

Decision 12-02-034 February 16, 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 (U39 M).

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

And Related Matter.

Investigation 10-07-027

DECISION GRANTING REQUEST OF WOMEN'S ENERGY MATTERS FOR INTERVENOR COMPENSATION FOR SUBSTANTIAL CONTRIBUTIONS TO DECISION 11-05-018

Claimant: Women's Energy Matters	For contribution to D.11-05-018
Claimed (\$): \$122,575.09	Awarded (\$): \$83,634.53 (31.7% reduction)
Assigned Commissioner: Michael R. Peevey	Assigned ALJ: ALJ Division
Claim Filed: July 12, 2011	

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	Pacific Gas and Electric Company is authorized a GRC revenue requirement increase for 2011 amounting to \$450 million, or 8.1%, over the current authorized level of \$5,582 million. The authorized increase is comprised of \$237 million for electric distribution, \$47 million for gas distribution, and \$166 million for electric generation. The decision also authorizes additional post-test year attrition increases totaling \$180 million for 2012 and \$185 million for 2013. The Commission approved a settlement of almost all issues in the case.
--	--

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

	Information Provided by Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (§ 1804(a)):		
1. Date of Prehearing Conference:	February 19, 2010	Correct
2. Other Specified Date for NOI:		
3. Date NOI Filed:	March 22, 2010	Correct
4. Was the notice of intent timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:		
6. Date of ALJ ruling:		
7. Based on another CPUC determination (specify):	D.10-09-015	Correct
8. Has the claimant demonstrated customer or customer-related status?		Yes
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:		
10. Date of ALJ ruling:		
11. Based on another CPUC determination (specify):	D.10-09-015	
12. Has the claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision	D.11-05-018	Correct
14. Date of Issuance of Final Decision:	May 13, 2011	Correct
15. File date of compensation request:	July 12, 2011	Correct
16. Was the request for compensation timely?		Yes

PART II: SUBSTANTIAL CONTRIBUTION

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

Contribution	Citation to Decision or Record (Information Provided by Claimant)	Showing Accepted by CPUC
<p>WEM efficiently represented the concerns of our diverse ratepayer constituents throughout the proceeding, including ratepayers in Community Choice (CCA) jurisdictions and ratepayers throughout PG&E’s territory who seek a cleaner, more efficient and renewable energy system.</p> <p>D1105018 described WEM’s positions as follows: “WEM recommended reductions to electric distribution, Customer Care, SmartMeter, Energy Supply, and A&G funding; proposed enhanced procedures and an audit for BTL activities; recommended that PG&E provide specific information to assist renewable projects to interconnect to its distribution system; recommended procedures to better ensure attention to distribution system maintenance, including in the territories of Community Choice Aggregators; and recommended imposing automatic penalties if PG&E continues to fund customer retention and economic</p>	<p>WEM achieved reductions in PG&E’s revenue requirements and other changes in company policy that are reflected in the settlement agreement and described below.</p> <p>As described herein, WEM obtained agreement to include many of our unique recommendations in the Settlement.</p> <p>Pursuant to WEM’s recommendations, PG&E also agreed to make certain immediate improvements, providing information for interconnecting renewables (see below).</p> <p>Together with certain other parties, WEM contributed to reductions of \$2.5m in Public Affairs; \$2.5m in Corporation Relations (§3.6.1, p. 1-12); and cancellation of PG&E’s entire \$7 m request for customer and economic development programs (§3.5.1(b), p. 1-10).</p> <p>As a group, the settling parties achieved reductions in PG&E’s revenue requirements of only 37% of PG&E’s requested increase.</p>	<p>See, subsequent specific claims of substantial contributions.</p>

