financing:</b> TURN’s July 17, 2009 comments on the utilities’ revised applications from earlier that month raised general points regarding on-bill financing options, and presented an off-bill financing proposal that the State Treasurer’s office had started to develop. The</p>	<p>D.09-09-047, at 75-76.</p> <p>TURN Comments (4/23/09), at 77-79.</p> <p>D.09-09-047, at 166.</p> <p>DRA/TURN Protest (8/28/08), at 7, fn. 10.</p> <p>TURN Comments (4/23/09), at 19-35 and Attachment 2.</p> <p>D.09-09-047, at 139-141.</p> <p>TURN Comments (4/23/09), at 43-46.</p> <p>Proposed Decision 8/25/09, at 127.</p> <p>DRA/TURN Response to ALJ Ruling Seeking Comments on Workshop Issues (6/29/09), at 29-31. D.09-09-047, at 233-234.</p> <p>TURN Comments on Supplemental Filings of July 2, 2009 (July 17, 2009), at 23-25 and</p>	
---	---	--

<p>Commission described this proposal as “intriguing” and said it was encouraged by and welcomed the involvement of the Treasurer’s office. While it did not authorize the program, the Commission directed Energy Division (ED) to work with the Treasurer’s office and others to explore such opportunities.</p> <p><b>Fund Shifting:</b> TURN supported DRA’s proposal for limits on fund shifting authority, with the utilities required to file an advice letter if the shift is greater than 10% of the funds in any category for the program cycle. To this end, TURN presented analysis demonstrating that CFLs were approved to be 30% of the 2006-08 portfolios, but fund shifting resulted in a greater than 50% share. The Commission agreed with DRA and TURN that the current fund-shifting rules give the utilities so much flexibility that they can make major changes in the balance of adopted portfolios without oversight or approval. The PD would have adopted the 10% trigger for an advice letter, but the Commission’s final decision increased the trigger to 15%.</p>	<p>Attachment 2. D.09-09-047, at 289-290.</p> <p>TURN Comments on Supplemental Filings of July 2, 2009 (July 17, 2009), at 17-19.</p> <p>D.09-09-047, at 282-283; PD, at 309.</p>	
<p><b><u>Evaluation, Measurement and Verification (EM&amp;V) Decision:</u></b></p> <p>In D.10-04-029, the Commission addressed a number of EM&amp;V-related issues for the 2010-2012 energy efficiency programs. The decision reaffirmed the Commission’s commitment to the fundamental division of responsibilities between “those who do” and “those who evaluate,” but made several process changes to improve oversight and accountability. Starting with a “straw proposal” from ED issued in July 2009, and continuing through the Joint Plan issued by ED and the utilities, the Commission sought ongoing comment from interested parties. TURN generally supported the ED straw proposal, the agreed-upon elements of the Joint Plan, and the ED-specific position on the elements of the Joint Plan where the utilities disagreed.</p> <p><b>Allocation of EM&amp;V activities and budget between ED and utilities:</b> The Joint Plan agreed to a minimum 15% of the total EM&amp;V budget that would support utility EM&amp;V activities. With the adopted budget, this equaled \$18.75 million. TURN supported that element of the Joint Plan, while the utilities sought amounts upwards of \$49.5 million. The Commission adopted a mid-point of \$34.3 million.</p> <p><b>Stakeholder Involvement in EM&amp;V:</b> TURN’s comments identified the need to apply the same policies and procedures to all EM&amp;V-related projects, whether EM&amp;V-funded or funded through other sources. TURN cited the risk that under the utility-preferred approach, a DEER measure could be slightly tweaked in order to make it a non-DEER</p>	<p>TURN Comments 12/8/09, at 5; TURN Reply Comments on PD (4/5/10), at 2-3.</p> <p>D.10-04-029, at 10-11.</p> <p>TURN Comments 12/8/09, at 10.</p>	<p>Yes</p>

<p>measure and, arguably, no longer an EM&amp;V-related project. In D.10-04-029, the Commission maintained this element of the ED proposal, including the specification that non-DEER studies would be considered EM&amp;V projects.</p> <p><b>2009 Bridge Funding Reporting, Budget Allocation, and EM&amp;V:</b> ED’s straw proposal suggested that the Commission use 2006-2008 ex post values for purposes of calculating the energy impacts of 2009 programs covered by bridge funding. Pacific Gas and Electric Company (PG&amp;E) and SCE proposed using DEER 2008 values instead. TURN supported the straw proposal’s treatment, challenging PG&amp;E’s interpretation of D.08-10-027 (the bridge funding decision) and noting that the large number of non-DEER measures would mean that under the utility proposal the utility-claimed savings for custom and non-DEER measures would produce earnings without ever being subjected to measurement or verification. The Commission included a discussion of D.08-10-027 that was consistent with the arguments TURN presented, and adopted ED’s proposal to use 2006-2008 ex post values.</p>	<p>D.10-04-029, at 28-29.</p> <p>TURN Reply Comments on PD (4/5/10), at 1-2.</p> <p>D.10-04-029, at 44-45.</p>	
<p><b><u>Palm Desert Demonstration Partnership:</u></b></p> <p>SCE and Southern California Gas Company (SoCalGas) submitted a joint petition for modification of D.09-09-047, seeking to continue funding for PDDP beyond the June 30, 2010 end date adopted in D.09-09-047.</p> <p>DRA’s response opposed the request to continue interim funding, whether or not the program continued (use existing funding to continue through 8/10). TURN’s response also opposed the request, but proposed a reduced level of funding should the Commission choose to fund at all, and calculated a monthly budget of \$161,500. And while both TURN and DRA compared the high costs of PDDP as compared to other local government programs, TURN focused on the amount spent per capita in the various programs, while DRA focused on the total expenditure for each.</p> <p>In D.10-06-039 the Commission adopted a reduced level of funding of 50% of the amount requested, or \$325,000. The adoption of reduced funding is consistent with the alternative TURN proposed should the Commission choose to continue the program.</p>	<p>Response of TURN to Joint Petition for Modification (May 7, 2010).</p> <p>D.10-06-039, at 9; and Conclusion of Law 1.</p>	<p>Yes</p>
<p><b><u>Participation In Workshops and Other Informal Elements of Proceeding</u></b></p> <p>The Commission should find that TURN’s participation in the numerous workshops and other informal elements of the proceeding constitute a substantial contribution even where those efforts did not necessarily end up explicitly reflected in</p>		<p>Yes</p>

<p>one of the formal decisions issued in the proceeding. These informal efforts were critical to the Commission's development of the energy efficiency portfolios that were adopted in D.09-09-047, and then to the ongoing implementation of the programs and other aspects of that decision.</p> <p>After the utilities filed their initial applications in mid-2008, there were numerous workshops and associated discussions on topics related to modifying and augmenting those applications to make them more consistent with what the Commission had in mind in its earlier decisions and rulings. TURN has not attempted to catalogue here each and every such effort that we participated in during the period between mid-2008 and September 2009 (when D.09-09-047 issued); the time records contained as Attachment 1 provide ample detail of the numerous workshops and discussions. As a representative sample, TURN identifies the following:</p> <ul style="list-style-type: none"><li>-- Local Government Partnership workshop 12/17/08</li><li>-- Lighting workshop 4/16/09</li><li>-- Goals workshop 5/18/09</li><li>-- Market Transformation workshop 6/3/09</li><li>-- Whole House workshop 6/11/09</li><li>-- CFL workshop 6/16/09</li><li>-- Heating, Ventilation and Air Conditioning (HVAC) workshop 6/24/09</li></ul> <p>In D.09-09-047, the Commission described the workshops that preceded the decision, and went on to rightfully commend ED for the staff's heroic efforts in marshaling the flow of information into a useful product. TURN completely agrees that ED deserves ample kudos for its work in this regard. The Commission should also acknowledge the contribution made by other participants, and find that TURN's efforts in this regard constitutes a substantial contribution to the Commission's decision-making process in this proceeding.</p> <p>In D.09-09-047 the Commission included 60 ordering paragraphs (OP) laying out an extremely ambitious and labor-intensive process for implementing that decision. TURN devoted substantial resources to this implementation work, particularly with review of the compliance filing called for in OP 15. In addition, TURN has continued to be an active participant in post-D.09-09-047 workshops and other informal processes regarding the 2010-2012 energy efficiency portfolios. Again, the time records in Attachment 1 illustrate in detail the time and resources TURN devoted to</p>	<p>D.09-09-047, at 22-23.</p>	
--	-------------------------------	--

