

Decision 12-02-019 February 8, 2012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2011. (U39M)

Application 09-12-020
(Filed December 21, 2009)

Order Instituting Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Service and Facilities of Pacific Gas and Electric Company.

Investigation 10-07-027
(Filed July 29, 2010)

ORDER CORRECTING ERROR IN DECISION 12-02-013

Decision (D.)12-02-013 contains inadvertent clerical errors. In addition, due to the clerical oversights, D.12-02-013 omits non-substantive changes submitted for the corresponding agenda item in advance of the Commission business meeting. These non-substantive changes are contained in Part III(D) of the decision.

Pursuant to Resolution A-4661 and Rule 16.5 of the Commission's Rules of Practice and Procedure,

IT IS ORDERED that Decision 12-02-013, Part III(D) read as follows:

Items	Reason
1. Opening Brief	Opening Brief. Opening briefs in this proceeding were originally due on August 26, 2010. On August 4, 2010, PG&E, TURN, DRA, and Aglet informed the CPUC that they were engaged in settlement negotiations. Although the August 26th briefs were never produced, we, based on our reasoning in D.02-08-061, ⁴ compensate CFC's reasonable work performed before August 4, 2010. We disallow 19 hours recorded after August 4, 2010. ⁵
2. Attendance at the Hearings	Attendance at the Hearings. CFC claims approximately 138.75 hours for attending evidentiary hearings in June and July of 2010. We find this request excessive and unsupported by the record. Hearings on any given day lasted, according to the transcripts, no more than 6.5 hours, including 1:00-1:50 hour afternoon break and 2 shorter recesses. The requested hours exceed the actual length of the hearings. Based on the proceeding's records and the scope of the issues on which CFC participated, we allow 72.50 hours for the CFC's participation in the hearings and disallow 66.25 hours.
3. Joint Case Management Issues	On June 10 and 11, 2010, CFC recorded 15.5 hours of work on the joint case management statement, including witness time estimates; and on June 17, 2010, CFC spent 6.25 (7.00 hours minus 0.75 estimated for the conference with PG&E) hours working to reduce witness time estimate. We find the hours spent on the case management issue unreasonable. PG&E had the most witnesses on the list and there were other parties sponsoring several witnesses (see, Attachments A and B to the Case Management Statement of June 14, 2010). CFC sponsored one witness. We

⁴ Where a proceeding was terminated without decision on the merits, the Commission concluded that the spirit and the letter of the intervenor compensation statute support compensating an intervenor for its reasonable outlay for preliminary preparation and analysis before dismissal of the proceeding. The Commission stated that denying any compensation in the proceeding simply because circumstances beyond the intervenor's control led to dismissal of the proceeding "would be both unfair and inconsistent with the intent of the intervenor compensation statutes" (D.02-08 061 at 7). If the settlement negotiations turned out to be unsuccessful, CFC, if needed, could request an extension of time to file its brief, pursuant to Rule 11.6 of the Commission Rules of Practice and Procedure.

⁵ We note that Aglet Consumer Alliance's and the Greenlining Institute's time records do not, after August 4, 2010, mention any work on the August 26th briefs.

	disallow 17.75 hours of the hours requested for the joint case management matter. The remaining 4.00 hours represent a reasonable amount necessary for the coordination effort and CFC's adequate input to this issue.
4. New Hourly Rate	This decision adopts the rate of \$175 requested for Blake's attorney's work in June of 2011. By June of 2011, Blake had more than a year of experience appearing before the Commission in another proceeding (R.09-08-009). The requested hourly rate is within the rate range of \$150 - \$205, established by the Commission for attorneys with 0 - 2 years of experience. ⁶

This order is effective today.

Dated February 8, 2012, at San Francisco, California.

/s/ PAUL CLANON

PAUL CLANON
Executive Director

⁶ Resolution ALJ-267 at 5.