<p>development activities.” D1105018, p. 14.</p>		
<p>WEM proposed enhanced procedures, an audit, and more frequent review of Below-the-Line (BTL) activities, specifically to protect Community Choice Aggregators from unfair competition and to prevent ratepayer funds from being spent on political activities or promotion of corporate objectives. These include funds related to Energy efficiency programs, whether authorized in the GRC or in other proceedings.</p>	<p>WEM achieved significant modifications in PG&E’s Below-the-Line policy and procedures in the settlement. These changes protect against use of ratepayer funds for marketing and lobbying against development or operations of Community Choice Aggregation (CCAs) (as well as municipalization efforts).</p> <p>Modifications include better record keeping by PG&E personnel, annual notifications and training for personnel; “BTL accounting for certain PG&E activities, including all marketing and lobbying activities, in response to initiatives or proposals of local agencies for municipalization or for the formation or ongoing activities of CCAs, not just activities in response to ballot measures,” and an annual compliance review that will be made available to interested parties (§3.6.2(c), p. 1-13).</p>	<p>Yes</p>
<p>WEM opposed ratepayer funding for customer retention and economic development activities; our questions in the hearings exposed how energy efficiency funds were often drawn into these efforts.</p>	<p>In the settlement, PG&E agreed to Below-the-Line treatment of all Customer Retention and Economic Development programs, eliminating all \$7 m of ratepayer funds for them. §3.5.1(b), p. 1-10.</p>	<p>Yes</p>
<p>WEM recommended that PG&E provide specific information to assist renewable projects to interconnect to its distribution system.</p>	<p>WEM’s questions in hearings and our discussions with PG&E employees in one-on-one settlement talks regarding the difficulties and expense that small renewables developers face in trying to interconnect to</p>	<p>We accept this statement but due to insufficient record information,</p>

	<p>PG&E’s electric system resulted in PG&E making immediate improvements in access to information about where the company’s lines can accommodate interconnection.</p> <p>PG&E agreed to provide maps, interconnection queue status, and other means of helping renewables developers determine where to locate their projects. The company has already added a section to its website addressing this issue: http://www.pge.com/b2b/energysupply/wholesaleelectricssolicitation/PVRFO/pvmap/</p>	<p>we are unable to verify this claim.¹</p>
<p>WEM recommended that PG&E make good on its earlier promise to the community to clean up the Hunters Point Power Plant site to residential standards.</p>	<p>PG&E reinstated its earlier pledge to remediate the Hunters Point Power Plant site to residential standards if requested (§3.4.2(g), p. 1-9).</p>	<p>Yes</p>
<p>WEM recommended better tracking of all costs related to Smart Meters, and greatly reducing funds for customer research, outreach and education. WEM’s 7-29-10 Recommendations for the Comparison Exhibit, pp. 2-3.</p>	<p>Ordering Paragraph 1 of the decision requires an independent audit of PG&E’s SmartMeter-related costs, which WEM supported.</p>	<p>Yes</p>
<p>WEM recommended procedures to better ensure attention to distribution</p>	<p>PG&E agreed to continue its Vegetation Management Balancing Account (VMBA) and tracking</p>	<p>Yes, with regard to WEM’s</p>

¹ Section 4.3.16 of D.11-05-018 only summarized WEM’s recommendation but did not indicate whether it was included in the settlement. The settlement agreement does not include this recommendation. Therefore, we can neither agree nor disagree with WEM’s claim of making this particular contribution.

<p>system maintenance, including in the territories of Community Choice Aggregators.</p> <p>In our Comparison exhibit, WEM recommended tracking vegetation and other maintenance geographically. WEM's 7-29-10 Recommendations for the Comparison Exhibit, p. 1.</p> <p>WEM also recommended that funds be tracked in a balancing account for maintaining the electric system used by Community Choice Aggregators (CCA)s, or that CPUC develop other methods for allocation of funds in order to assure the CCA ratepayers that they would not suffer lesser service and reliability if they choose CCA service.</p>	<p>procedures. §3.2.2, p. 1-4. WEM was unable to get its other distribution maintenance recommendations included in the settlement agreement, although the parties did agree to include a similar program for gas operations and maintenance. See §3.3.2 Distribution Integrity Management Program (DIMP), p. 1-6.</p> <p>Recent reports show that PG&E has service and inspection problems with both its electric and gas systems, indicating that WEM's recommendations in this area would be beneficial to ratepayers and will hopefully be adopted in the future.</p> <p>The Commission has ruled that even when an intervenor's recommendations are denied, or not included in the final decision or settlement, if they contributed to the record and assisted the Commission in its considerations of the issues, they may be considered a substantial contribution and compensated fully.</p>	<p>specific contributions to the settlement negotiations and settlement agreement.</p>
	<p>As described herein, many of WEM's contributions in this proceeding were included in the settlement and/or put into practice immediately; it should be very clear that WEM's contributions were very significant, provided substantial benefits to ratepayers, and should be compensated in full.</p>	<p>Yes, to the extent that WEM contributed to the settlement agreement and D.11-05-018.</p>