<p>such post-decision efforts. Given that these efforts were, in one way or the other, tied to implementation of D.09-09-047, and given the relative disparity in resources that the utilities bring to such implementation efforts as compared to the resources available to intervenors representing the ratepayers who are funding the underlying programs, it is important that the Commission recognize that this post-decision work also represents a substantial contribution by TURN to the decision-making process and the outcomes of this proceeding.</p>		
--	--	--

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

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>a. Was the Division of Ratepayer Advocates (DRA) a party to the proceeding?</b>	Yes	Correct
<b>b. Were there other parties to the proceeding?</b>	Yes	Correct
<b>c. If so, provide name of other parties:</b> There were a large number of active parties in this proceeding. Other intervenors specifically representing the interests of California residents as consumers or in some other capacity included Natural Resources Defense Council, Women’s Energy Matters, and Community Environmental Council (CE Council).		Correct
<p><b>d. Claimant’s description of how Claimant coordinated with DRA and other parties to avoid duplication or of how Claimant’s participation supplemented, complemented, or contributed to that of another party:</b></p> <p>TURN was most likely to potentially duplicate the work of DRA, given the mutual interest in similar issues and general consistency of positions on those issues. TURN worked very closely with DRA to coordinate our efforts throughout this proceeding.<sup>2</sup> Given the limited resources each party had available to it and the generally consistent view that TURN and DRA brought to the majority of issues addressed in the proceeding, such coordination enabled each group to maximize the coverage of issues. Quite often this coordination produced a single jointly sponsored pleading that melded sections primarily drafted by either TURN or DRA. In other instances, TURN or DRA would take the lead role in performing the analysis and drafting for a particular pleading, with the other party playing a more limited role. Even where TURN and DRA filed separately, we closely coordinated our work to minimize the overlap of issues in the two pleadings.</p> <p>TURN also very actively coordinated our efforts with those of other parties whose focus was narrower and where potential overlap arose less frequently. For example, TURN consulted with local government and small business group representatives whenever elements of the local government or third party programs intersected with the interests of TURN’s constituency. While TURN ultimately</p>		Yes

<sup>2</sup> In the early stages of the proceeding, these coordination efforts also included CE Council. However, CE Council’s active involvement in the proceeding tailed off in late 2008.

<p>made a very distinct substantial contribution on the issues we addressed (as described further above), the multi-year and multi-billion dollar scale of this proceeding demanded coordination with all similarly aligned parties. TURN (and particularly TURN’s primary consultant) demonstrated an aptitude for such coordination that assured we achieved the broadest coverage of issues.</p> <p>TURN submits that the Commission should find that TURN took all reasonable steps to avoid duplication and, to the extent that there was any overlap, TURN’s work supplemented and complemented that of DRA and the other parties opposed to the application.</p>	
---	--

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

#	Claimant	CPUC	Comment

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

Explanation by Claimant of how the cost of Claimant’s participation bore a reasonable relationship with benefits realized through participation	CPUC Verified
<p>TURN’s participation helped to convince the Commission to adopt a \$3.1 billion budget for energy efficiency programs in the 2010-2012 period, a \$600 million reduction from the spending authorization sought by the four utilities. The adoption of the 10% cap on administrative costs resulted in program cost reductions \$221 million (see Tables 6-9 of D.09-09-047). And the bridge funding levels adopted for 2009 in D.08-10-027 (Table 2 on page 18) were approximately \$19 million <u>per month</u> less than the amounts proposed by the utilities. In addition, TURN’s participation on non-monetary and policy issues also produced benefits that, while harder to quantify in terms of dollars saved, were still quite substantial.</p> <p>In the face of these cost savings to California ratepayers, TURN’s request for compensation of less than \$600,000 for work spanning a two year period is a very small fraction of the monetary benefits realized through our participation (representing approximately 3.2% of the savings each <u>month</u> in 2009 associated with bridge funding alone). And these comparisons focus exclusively on the financial implications of the issues TURN addressed.</p> <p>Equally as valuable (but more difficult to quantify in monetary figures) are the benefits of TURN’s participation on matters of program selection and design and other work seeking to maximize the likelihood that the energy efficiency programs will meet California’s ambitious goals for such programs.</p>	<p>With the reductions and adjustments made in this decision, the requested costs of participation bore a reasonable relationship with the benefits realized as a result of TURN’s participation.</p>

**B. Specific Claim:\***

CLAIMED						CPUC AWARD			
ATTORNEY AND ADVOCATE FEES									
Item	Year	Hours	Rate	Basis for Rate	Total \$	Year	Hours	Rate	Total \$
R. Finkelstein	2008	37.75	\$470	D.08-08-027	\$17,742.50	2008	35.86	\$470	\$16,855.38
R. Finkelstein	2009	259.00	\$470	ALJ-235; D.09-10-051	121,730.00	2009	246.05	\$470	\$115,643.50
R. Finkelstein	2010	40.50	\$470	ALJ-247	19,035.00	2010	38.48	\$470	\$18,083.25
H. Goodson	2009	25.50	\$280	ALJ-235; D.09-10-051	7,140.00	2009	24.23	\$280	\$6,783.00
M. Ang	2010	25.25	\$280	First time rate see comment 3 below	7,070.00	2010	23.99	\$280	\$6,716.50
<b>Subtotal:</b>					<b>\$172,717.50</b>	<b>Subtotal:</b>			<b>\$164,081.63</b>
EXPERT FEES									
Item	Year	Hours	Rate	Basis for Rate	Total \$	Year	Hours	Rate	Total \$
C. Mitchell	2008	200.25	\$170	D.10-02-031	\$34,042.50	2008	169.71	\$170	\$28,851.13
C. Mitchell	2009	624.50	\$180	First time rate – comment 3	\$112,410.00	2009	530.83	\$180	\$95,548.50
C. Mitchell	2010	222.55	\$180		\$40,059.00	2010	189.17	\$180	\$34,050.15
G. Court	2008	133.00	\$120	D.09-05-015	\$15,960.00	2008	126.35	\$120	\$15,162.00
G. Court	2009	222.75	\$150	First time rate – comment 3	\$33,412.50	2009	211.61	\$150	\$31,741.88
G. Court	2010	136.25	\$150		\$20,437.50		129.44	\$150	\$19,415.63
R. Deumling	2009	468.25	\$150	First time rate – comment 3	\$70,237.50	2009	444.84	\$150	\$66,725.63
R. Deumling	2010	123.45	\$150		\$18,517.50	2010	117.28	\$150	\$17,591.63
W. Marcus	2009	18.50	\$250	D.08-11-053, at 10	\$4,625.00	2009	17.58	\$250	\$4,393.75
J. Nahigian	2009	39.75	\$190	D.09-04-027, at 9	\$4,770.00	2009	39.75	\$190	\$7,552.50
G. Jones	2009	129.40	\$120	D.09-04-027, at 9	\$16,822.00	2009	129.40	\$130	\$16,822.00
<b>Subtotal \$:</b>					<b>\$371,294.00</b>	<b>Subtotal \$:</b>			<b>\$337,854.78</b>
OTHER FEES									
Item	Year	Hours	Rate	Basis for Rate	Total \$	Year	Hours	Rate	Total \$
C. Mitchell Travel	2008	8.00	\$85	½ hourly rate	\$680.00	2008	8.00	\$85	\$680.00
C. Mitchell Travel	2009	40.00	\$90	½ hourly rate	3,600.00	2009	40.00	\$90	\$3,600.00
G. Court Travel	2009	3.00	\$75	½ requested hourly rate	225.00	2009	3.00	\$75	\$225.00
R. Deumling Travel	2009	20.00	\$75	½ requested hourly rate	1,500.00	2009	20.00	\$75	\$1,500.00
<b>Subtotal:</b>					<b>\$6,005.00</b>	<b>Subtotal \$:</b>			<b>\$6,005.00</b>