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

	Claimant	CPUC Verified
a. Was DRA a party to the proceeding?	Y	Correct

<p>b. Were there other parties to the proceeding?</p>	<p>Y</p>	<p>Correct</p>
<p>c. If so, provide name of other parties: Western Power Trading Forum/ Alliance For Retail Energy, California Farm Bureau Federation, Markets/Equinix, Inc./Direct Access Customer Coalition, The Greenlining Institute, Independent Power Producers, The Utility Reform Network, Energy Management Service, Southern California Edison Company, San Diego Gas and Electric Company/Southern California Gas Company, California City-County Street Light Association, Energy Producers & Users Association, Coalition of California Utility Employees, City and County of San Francisco, Engineers and Scientists of California Local 20, South San Joaquin Irrigation District, Disability Rights, Aglet Consumer Alliance, Consumer Federation of America, Merced Irrigation District.</p>		<p>Yes</p>
<p>d. Description (provided by Claimant) of how Claimant coordinated with DRA and other parties to avoid duplication or how Claimant’s participation supplemented, complemented, or contributed to that of another party: WEM participated in conference calls with all parties and discussed shared issues with DRA, TURN, CCSF, SSJID and AREM at various points in the case. WEM actively participated in the group settlement discussions and met one-on-one with PG&E personnel to negotiate issues unique to WEM. Several parties supported elimination of ratepayer funds for PG&E’s customer retention programs, which specifically oppose municipalization, however this program category does not apply to PG&E’s efforts to market and lobby against Community Choice Aggregators (CCAs). There is an explicit requirement in AB117 for utilities to “cooperate” with CCAs, which the Commission had reiterated in Resolution E-4250 in April 2010. Thus, it was part of WEM’s task to demonstrate the various forms of marketing and lobbying PG&E pursued against CCAs.</p>		<p>Yes</p>

C. Additional Comments on Part II:

#	Claimant	CPUC	Comment
1 ²	X		<p>WEM intervened in A0912020 in March, 2010, when the case had already been in progress for several months; our team was unavailable before that time due to obligations in other cases. As shown below, we participated fully and made substantial contributions despite our late arrival. All of our efforts should be compensated in full.</p> <p>WEM filed testimony; participated extensively in hearings – cross-examining witnesses on issues that were for the most part exclusively raised by WEM; made proposals for the Comparison exhibit; participated in group settlement discussions and ultimately met several times with PG&E personnel to negotiate one-on-one. (This last was recommended by ALJ Vieth, whom ALJ Fukutome told parties to contact if we needed assistance to resolve issues.)</p> <p>As we sought to get up to speed in the spring, we were hampered by PG&E’s delay of nearly two weeks to approve all of our team’s requests for access to their online documents, which included the testimony, workpapers and responses to parties’ data requests. In the interim, the company provided us a DVD that supposedly contained PG&E’s testimony and workpapers; however we learned several weeks later that they had erroneously given us the early versions of their documents that were filed with their NOI, instead of the documents filed with their applications; furthermore, the documents were not searchable. It was several more weeks before the error became clear and was corrected. This caused delays in our review of documents and our discovery efforts, and led to our request for an extension of time to file our testimony, which was granted.</p> <p>Partly as a result of this experience, partly because it was germane to our issues, WEM advocated for greater transparency in the GRC proceeding, as well as greater transparency in PG&E’s employees’ activities and in its distribution system.</p>

² This comment was originally placed by WEM in Part I: Procedural Issues and has been moved to this section, based on the subject of the 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>WEM argued the issues of 1) requiring better time keeping for all PG&E employees involved in energy efficiency and solar, customer outreach, public affairs, corporate relations and regulatory law; 2) requiring below-the-line treatment (and/or cessation) of all marketing and lobbying against Community Choice Aggregation; 3) providing more transparency about interconnection and better access to PG&E’s electric system for renewable energy developers in PG&E’s service territory; and 4) better controls, including future review of activities authorized in this proceeding to ensure that ratepayers do not pay twice for the same work. WEM was the only party that argued most of these issues. PG&E agreed to improve its employees’ time records and make them available in future GRC proceedings and for an annual review that is made available to interested parties. This will allow community representatives to determine whether PG&E shareholders (not ratepayers) paid for election expenses and anti-CCA efforts.</p> <p>WEM’s work contributed to specific reductions in revenue requirements, including \$7m for eliminating ratepayer funding for customer retention and economic development, \$5 million reductions in Public Affairs and Corporate Relations.</p> <p>While it would be impossible to assign exact dollar amounts to all of the benefits WEM achieved for ratepayers, it is clear that all of WEM’s participation provided substantial benefits.</p> <p>In particular, WEM’s work ensured that PG&E employees will keep better track of their Below-the Line activities in marketing and lobbying against CCAs and the company will conduct an annual review provide access to these records to any interested parties. This will help prevent ratepayer funds being spent on activities that should be funded by shareholders (or discontinued). In turn, this will provide for more fair competition by CCAs, and healthy competition tends to reduce prices.</p> <p>WEM’s work also ensured better access to the grid for renewables developers which saves costs of renewables and lessens the need for expensive GHG mitigation.</p> <p>Our efforts also helped improve recourse in later proceedings, to ensure follow-through on provisions of the settlement agreement.</p>	<p>With the disallowances and adjustments set forth, the requested amount is reasonable.</p>

<p>WEM’s participation in Settlement discussions was very efficient. While we were unable to join the group talks for most of July-August, we used that time to develop and support our positions by working on our brief. This assisted us to better explain our positions in ways that were meaningful to PG&E’s negotiators, which resulted in rapid progress and better outcomes in our one-on-one talks.</p> <p>ISSUE ALLOCATION</p> <p>Please see WEM’s timesheets for more details on how WEM’s time was allocated according to the following issues categories: xxx</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">electric distribution</td> <td>ED</td> </tr> <tr> <td>customer care</td> <td>CC</td> </tr> <tr> <td>smart meter</td> <td>SM</td> </tr> <tr> <td>Energy Supply</td> <td>ES</td> </tr> <tr> <td>A&G funding</td> <td>AG</td> </tr> <tr> <td>Proposed Procedures*</td> <td>PP</td> </tr> <tr> <td>Below the Line issue</td> <td>BTL</td> </tr> <tr> <td>Transparency</td> <td>T</td> </tr> </table> <p>* Proposed procedures for ensuring certain activities are recorded below-the-Line</p>	electric distribution	ED	customer care	CC	smart meter	SM	Energy Supply	ES	A&G funding	AG	Proposed Procedures*	PP	Below the Line issue	BTL	Transparency	T	
electric distribution	ED																
customer care	CC																
smart meter	SM																
Energy Supply	ES																
A&G funding	AG																
Proposed Procedures*	PP																
Below the Line issue	BTL																
Transparency	T																

B. Specific Claim*:

CLAIMED						CPUC AWARD			
ATTORNEY AND ADVOCATE FEES									
Item	Year	Hours	Rate	Basis for Rate	Total \$	Year	Hours	Rate	Total \$
Barbara George	2010	274.75 ³	\$175	D.10-09-015	48,781.25	2010	191.97	\$175	\$33,594.75
Barbara George	2011	6.75	\$175		\$1,181.25	2011	6.75	\$175	\$1,181.25
Martin Homec	2010	315.3	185	D.10-05-046	\$58,330.50	2010	213.74	\$185	\$39,541.90
Martin Homec	2011	5	185	D.10-05-046	\$925.00	2011	2.75	\$185	\$508.75

³ George’s claimed hours in 2010 erroneously included 4.00 hours that, according to her May 9, 2010 time records were not billed. The requested amount for 2010, however, correctly excludes charges for these four hours. We reconcile this information by showing the correct number of the hours (4.00 hours removed). 4.00 hours.