INTERVENOR COMPENSATION CLAIM PREPARATION **									
Item	Year	Hours	Rate	Basis for Rate	Total \$	Year	Hours	Rate	Total \$
R. Finkelstein	2008-2010	21.50	\$235	50% of \$470	\$5,052.50	2008-2010	21.50	\$235	\$5,052.50
<b>Subtotal:</b>					<b>\$5,052.50</b>	<b>Subtotal \$:</b>			<b>\$5,052.50</b>
COSTS									
#	Item	Detail			Amount	Detail			Amount \$
1	Photocopies	TURN Pleadings			\$181.00				\$181.00
2	Lexis/Nexis	Computerized research			31.00				31.00
3	Phone and postage	Proceeding-related phone calls and TURN pleadings			69.00				69.00
4	Consultant Travel	Travel from Reno office to SF PHCs and workshops. Air fare, parking, taxis and BART			2,720.00				2,012.60
5	Consultant lodging	Hotels while in SF for proceeding			619.00				413.28
<b>Subtotal:</b>					<b>\$3,620.00</b>	<b>Subtotal:</b>			<b>\$2,706.88</b>
<b>TOTAL REQUEST</b>					<b>\$558,689.00</b>	<b>TOTAL AWARD:</b>			<b>\$516,613.90</b>
<p>*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 requested compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants, and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Reasonable claim preparation time typically compensated at ½ of preparer’s normal hourly rate (the same applies to the travel time).</p>									

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

#	Claimant	CPUC	Description/Comment
1	X		<p><b>Reasonableness of TURN Hours:</b> The amount of hours TURN devoted to this proceeding must be viewed in context. Energy efficiency is first in California’s loading order for energy resources, and the utility-proposed programs for 2009-2011 came with a price tag of approximately \$3.7 billion (presented in four separate applications). The implications for consumers were quite substantial. In order to perform the broad and detailed analysis that such a multi-billion dollar proposal warrants, TURN devoted substantial attorney and consultant resources to further fleshing out, reviewing and critiquing the utilities’ proposals. This effort was compounded by the general inadequacy of the utilities’ initial showing in support of their applications and the resulting effort to simply get to “square one,” that is, applications that were sufficiently supported to permit interested parties and the Commission’s staff to analyze the proposals. The upshot is that TURN’s attorneys and consultants recorded a substantial amount of hours for our work in this</p>

		<p>proceeding. As described further below, the Commission should find that the number of hours for each TURN representative is reasonable under the circumstances present here.</p> <p><u>TURN Staff Hours:</u> Throughout nearly the entirety of the two-year period covered by this Request for Compensation, Robert Finkelstein was the sole TURN attorney assigned to this proceeding. In 2009 Hayley Goodson devoted approximately 25 hours focused primarily on issues regarding CFL content and disposal. Ms. Goodson had previously served for many years as TURN’s lead attorney on energy efficiency issues and during that period had developed expertise regarding this issue. Thus it was efficient to rely on her to take the lead on this element of TURN’s showing. Marybelle Ang, an attorney who joined TURN in April 2010, is in the process of becoming the lead TURN staff member for energy efficiency issues, and performed the principal amount of work on the SCE and SoCalGas petition for modification regarding PDDP (recording approximately 25 hours in the process). With those relative minor exceptions, TURN assigned only Mr. Finkelstein to handle the four applications proposing a multi-faceted, multi-billion dollar program covering (as it turned out) a four year period.</p> <p>The hours for TURN’s attorneys are reasonable. For the period from mid-2008, when the utilities filed their initial applications, through the end of that year, TURN seeks compensation for 38.25 hours of Mr. Finkelstein’s work, primarily for the initial review of the applications for general compliance, preparation for and participation in the prehearing conferences conducted in 2008, and preparing the TURN/DRA pleadings related to bridge funding. In 2009, he recorded approximately 260 hours, including major efforts associated with preparation of TURN’s extensive comments on the amended utility applications, pleadings related to the policy issues decision and rulings related to EM&amp;V, review and comment on the proposed decision that became D.09-09-047, and efforts associated with implementation of that decision subsequent to its adoption. For 2010, TURN seeks recover of approximately 40 hours of Mr. Finkelstein’s work (not related to intervenor compensation), mostly covering continuing efforts on decision implementation, review of the utility advice letters submitted pursuant to D.09-09-047, and continuing work on EM&amp;V issues (ultimately leading to D.10-04-029). For Ms. Goodson and Ms. Ang, TURN’s request includes less than a week’s worth of billable time for each attorney, a reasonable amount under the circumstances.</p> <p><u>TURN Consultant hours:</u> The majority of this request for compensation covers the work of TURN’s outside consultants. Simply stated, TURN’s success in making broad contributions to the various decisions and other outcomes in this proceeding was tied to the excellent analysis performed by our outside consultants. That analysis required substantial time and effort on their part. Thus it is no surprise that TURN’s request includes approximately 2,100 hours on substantive matters for Energy Economics Inc. (Cynthia Mitchell’s firm), and approximately 200 hours for JBS Energy. The Commission should find the number of hours for each firm reasonable and award compensation for the full amount of requested hours.</p> <p>On a macro level, the number of hours for TURN’s consultants is consistent with the magnitude and duration of this proceeding and TURN’s participation therein. The review and implementation of energy efficiency programs for 2009-2011 (now 2010-2012) has progressed without much let-up since the utilities filed their initial applications in mid-2008, interspersed with periods of higher-than-usual</p>
--	--	---

		<p>activity (such as the weeks after amended applications were filed in early 2009). As described in the substantial contribution discussion above, and as evidenced by the time records attached to this request, TURN’s consultants covered a wide array of subjects and the associated activities within this proceeding. The total hours requested for Ms. Mitchell and her colleagues represent the equivalent of a single individual devoting approximately twenty-hours per week on average to the proceeding. Given the broad and deep coverage achieved by TURN’s consultants, this figure is reasonable.</p> <p>This conclusion is further borne out by a review of the specific entries describing the daily activities of Ms. Mitchell and her colleagues. Ms. Mitchell recorded the largest number of hours, but relied on Dr. Court and Dr. Deumling to perform supporting analysis and, on occasion, to step in as TURN’s representative at workshops and other events. This approach enabled TURN to achieve broader coverage at the proceeding at a reasonable additional cost (since Ms. Mitchell relied on firm members with lower hourly rates).</p> <p>If the Commission has any doubts about the quality and value of TURN’s participation through the work of Ms. Mitchell and her colleagues, it should consult with the various members of Energy Division who had an opportunity to work with TURN’s consultants on matters related to these energy efficiency applications. TURN is confident that the feedback will be very positive in all regards.</p> <p>The hours for work performed by JBS Energy cover a more discreet set of issues. TURN’s initial review of the utility applications led to concerns regarding the amount of program costs that were “administrative” in nature, and the risk that costs related to the energy efficiency programs were covered by non-energy efficiency accounts (that is, accounts covered by revenue requirements from the utility’s general rate case or other ratemaking sources). TURN relied on JBS Energy to perform the analysis of these issues for purposes of our April 2009 comments on the utilities’ amended applications because of the firm’s extensive experience in prior GRCs and similar ratemaking proceedings at the CPUC. TURN was also able to take advantage of the firm’s prior experience with forecasting new construction in preparing the critique of the utility-proposed new construction programs and associated forecasts.</p> <p><u>Meetings, travel time, and compensation-related time:</u> A very small number of hourly entries reflect meetings attended by TURN’s attorney and expert witness. In past compensation decisions the Commission has deemed such entries as reflecting internal duplication that is not eligible for an award of intervenor compensation. This is not the case here. These meetings were essential to TURN developing and implementing its strategy for this proceeding. TURN’s requested hours do not include any for any TURN attorney or expert witness where his or her presence at a meeting was not necessary in order to achieve the meeting’s purpose. TURN submits that such meetings can be part of an intervenor’s effective advocacy before the Commission, and that intervenor compensation can and should be awarded for the time of all participants in such meetings where, as here, each participant needed to be in the</p>
--	--	--