<i>Subtotal:</i>					\$109,218.00	<i>Subtotal:</i>				\$74,826.65
EXPERT FEES										
Item	Year	Hours	Rate	Basis for Rate	Total \$	Year	Hours	Rate	Total \$	
Don Davy	2010	64.50	\$175	D.08-01-017	\$11,287.50	2010	43.33	\$175	\$7,582.75	
Subtotal:					\$11,287.50	Subtotal:				\$7,582.75
INTERVENOR COMPENSATION CLAIM PREPARATION **										
Item	Year	Hours	Rate	Basis for Rate	Total \$	Year	Hours	Rate	Total \$	
Martin Homec	2011	10.9	\$92.50	D.10-05-046	1,008.25	2011	4.40	\$92.50	\$407.00	
Barbara George	2010	3	\$87.50	D1009015,	262.50	2010	1.60	\$87.50	\$140.00	
Barbara George	2011	14	87.50	D1009015,	1225.00	2011	7.75	\$87.50	\$678.13	
Subtotal:					2495.75	Subtotal:				\$1,225.13
COSTS⁴										
#	Item	Detail			Amount	Amount				
1	Travel costs	Martin Homec's travel and bridge tolls costs			\$273.84	Travel costs			0.00	
Subtotal:					\$273.84	Subtotal:				\$0.0
TOTAL REQUEST \$:					\$122,575.09	TOTAL AWARD \$:				\$83,634.53
<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 1/2 of preparer's normal hourly rate (the same applies to the travel time).</p>										

⁴ Information in this part of the specific claim was erroneously placed by the intervenor in the "Other Fees" section of the claim. We moved these direct costs to the "Costs" section of the tables.

C. CPUC’s Comments, Disallowances & Adjustments:

#	CPUC’s Comments, Disallowances & Adjustments
I	Non-Compensable Costs
1.	<u>Opening Brief.</u> Opening Briefs in this proceeding were originally due on August 26, 2010. ⁵ 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, D.02-08-061 ⁶ justifies compensating WEM’s reasonable work performed before the August 4, 2010. We disallow hours recorded after August 4, 2010: Homec: 7.60 hours; George: 25.25 hours.
2	<u>Costs Unsupported by the Record.</u> We remove from the claim 1.00 hour of Homec’s time spent on June 18, 2010 writing WEM’s testimony since it was submitted May 26 th .
3	<u>Difficulties in Obtaining Access to the Application Materials.</u> WEM separates its hours spent dealing with technical difficulties in obtaining the access to PG&E’s application materials. WEM requested from PG&E “searchable” files, ran software, tested access, picked up documents, sent information, saved files, and performed other tasks that are clerical or administrative in nature. The Commission does not allow an additional award for administrative overhead. ⁷ We disallow 14.63 hours of George’s work in 2010 pertaining to this matter.
4	<u>Work on Issue Outside the Scope of the Proceeding.</u> We remove from the request 5.25 hours (George) of work involving the philanthropy issue that was outside the scope of the proceeding: “...it is well established that the Commission does not have the jurisdiction over an investor owned utility’s philanthropic

⁵ D.11-05-018 at 4.

⁶ Where a proceeding was terminated without decision on the merits, we 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. We stated in such cases 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 did not succeed, WEM, 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.

⁷ See, e.g., [D.98-11-049, 1998 Cal. PUC LEXIS 805](#), *5.1.3.

	contributions with respect to what the type, what the amount, or who the beneficiaries must be ... these particular aspects are not within the scope of this proceeding” (Assigned Commissioner’s Ruling and Scoping Memo of March 5, 2010, at 3-4).		
5	<u>Clerical and Administrative Work</u> . As we have mentioned, the Commission disallows additional award for administrative overhead. ⁸ In accordance with this practice, we disallow WEM’s clerical (filing, formatting, ordering services, etc.) and administrative tasks, including internal management matters, such as assigning work to the team members and similar tasks. We emphasize that this work does not constitute a substantive work on the issues of the proceeding (see, § 1801.3(d)). We remove from the request the following: George - 19.45 hours ⁹ and Davy - 0.50 hours. ¹⁰		
6	<u>Travel Costs</u> . We remove from the request 3.00 hours of travel undertaken by Homec on April 24, 2010 ¹¹ , and direct travel costs (\$273.84). The Commission considers travels with a one-way travel distance of 120 miles or less to be “routine” and non-compensable (D.10-11-032). The Commission disallowed similar travel costs requested by WEM in the past (see, D.09-03-043 at 12-13).		
II.	Reasonableness Analysis		
	Pursuant to § 1801, we analyze the following activities and hours: ¹²		
		George	Homec
			Davy