		<p>meeting to advance the intervenor’s advocacy efforts.</p> <p>There is also travel time associated with TURN’s expert witnesses’ attendance at various workshops and attendance at a prehearing conference.<sup>3</sup> This travel was not “general commuting,” as Ms. Mitchell and her colleagues only rarely come to the CPUC for business, and would not have traveled to San Francisco on any of the days in question but for the workshops or prehearing conferences in this proceeding. The number of trips is larger than TURN typically includes in a request for compensation, but approximately 10 trips over a two-year period in a proceeding that included a large number of workshops and similar informal meetings is very reasonable.</p> <p>Finally, TURN is requesting compensation for 21.5 hours devoted to compensation-related matters, primarily preparation of this request for compensation. While higher than the number of hours TURN tends to seek for compensation-related matters, this is a reasonable figure given the two-year period and numerous decisions covered by the request. TURN submits that the request is more akin to those TURN typically submits in litigated GRC proceedings for the major energy utilities. In D.09-10-051 (at 22), the Commission awarded compensation for the full 30.75 hours requested for compensation-related matters, primarily preparation of the request.</p>										
2	X	<p><b>Allocation of Hours:</b> TURN has allocated its time entries by the following activity codes:</p> <table border="1"> <tr> <td>General Participation (GP)</td> <td>This category typically includes time for activities necessary to participate in the docket that tend not to vary by the number of issues addressed, such as initial review of applications, participation in prehearing conferences and ex parte meetings, and similar activities. In this proceeding, TURN has also included the hours associated with the initial review and critique of the utilities’ applications as filed in July 2008, where the work was less issue-specific and more concerned with compliance (or lack thereof) with prior decisions and rulings.</td> </tr> <tr> <td>Bridge</td> <td>Work on the bridge funding request of the utilities for continuation of programs through 2009.</td> </tr> <tr> <td>Goals</td> <td>Analysis of issues surrounding the Commission’s adopted goals for energy efficiency savings and demand reduction, and consistency of utility proposed programs with the achievement of those goals.</td> </tr> <tr> <td>Administrative and General (A&amp;G)</td> <td>Analysis and critique of administrative and related costs associated with utility-proposed portfolios for 2009-2011, including overlap with costs covered by non-energy efficiency budgets (particularly GRC budgets).</td> </tr> <tr> <td>CFLs</td> <td>Issues related to utility-proposed lighting programs that relied on CFLs, including TURN’s development of the white paper that presented its analysis and the work</td> </tr> </table>	General Participation (GP)	This category typically includes time for activities necessary to participate in the docket that tend not to vary by the number of issues addressed, such as initial review of applications, participation in prehearing conferences and ex parte meetings, and similar activities. In this proceeding, TURN has also included the hours associated with the initial review and critique of the utilities’ applications as filed in July 2008, where the work was less issue-specific and more concerned with compliance (or lack thereof) with prior decisions and rulings.	Bridge	Work on the bridge funding request of the utilities for continuation of programs through 2009.	Goals	Analysis of issues surrounding the Commission’s adopted goals for energy efficiency savings and demand reduction, and consistency of utility proposed programs with the achievement of those goals.	Administrative and General (A&G)	Analysis and critique of administrative and related costs associated with utility-proposed portfolios for 2009-2011, including overlap with costs covered by non-energy efficiency budgets (particularly GRC budgets).	CFLs	Issues related to utility-proposed lighting programs that relied on CFLs, including TURN’s development of the white paper that presented its analysis and the work
General Participation (GP)	This category typically includes time for activities necessary to participate in the docket that tend not to vary by the number of issues addressed, such as initial review of applications, participation in prehearing conferences and ex parte meetings, and similar activities. In this proceeding, TURN has also included the hours associated with the initial review and critique of the utilities’ applications as filed in July 2008, where the work was less issue-specific and more concerned with compliance (or lack thereof) with prior decisions and rulings.											
Bridge	Work on the bridge funding request of the utilities for continuation of programs through 2009.											
Goals	Analysis of issues surrounding the Commission’s adopted goals for energy efficiency savings and demand reduction, and consistency of utility proposed programs with the achievement of those goals.											
Administrative and General (A&G)	Analysis and critique of administrative and related costs associated with utility-proposed portfolios for 2009-2011, including overlap with costs covered by non-energy efficiency budgets (particularly GRC budgets).											
CFLs	Issues related to utility-proposed lighting programs that relied on CFLs, including TURN’s development of the white paper that presented its analysis and the work											

<sup>3</sup> Ms. Mitchell was TURN’s sole representative at the prehearing conference conducted August 11, 2008. She also appeared with Mr. Finkelstein at the March 9, 2009 prehearing conference because TURN deemed her in-person participation preferable in light of the breadth of issues that could potentially be addressed at that event (given its focus on the just-filed amended utility applications).

			associated with the interim report on CFL market effects.
		CFL Disposal (CFL Disp)	Issues related to disposal concerns specific to CFLs due to mercury content
		Appliance Recycle (AppRecycle)	Review and critique of proposed appliance recycling elements of utility EE program portfolios
		NewHome	Review and critique of utility-proposed new construction programs
		HVAC	Review and critique of utility-proposed HVAC programs.
		Local Government Partnerships (LGP)	Review and critique of local government partnership programs
		Amd App Rev	General review and analysis of revised utility applications as filed March 2009, including preparation of discovery and preparation of TURN's comments of April 17, 2009 and May 5, 2009 reply comments, and comments responding to ALJ ruling.
		EM&V	General EM&V issues, such as commenting on Energy Division "straw" proposal and process that led to D.10-04-029.
		2006-2008 ex post EM&V	Review and analysis of issues associated with achieving compliance with Commission directive to use most up-to-date EM&V results, such as 2008 DEER values.
		Proposed Decision (PD)	Review of ALJ's Proposed Decision issued in August 2009, work associated with comments and ex parte communications.
		Compliance Filing	Review and analysis of utility advice letters required in Ordering Paragraph 15(g) of D.09-09-047.
		Decision Implementation (DecImp)	Other work associated with implementation of D.09-09-047 other than compliance filing required in OP 15(g).
		IOU Portfolio Changes	Review and analysis of utility-proposed portfolio changes to reflect 06-08 EM&V results
		Whole House	Participation in development of Whole House strategy, including review and analysis of proposals and attending workshops.

			<table border="1"> <tr> <td>Policy</td> <td>Policy and counting issues raised in utility applications and addressed in D.09-05-037</td> </tr> <tr> <td>On Bill Finance</td> <td>On bill financing proposals that were presented and considered in this proceeding</td> </tr> <tr> <td>PDDP</td> <td>Researching and preparing response to SCE and SoCalGas petition for modification on PDDP, and comments on Proposed Decision that led to D.10-06-039.</td> </tr> <tr> <td>#</td> <td>Time entries that cover substantive issue work that cannot easily be identified with a specific activity code.<sup>4</sup></td> </tr> <tr> <td>Travel</td> <td>Time devoted to travel related exclusively to work in this proceeding.</td> </tr> <tr> <td>Comp</td> <td>Time devoted to compensation-related pleadings.</td> </tr> </table> <p>TURN submits that under the circumstances this information should suffice to address the allocation requirement under the Commission’s rules. Should the Commission wish to see additional or different information on this point, TURN requests that the Commission so inform TURN and provide a reasonable opportunity for TURN to supplement this showing accordingly.</p>	Policy	Policy and counting issues raised in utility applications and addressed in D.09-05-037	On Bill Finance	On bill financing proposals that were presented and considered in this proceeding	PDDP	Researching and preparing response to SCE and SoCalGas petition for modification on PDDP, and comments on Proposed Decision that led to D.10-06-039.	#	Time entries that cover substantive issue work that cannot easily be identified with a specific activity code. <sup>4</sup>	Travel	Time devoted to travel related exclusively to work in this proceeding.	Comp	Time devoted to compensation-related pleadings.
Policy	Policy and counting issues raised in utility applications and addressed in D.09-05-037														
On Bill Finance	On bill financing proposals that were presented and considered in this proceeding														
PDDP	Researching and preparing response to SCE and SoCalGas petition for modification on PDDP, and comments on Proposed Decision that led to D.10-06-039.														
#	Time entries that cover substantive issue work that cannot easily be identified with a specific activity code. <sup>4</sup>														
Travel	Time devoted to travel related exclusively to work in this proceeding.														
Comp	Time devoted to compensation-related pleadings.														
3	X		<p><b>Hourly Rate for TURN attorneys and consultants in 2009 and 2010:</b></p> <p><b>2008 Rates:</b> TURN’s request for compensation uses 2008 hourly rates for its attorneys and consultants at levels previously authorized in prior Commission decisions, as noted in the table above.</p> <p><b>2009 Rates for TURN’s Attorneys and JBS Energy firm members:</b> <i>With one exception,</i> TURN’s request for compensation uses 2009 hourly rates for its attorneys and for its consultants at JBS Energy at levels previously authorized in prior Commission decisions, as noted in the table above.</p> <p>For work performed in 2009 by Garrick Jones of JBS Energy, TURN seeks an hourly rate of \$130. The Commission has previously adopted a \$110 rate for Mr. Jones’s work in 2007, and a \$120 rate for his work in 2008. TURN had originally requested the \$130 rate for Mr. Jones’s work in 2008 (the rate JBS Energy invoiced TURN for his work after January 1, 2008), and explained that the requested rate was very near the bottom of the \$125-185 range the Commission had adopted for similarly-experienced experts in D.08-04-010. The Commission instead adopted the \$120 rate for 2008 work, a figure below the adopted range. (D.09-04-027, at 12 and 15.) For 2009, TURN again seeks adoption of the \$130 rate that JBS Energy has charged for Mr. Jones’s work since January 1, 2008. The Commission retained the \$125-185</p>												

<sup>4</sup> Given the magnitude of this compensation request and the multi-year period it covers, the number entries that received this designation is unusually small (four, totaling 21 hours and all reflecting work in the final period leading up to TURN’s April 2009 comments). These entries represent approximately 1% of the total hours TURN recorded for work allocated to substantive categories in this proceeding, which TURN believes is a reasonable amount given the simultaneous handling of numerous substantive issue categories throughout much of the proceeding. TURN requests compensation for all of the time included in this request for compensation, and therefore does not believe allocation of the time associated with these # entries is necessary. However, if such allocation needs to occur, TURN proposes that the Commission allocate these entries in equal 20% shares to the four issue-specific categories described above that were the primary topics covered by the April 2009 comments (CFLs, A&G, Goals, and NewHome) and general participation (GP).

		<p>range for experts with 0-6 years of experience in 2009. Resolution ALJ-235. It also retained the policy and procedure under which an intervenor could seek an hourly rate increase beyond those generally adopted where a rate is below the range of rates for a given level of experience. Resolution ALJ-235, at 4, citing D.08-04-010 (§4.3.3). Given that his 2008 hourly rate was set <u>below</u> the adopted range for that year (despite TURN's request for a rate within the range), and given that his experience in 2009 would have put him at least in the upper two-thirds of the experience range, an hourly rate of \$130 (just above the bottom of the range) is clearly reasonable. Therefore TURN asks the Commission to use the \$130 invoiced rate for Mr. Jones's 2009 work for purposes of calculating the compensation award in this proceeding.</p> <p><b><u>2009 and 2010 Rates for Cynthia Mitchell, Gillian Court, and Reuben Deumling:</u></b></p> <p>This is the first request for compensation that includes hours for Cynthia Mitchell, Gillian Court and Reuben Deumling for work performed in 2009 and 2010. Consistent with D.08-04-010, TURN seeks a slight increase to the hourly rate for Ms. Mitchell and Dr. Court as compared to the rates authorized for their work in 2008. This is the Commission's first opportunity to approve an hourly rate for Dr. Deumling's work on behalf of TURN.</p> <p>D.08-04-010, TURN seeks a slight increase to the hourly rate for Ms. Mitchell and Dr. Court as compared to the rates authorized for their work in 2008. This is the Commission's first opportunity to approve an hourly rate for Dr. Deumling's work on behalf of TURN.</p> <p><u>Cynthia Mitchell:</u> The Commission has awarded intervenor compensation for Ms. Mitchell's work in 2008 at her invoiced rate of \$170. Ms. Mitchell increased that rate to \$180 at the start of 2009, and has maintained it at that level since. Ms. Mitchell's experience on energy-related matters spans more than thirty years. While her work with TURN in recent years has focused on energy efficiency matters, her prior experience includes analysis on traditional utility rate making and regulatory matters integrated resource planning, and economic analysis of utility industry competition, restructuring, deregulation, and alternative regulation. The rate range for an expert witness with 13+ years of experience is \$155-390 for both 2009 and 2010. (Resolution ALJ-247, at 4). Ms. Mitchell's approved rate of \$170 is very nearly at the bottom of this range, and therefore fits within the fifth of the five circumstances the Commission has identified for seeking a rate increase beyond those generally adopted for a given year. (D.08-04-010, at 9 (§4.3.3, #5)).</p> <p>The Commission has previously approved hourly rates of \$180, \$190 and \$200 for work performed in 2008 by Greg Ruzzovan, Jeff Nahigian, and Gayatri Schilberg, respectively, each of whom is with JBS Energy and has similar or slightly less experience in the field of utility regulation and before the CPUC in particular. (D.09-04-027, at 10). Like Ms. Mitchell, these members of JBS Energy review and analyze utility showings in support of proposed programs and prepare critiques of those showings for purposes of inclusion in TURN pleadings or other presentation to the Commission and its staff. TURN is confident that the Commission's extensive experience with both Ms. Mitchell's work and that of these members of JBS Energy will confirm the reasonableness of this comparison. Should the Commission determine that it needs additional information or detail in order to confirm that these peer rates for work in 2008 are comparable to the requested rate for Ms. Mitchell's work in 2009, TURN asks that we be provided an opportunity to supplement this showing.</p>
--	--	--