⁸ For example, in D.8-09-034, the Commission found that it was inappropriate to compensate for a flat 5% administrative fee assessed the intervenors by their law firm (D.08-09-034 at 9-11; see, also, D.98-11-049, 1998 Cal. PUC LEXIS 805: “Professional fees assume overheads and are set accordingly.”)

⁹ Where, in violation of Rule 17.4(b), different tasks are combined in one timesheet entry, we select to base our disallowances on our estimates of the time spent on each clerical or administrative task.

¹⁰ See, George’s time records of 3/5, 3/23, 3/30, 4/15, 4/20, 4/24, 5/5, 5/9, 5/26, 6/10, 6/26, 7/5, 7/7, 7/8, 7/18, 8/19, 7/28, 8/29, 9/29, 9/30 (2010), and Davy’s time records of 3/31, 4/16, 4/26, and 5/7 (2010).

¹¹ The travel hours were combined in the time record with other entries. In its response to our request, WEM indicated the travel hours separately – see, WEM’s e-mail of November 16, 2011, in the “Correspondence” file for this proceeding.

I. Work Related to Discovery Preparation			
1. Document Review	3.50		34.50
2. Discovery Preparation	9.75		8.13
II. Joint Case Management Statement			
	3.0	2.00	
III. Document Review and Testimony Preparation:			
1. Document Review (separate from I.1)	5.75	50.00	
2. Testimony Preparation	44.88	19.40	2.25
IV. Evidentiary Hearings Preparation			
	19.92	9.00	
V. Work Related to Brief Preparation (pre- 8/4/2010)			
Document Review	12.00	20.00	
Brief Preparation	12.75	26.00	
VI. Participation in the Same Settlement Process Event			
	17.40	17.40	
VII. Internal Communications			
	12.00	24.04	15.00
VIII. Preparation for All-Party Meeting on 4/20/11			
		3.00	
IX. Intervenor Compensation Claim Preparation.			
	17.00	10.90	27.90

¹² In dissecting the claim by the activities, we tried to be as accurate as possible, considering that the time records are often unclear. While the results of our analysis may not be precise to the minute, they provide the adequate picture of the time distribution.

1	<p><u>Document Review by Davy.</u> We find Davy’s hours spent on documents review excessive, compared to the same task performed by George and Homec, and disallow one third or 11.50¹³ of his hours spent on this task.</p>
2	<p><u>Document Review and Testimony Preparation.</u> WEM’s testimony was prepared, for the most part, by George, with Homec preparing one page of it. We also assume that George and Homec shared equally in the preparation of the testimony’s executive summary. According to WEM, Homec, mostly, supported George’s work by reviewing materials for George, who, then, reviewed some of the selected materials.¹⁴ Given WEM’s comments, we compensate Homec’s work writing testimony (with 2.5 page of the executive summary) at the rate of 2.60 hours per page (at the same rate as George’s testimony preparation rate), for the total of 9.10 hours, and reviewing documents, for the total of 5.75, or the same number of hours as spent by George on the that task. The total of 14.85 hours of Homec’s work constitutes a reasonable compensation in proportion to Homec’s productive participation in the proceeding, and the complexity of his work. The rest (54.55 hours) is disallowed as excessive.¹⁵</p>
3	<p><u>Work Related to Brief Preparation.</u> Assessing the reasonableness of the hours spent, prior to August 4, 2010, on the opening brief, we, in the absence of the formally filed brief, are guided by the scope of WEM’s contributions to the decision, and by the work distribution among WEM’s representatives. We note that WEM here focused on protecting the community-choice aggregation and publicly-owned utilities in connection with the GRC. While WEM’s contributions in this area were valuable, it was not among major issues of the proceeding. We also note some repetitive document review, and that two people were working on the brief. According to WEM’s comments, George had a leading role in WEM’s participation, with Homec supporting her efforts. Based on these factors, we reduced Homec’s hours spent on the brief by 15.00 hours.</p>
4	<p><u>Attending the Same Events.</u> We consider participation of more than one representative in the same event inefficient. Absent a clear showing of how each person’s participation was unique and essential to the intervenors showing, we</p>