		<p>If the Commission concludes that TURN has not met the burden of demonstrating that the requested increase from \$170 in 2008 to \$180 in 2009 is warranted under the exception applicable to experts whose rates are at the low end of the adopted range even when their qualifications are much higher in that range, TURN requests the same change as one of the 5% step increases provided under the second of the five circumstances identified in D.08-04-010. A 5% increase to \$170, rounded to the nearest \$5 increment, produces a rate of \$180.</p> <p><u>Gillian Court</u>: The Commission approved an hourly rate of \$120 for Dr. Court’s work in 2008. This rate is below the adopted range of \$125-185 for experts with 0-6 years of experience. Resolution ALJ-247. It therefore fits within the fourth of the five circumstances the Commission has identified for seeking a rate increase beyond those generally adopted for a given year. (D.08-04-010, at 9 (§4.3.3, #4)). The 2009 rate of \$150 is approximately the mid-point of the adopted range, and is appropriate give Dr. Court’s education and experience.</p> <p>Dr. Court received a PhD in Urban Studies (Economic Geography emphasis) in 1990 from University of Bristol, an MA Urban Planning in 1986 from UCLA, and a BA Comparative American Studies in 1981 from University of Warwick. Since joining Ms. Mitchell’s firm in 2007, her work has focused on analysis of life cycle savings from energy efficiency programs and the goals proposed and adopted by the Commission for those programs. In addition to her direct experience on energy efficiency issues, Dr. Court has extensive experience (over ten years) performing similar economic analyses on labor market and income and wealth distribution issues. TURN submits that even if the pre-2007 experience is not directly in the field of energy program analysis, it should translate to the equivalent of several years of experience that would place her at least at the mid-point of the 0-6 year range for purposes of establishing her hourly rate under Resolution ALJ-247. The requested hourly rate (\$150) is slightly below the mid-point of the adopted range for 2009 and 2010 (\$155). TURN requests that the Commission approve that rate for Dr. Court’s work in 2009 and 2010.</p> <p><u>Reuben Deumling</u>: This is the first time TURN has sought intervenor compensation for work performed by Dr. Deumling. He was awarded a PhD at the Energy and Resources Group at U.C. Berkeley in 2008, has studied energy efficiency policies for approximately ten years, and worked with the Commission’s Energy Division for a number of years earlier this decade. TURN is conservatively treating his experience as the equivalent of four years prior to 2009, when he began working on behalf of TURN in this proceeding. The requested hourly rate of \$150 for his work in 2009 and 2010 is slightly below the mid-point of the range adopted for experts with 0-6 years of experience. The Commission should find this rate reasonable.</p> <p><b><u>2010 Rates for TURN’s Attorneys</u></b>: The Commission has not previously authorized an hourly rate for TURN’s attorneys where a substantial portion of the substantive work in the proceeding occurred in 2010. In this proceeding, with one exception TURN requests compensation using the previously-approved 2009 hourly rates for each attorney’s 2010 work. Should the Commission need further information on these requested rates, TURN would be glad to provide such information.</p> <p>This is the first request for compensation that includes hours for Marybelle Ang, TURN’s newest staff attorney. Ms. Ang is a 2001 graduate of Northwestern University School of Law. From late 2001 through 2005, Ms. Ang worked for two</p>
--	--	--

		<p>Washington D.C. law firms and the U.S. Department of Energy with a practice that focused on natural gas and electricity-related issues. Ms. Ang then spent four years with SCE in a project manager position and focused on wholesale energy transactions and related procurement issues. Ms. Ang joined TURN's staff in April 2010. With her extensive energy background, Ms. Ang was able to step directly into a position of substantial responsibility, and she assumed the role as TURN's primary attorney for a number of energy efficiency issues, as well as other matters.</p> <p>At this time TURN seeks an hourly rate of \$280 for Ms. Ang's work in 2010. In Resolution ALJ-247, the Commission adopted a range of \$280 - \$300 for attorneys in their 5th through 7th year of experience. Ms. Ang is in her 5th year of practice as an attorney focusing on energy regulatory issues. While her four years at Edison were not in an attorney position, the experience clearly enhanced her skills in an energy regulatory practice now that she has returned to an attorney position. Therefore, the \$280 rate that is the low end of the 2010 range for 5-7 years experience is reasonable, if not conservative. Again, should the Commission believe it needs further information in support of this requested rate for Ms. Ang, TURN would be glad to provide such information upon request</p>
4	X	<p><b>Reasonableness of Expenses:</b> The Commission should find TURN's direct expenses reasonable. The expenses consist of photocopying expenses for pleadings and other documents produced specifically for this proceeding; expenses for legal research conducted via the Lexis/Nexis database in support of TURN's advocacy in this proceeding; phone, postage and delivery expenses for TURN's participation in this proceeding; and travel-related expenses for TURN's consultants attending workshops and a prehearing conference in this proceeding (airfare, ground transport and parking, and hotel). As explained in comment 1 above with regard to the reasonableness of the travel-related hours included in this request, the travel-related expenses are reasonable. Indeed, the willingness of TURN's primary consultant to travel back and forth to San Francisco in a single day on several occasions enabled TURN to minimize the lodging costs incurred for our work in the proceeding.</p>

**D. CPUC Approvals, Disallowances & Adjustments:**

#	Reason
<b><u>Approved Hourly Rates</u></b>	<p>For Attorney Marybelle Ang's work in 2010, TURN requests an hourly rate of \$280. Ang practiced law for about four years prior to December of 2005. From December 2005 to April 2010, Ang was a project manager at SCE. TURN asks to include Ang's years of experience at Edison towards the lowest end of the five to seven year experience range for attorneys. We find this reasonable in the light of the fact that issues she handled during that period were closely related to the issues of this proceeding. Ang's combined years of experience place her work within the rate range of \$280 to \$300.<sup>5</sup> We adopt the requested rate, as reasonable.</p> <p>TURN requests an hourly rate of \$150 for expert Gillian Court's work in 2009,</p>

<sup>5</sup> Resolution ALJ-247 at 4.

	<p>representing a 25% increase over her rate of \$120 requested for her work performed in 2008<sup>6</sup>. The rate of \$120 was below the minimal rate range for experts with 0-6 years of experience (\$125-\$185). According to TURN, Court requested the “discounted” professional rate for her work in 2008 to reflect that there was an interruption in her professional career. TURN explains further that by 2009, “Dr. Court had shaken off any rust that had accumulated during her break from professional employment”, and that her 2009 rate of \$150 reflects “her advanced degree and her ten years performing similar analytical work (albeit in different subjects) in a rigorous academic setting.”<sup>7</sup> The requested rate of \$150 corresponds to Court’s experience and level of work in this proceeding. We adopt the requested rate.</p> <p>TURN requests the rate of \$180 for expert Cynthia Mitchell’s work in 2009-2010, which is equivalent to a 5% increase in her previously adopted rate of \$170 for the 2008 work. We agree with the justification for the rate increase provided in the request. We observe that TURN historically requested an hourly rate for this expert at the lower end of the rate range of \$155-\$390 for experts with 13+ years of experience. Under the authority given to us in D.08-04-010<sup>8</sup>, we approve the requested rate of \$180 for Mitchell’s work in 2009 and 2010.</p> <p>TURN requests the rate of \$150 for expert Reuben Deumling. In support of the request,<sup>9</sup> TURN states that Deumling received a PhD at the Energy and Resources Group at U.C. Berkeley in 2008, with a dissertation on energy efficiency-related issues. He joined Energy Economics in 2007. Prior to that he worked for several years with the Commission Energy Division focusing on energy efficiency issues. We have considered these and other facts of Deumling’s professional career that TURN provided, and believe that the requested rate is reasonable.</p> <p>TURN requests the rate of \$130 for Garrick Jones’ work in 2009, which was adopted in D.10-11-032. TURN provided additional facts supporting the requested rate<sup>10</sup>. The requested rate is hereby adopted.</p>
<p><b><u>Reasonableness Analysis</u></b></p>	
<p><u>Note:</u> In the majority of TURN’s time records, a timesheet entry for a given day under a single “activity” code represents a collection of several activities.<sup>11</sup> We refer to such “clusters” of activities</p>	

<sup>6</sup> The hourly rate of \$120 for Court’s work in 2008 was approved in D.09-05-015.

<sup>7</sup> TURN’s opening comments on proposed decision filed May 4, 2011, at 14.

<sup>8</sup> “Rate below rate range: any rate below the range of rates for a given experience level in a given year may be increased to at least the bottom of the rate range” (D.08-04-010, at 8)

<sup>9</sup> See, TURN’s November 19, 2010 letter in this proceeding’s “Correspondence” file.

<sup>10</sup> See, TURN’s November 19, 2010 letter providing the relevant information in support of the rate increase request. See, TURN’s email and attached documents in the “Correspondence” file for this proceeding.

<sup>11</sup> Only Jones’s time sheets do not combine activities under one entry.

<p>as to the “major timesheet entries” or “major tasks”. Since in such major tasks we are unable to separate hours spent on a specific task, we use percentage reductions when we make our disallowances.</p>	
<p><b>Internal Communications and Duplication of Efforts</b></p>	<p>TURN’s timesheets reflect an unusually high number of communications among TURN’s representatives as well as their work on the same documents and issues. When numerous internal communications are not justified, our practice is, normally, to disallow some of the hours because of the inefficient work.. Here, however, TURN explains,<sup>12</sup> and we agree, that the rare character of this proceeding and TURN’s unusual role in it made the intensive interactions essential for TURN to address a broad range of the issues and to make its substantial contributions. This proceeding moved quickly with tight deadlines, and dealt with a large number of documents and issues, requiring intensive work of several team members on the same matters. TURN explains that it took measures not to duplicate internal efforts: for example, where Mitchell and Court each reviewed and prepared a summary of the amended applications, they addressed different elements of the applications.<sup>13</sup></p> <p>In some cases, however, we find excessive hours even in the context of the proceeding. Tasks that contain such excessive hours are found in some of Mitchell’s, Court’s, Deumling’s, and Finkelstein’s time entries.<sup>14</sup> Unexplained are Mitchell’s communications with, and document preparation for, M. Toney, TURN’s executive director.</p> <p>We are also concerned by participation of several TURN’s representatives in the same event. TURN states that it only requests compensation where multiple participants’ involvement was necessary in order to achieve the event’s purpose. However, a work distribution among TURN’s experts and their internal discussions surrounding these events reveal instances of inefficiency and excessive hours.<sup>15</sup></p> <p>To remove elements of the excessive internal duplication of efforts, we reduce Finkelstein’s, Goodson’s, Mitchell’s, Court’s, Deumling’s, Marcus’s, and Ang’s hours by 5% (internal communication entries in Nahigian’s and Jones’s time records are minimal or absent).</p>

<sup>12</sup> TURN’s comments on the proposed decision at 2-4.

<sup>13</sup> TURN’s opening comments on the proposed decision at 9.

<sup>14</sup> See, Mitchell’s timesheet entries of 3/3, 3/4, 3/19, 4/15, 7/8/09; 1/19, 1/20, 1/25, 1/26, and 4/30/2010; some of Court’s time records entries recorded in August, October, and November, 2008, March and April, 2009, and January 2010; some of Deumling’s timesheet entries recorded in June, July and November of 2009, and January, March, and May 2010; and some of Finkelstein’s time entries in March, May, June, December 2009, and January 2010. These are just some examples of this practice.

<sup>15</sup> For example, Deumling and Mitchell’s participation in the June 16, 2009 workshop or November 20, 2009 discussion of the Whole House issue with other parties or participation of Mitchell, Court, Deumling, and Finkelstein in the November 19, 2009 meeting with ED.

<p><b>External Communications</b></p>	<p>Approximately, 20% of Mitchell’s major tasks entries reflect informal communications with numerous outside individuals, and 30% - contacts specifically with the Energy Division (ED) and the DRA. TURN explains that these communications helped it “to achieve the broadest and most effective presence in the proceeding”<sup>16</sup> and should be compensated.</p> <p>For TURN’s external communications to be compensable there should be an objective link between that communication and TURN’s substantial contributions (as found by the Commission). For example, §1802(i) defines substantial contribution as the customer’s presentation that substantially assisted the Commission in the making of its decision because it has adopted factual and legal contentions, or policy recommendations presented by the intervenor. Section 1802.5 allows compensation for an intervenor’s participation which materially supplements, complements, or contributes to the presentation of another party, provided that the intervenor’s own participation makes a substantial contribution to a commission order or decision. Merely helping another party to participate effectively does not constitute a substantial contribution by the intervenor, nor does such help seem reasonably necessary to the intervenor’s own substantial contribution.<sup>17</sup></p> <p>Mitchell’s high-level expertise, apparently, placed her in a position to be TURN’s major liaison with other parties and non-parties, which could explain a large number of her contacts with other individuals. She initiated or responded to, informal communications with other individuals for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Gathering information for TURN’s participation in the proceeding.<sup>18</sup></li> <li>2. Coordination of effort, to avoid “participation that duplicates the participation of similar interests otherwise adequately represented”.<sup>19</sup></li> <li>3. Assisting other parties and non-parties.</li> </ol> <p>For communications under Nos. 1 and 2, a link to TURN’s contributions to the</p>
---------------------------------------	---

<sup>16</sup> TURN’s opening comments on the proposed decision at 6.

<sup>17</sup> We do not discuss here a specific type of contributions achieved through presentation at the workshops, Peer Review Group, or Program Advisory Group or through settlement negotiations. In these cases, such participation needs to be linked to the formal record. See, for example, D.92-05-057 “NRDC requests compensation for its participation in Bidding Advisory Committee meetings. Since the use of Bidding Advisory Committees was endorsed in the OIR/OII, we consider participation in those meetings compensable, as is preparation time spent in pre-hearing workshops directed by the Commission or assigned ALJ.” [1992 Cal. PUC LEXIS 428, 13-14 \(Cal. PUC 1992\)](#) or D.08-10-011: “The Assigned Commissioner’s Ruling (ACR) dated March 14, 2005, in Rulemaking (R.) 04-04-003 provided for a limited extension of the Commissioner’s intervenor compensation program to participants in the California Energy Commission (CEC’s) 2005 Integrated Energy Policy Report (IEPR) process.” [2008 Cal. PUC LEXIS 347 \(Cal. PUC 2008\)](#).

<sup>18</sup> Discovery is an example of such communications.

<sup>19</sup> Section 1801.3(f).

	decisions is, mostly, clear. <sup>20</sup> We are still concerned, however, with instances where this link is unclear; <sup>21</sup> and we have concerns with the excessive number of communications under No. 2: work of this nature should not, normally, involve as many interactions as Mitchell’s time records reflect. We do not, however, make any hourly reductions in these areas at this time, given the specifics of the
--	--

<sup>20</sup> Some communications more clearly than the others appear to contribute to TURN’s work: see, for example, Mitchell’s time records of 2/16 and 2/26/2010 or Deumling’s – of 3/6 and 3/18/09.

<sup>21</sup> See, for example, Mitchell’s time records dated 9/9/08 (Activity: bridge. Discussion R. Mowris Verified Inc and Dale Gustafson Better Bldgs CA; 1/24/09 (Activity: HVAC. Discussion D Gustavson HVAC consultant to ED); 4/1/09 (Activity: Policy. Discussion A Kelly CCSF re CFL interactive effects and 30-year EULs); 4/3/09 (Activity: A&G. Discussion Hank Ryan re. On-Bill Financing; email to ED supporting H Ryan letter re Financing workshop – suggest ED create standing Task Force aka Lighting & HVAC); 5/7/09 (Activity: Policy. Long emails to Anne Kelly CCSanFran re. PD issues); 5/20/09 (Activity: CFLs. Follow-up email Teresa Bui), 11/16/09 (Activity: DecImp. Discussion Anne Premo ED re Nov 24<sup>th</sup> compliance Advice Letter, Whole House Program and HVAC, status stwd. HVAC Program, discussions Pam Wellner re. Whole House Program and Stwd. Marketing, Education Outreach Program; discussion Peter Lai ED re. compliance Advice Letter Nov 23 utility E3 calculators as revised by ED and use of best available data, non DEER measure review process and upcoming ALJ ruling); 1/25/10 (Activity: Compliance Filing. Emails re. H Ryan concerns PG&E on-bill finance; research re. same and emails; conf call Finkelstein & H Ryan re. same); etc., etc.

<sup>22</sup> For example, the “review and help edit H Ryan On Bill Financing comments” entry of 8/24/08; “review CCSF email; respond to email” of 10/20/08; “emails J London, LGP representative re. upcoming July IOU filings 6/10/09, “discussion in response to David Fink Global Green Inc., L.A. inquiry re. EE audits, discussion IOUs’ Whole House Program in particular audit component, email background materials, 1/13/10 (note that Global Green Inc. was not a party to the proceeding); 4/23/10 discussion R Bacchus HVAC contractor re. his concerns low realization rates; 4/26/10 continued discussion R Bacchus HVAC contractor re. his concerns very low realization rates; 6/29/10 response to R. Bacchus HVAC contractor telephone call, limited discussion; etc.

<sup>23</sup> See, for example, D.07-11-024 at 7: “Nor will we compensate under the intervenor compensation statute for participation in ad hoc technical review committees that Energy Division may informally convene outside of these [PRG, Peer Review Group, or Program Advisory Group] groups”.

<sup>24</sup> Some of the abundant examples of this practice: on August 11, 2008, Mitchell debriefed the DRA on the PHC on three occasions, prior to the event, and twice after the event; on April 16, 2010, Mitchell reports “discussion A Premo ED re her ongoing request for TURN strategic and analytical assistance in resolving, moving forward various HVAC issues, proposed to Anne that she develop strategy for ED led filed M&V summer 2010 re. HVAC QM; agreed to Anne’s request that I [Mitchell] develop the first draft of the possible RFP.” Or, on April 21, 2010, “discussion A Premo ED re. status of prior discussion for ED HVAC QM summer 2010; develop 1st draft proposal for Anne Premo, research for RFP.” More examples of this kind in Mitchell’s June 30, 2010 record: “...phone call from A Premo to discuss with HVAC issues, provision of data responses; thank you from Anne for my initial suggestion to data request the IOUs.”

<sup>25</sup> TURN’s May 4, 2011 comments on the proposed decision at 7; see, also, TURN’s correspondence of May 25, 2011 in the “Correspondence” file for this proceeding.

<sup>26</sup> See, for example, a discussion in D.98-04-059 at 51: “The governing statutes envision that some participation that is duplicative may still make a substantial contribution.

	<p>proceeding and TURN’s role in it, and Mitchell’s modest billing rate for her work.</p> <p>Communications under number 3, by their nature, are linked to another party’s product. They cannot be described as “coordination to avoid duplication of efforts.” They do not connect with TURN’s §1802(i) contributions achieved through its participation on its own behalf in the intervenor capacity,<sup>22</sup> and TURN does not point out at any formal request issued by the Commission in this proceeding which would endorse compensating this work. The intervenor compensation program does not cover contributions made, or product created, by other parties to a proceeding<sup>23</sup> (or by non-parties, such as the Energy Division). Here, interactions with ED and DRA included editing DRA and ED’s draft documents (not jointly filed), debriefing, assisting the Divisions in completing their own tasks, and doing other kinds of work for these Divisions.<sup>24</sup> These communications remain intensive up to the last entry in the timesheets.</p> <p>TURN argues that helping another party to participate effectively falls within the provisions of §1802.5.<sup>25</sup> With all due respect, we disagree with TURN’s interpretation of §1802.5. Section 1802.5 addresses apparent duplication of effort, i.e., the situation where TURN and another party take the same or a similar position on an issue.<sup>26</sup> The partial or total similarity, says the statute, does not bar compensation where the intervenor’s participation materially supplements, complements, or contributes to the presentation of the other party. It is not work [if any] performed by the intervenor on the other party’s presentation that is compensated, it is the intervenor’s own participation that gets compensated. In other words, the statute does not authorize compensation for work done by an intervenor on behalf of another party for that party’s presentation.</p> <p>Because of the way Mitchell’s time records were maintained, we cannot calculate precisely how many hours were spent on these tasks. Therefore, we apply a reduction of 10% to Mitchell’s hours, which, we estimate would cover such non-compensable work.</p>
<p><b>Paralegal and Clerical Tasks</b></p>	<p>We have found several clerical tasks in Mitchell’s and Court’s time records. Since these tasks represent but a very small fraction of their hours, we forego disallowances in this area. We remind TURN that we do not compensate formatting, emailing, distributing materials, and other clerical tasks.</p>
<p><b>Insufficiently Documented Record</b></p>	<p>On December 15, 2008, Mitchell records, under the “GP” activity code, a half of an hour discussion with P. Lai of ED. We disallow this time as not issue-specific and therefore insufficiently undocumented.</p>

**PART IV: OPPOSITIONS AND COMMENTS**

<p><b>A. Opposition: Did any party oppose the claim?</b></p>	<p>No</p>
--	-----------

<p><b>B. Comment Period: Was the 30-day comment period waived (see</b></p>	<p>No</p>
--	-----------

<b>Rule 14.6(c)(6)</b>	
------------------------	--

If not:

<b>Party</b>	<b>Comment</b>	<b>CPUC Disposition</b>
TURN	<p>1. The PD should not be adopted as drafted.</p> <p>2. Internal communications and work of TURN’s representatives on the same issues and documents should not be viewed as inefficient or unnecessary for TURN’s contributions. These activities were productive and essential for TURN’s contributions. The high number of these activities was reasonably required in this proceeding.</p> <p>3. All external communications were necessary to coordinate the efforts and avoid duplication, and should be allowed. TURN relied on such coordination to achieve the broadest and most effective presence in the proceeding.</p> <p>4. Hourly rates for Ang’s and Court’s were lowered incorrectly.</p>	<p>1. The PD has been substantially revised.</p> <p>2. The majority of the disallowed activities have been restored.</p> <p>3. The majority of the disallowed hours have been restored. A discussion on non-compensable work has been revised to clarify reasons for the remaining disallowances.</p> <p>4. The requested rates have been adopted.</p>

**FINDINGS OF FACT**

1. Claimant has made a substantial contribution to Decision (D.) 08-10-027, D.09-05-037, D.09-09-047, and D.10-06-039.
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 \$516,613.90.

**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 \$516,613.90. Within 30 days of the effective date of this decision, Southern California Edison Company (SCE), Southern California Gas Company (SoCalGas), San Diego Gas & Electric Company (SDG&E), and Pacific Gas and Electric Company

(PG&E) shall pay the award. We direct SCE, SoCalGas, SDG&E, and PG&E to allocate payment responsibility among themselves, based on their California-jurisdictional gas and electric revenues for the 2009 calendar year, 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 November 14, 2010, the 75th day after the filing of claimant's request, and continuing until full payment is made.

2. The comment period for today's decision must be filed within 20 days of its mailing, and reply comments must be filed within five days of its mailing.

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**

<b>Compensation Decision:</b>	D1106012	<b>Modifies Decision?</b> No
<b>Contribution Decision(s):</b>	D0810027, D0905037, D0909047, D1006039	
<b>Proceeding(s):</b>	A0807021, A0807022, A0807023, A0807031	
<b>Author:</b>	ALJ David M. Gamson	
<b>Payer(s):</b>	Southern California Edison Company, Southern California Gas Company, San Diego Gas & Electric Company, and Pacific Gas and Electric Company	

**Intervenor Information**

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Utility Reform Network	8/31/10	\$558,689.00	\$516,613.90	No	Miscalculations; excessive hours; non-compensable work (undocumented minor costs; hours not relevant to the substantial contributions)

**Advocate Information**

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Robert	Finkelstein	Attorney	The Utility Reform Network	\$470	2008	\$470
Robert	Finkelstein	Attorney	The Utility Reform Network	\$470	2009	\$470
Robert	Finkelstein	Attorney	The Utility Reform Network	\$470	2010	\$470
Hayley	Goodson	Attorney	The Utility Reform Network	\$280	2009	\$280
Marybelle	Ang	Attorney	The Utility Reform Network	\$280	2010	\$280
Cynthia	Mitchell	Expert	The Utility Reform Network	\$170	2008	\$170
Cynthia	Mitchell	Expert	The Utility Reform Network	\$180	2009	\$180
Cynthia	Mitchell	Expert	The Utility Reform Network	\$180	2010	\$180
Gillian	Court	Expert	The Utility Reform Network	\$120	2008	\$120
Gillian	Court	Expert	The Utility Reform Network	\$150	2009	\$150
Gillian	Court	Expert	The Utility Reform Network	\$150	2010	\$150
Reuben	Deumling	Expert	The Utility Reform Network	\$150	2009	\$150
Reuben	Deumling	Expert	The Utility Reform Network	\$150	2010	\$150
William	Marcus	Expert	The Utility Reform Network	\$250	2009	\$250
Jeffrey	Nahigian	Expert	The Utility Reform Network	\$190	2009	\$190
Garrick	Jones	Expert	The Utility Reform Network	\$130	2009	\$130

**(END OF APPENDIX)**