¹³ Based on the comments on the proposed decision, this decision restores some of the hours that were disallowed in the proposed decision.

¹⁴ See, WEM’s comments on the proposed decision at 5-6

¹⁵ We note that 5.75 hours that were disallowed in the proposed decision have been restored based on WEM’s explanations in its comments on the proposed decision.

	<p>reduce compensation for the duplicative tasks by one half, as follows: Homec – 8.70; George – 8.70. <u>Internal Communications.</u> For inefficiency reasons, we reduce hours spent on numerous and often lengthy internal communications and conferences throughout all stages of WEM’s work, as follows: Homec: 7.00; George: 6.0;¹⁶ Davy: 7.50. The Commission allows hours that it deems reasonable for the case management and information exchange purposes within the framework of WEM’s contributions.</p>																									
5	<p><u>Preparation for All-Party Meeting.</u> Homec spent 3 hours on April 18, 2011, preparing for the April 20th all-party meeting with Cmmr. Sandoval, while other intervenors requested less than an hour for that task. We disallow 2.25 hours, as excessive.</p>																									
6	<p><u>Inefficient Efforts.</u> Three WEM’s representatives worked on the proceeding. According to the time records, there was a large number of the issues and tasks in the discovery, testimony, joint case management statement, hearing, brief, and settlement negotiations areas, where the representatives’ work overlapped, resulting in inefficient efforts.¹⁷ To address our concern about this practice, we reduce the remaining hours in these areas, as follows,¹⁸ Homec: 3.90 hours (5%); George: 3.73 hours¹⁹ (2.5%); and Davy – 1.38 hours (5%). The following table explains the disallowances.</p> <table border="1" data-bbox="253 1066 1408 1323"> <thead> <tr> <th colspan="5">Hours Remaining After Previous Disallowances</th> </tr> <tr> <th>Activity</th> <th>George</th> <th>Homec</th> <th>Davy</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Discovery Preparation</td> <td>13.25</td> <td></td> <td>31.13</td> <td>44.38</td> </tr> <tr> <td>Testimony Preparation</td> <td>50.63</td> <td>14.85</td> <td>2.25</td> <td>67.73</td> </tr> <tr> <td>Joint Case Management</td> <td>3.00</td> <td>2.00</td> <td></td> <td>5.00</td> </tr> </tbody> </table>	Hours Remaining After Previous Disallowances					Activity	George	Homec	Davy	Total	Discovery Preparation	13.25		31.13	44.38	Testimony Preparation	50.63	14.85	2.25	67.73	Joint Case Management	3.00	2.00		5.00
Hours Remaining After Previous Disallowances																										
Activity	George	Homec	Davy	Total																						
Discovery Preparation	13.25		31.13	44.38																						
Testimony Preparation	50.63	14.85	2.25	67.73																						
Joint Case Management	3.00	2.00		5.00																						

¹⁶ George’s time records indicate that she performed some internal coordination and case management work for the team, which required more communications with other team’s members.

¹⁷ See, for example, Homec’s and George’s time records of 5/23, 5/25, 5/26, 6/10, etc.

¹⁸ D.09-08-021 at 13-14 or D.09-09-023, at 12, analyzing similar duplicative activities made large disallowances in CARE’s claim.

¹⁹ Our disallowance reflects the fact that George was the lead person representing WEM.

	Statement				
	Evidentiary Hearings	19.92	9.00		28.92
	Brief (pre- 8/4/10)	24.75	31.00		55.75
	Settlement negotiations	28.55	37.40		65.95
	<i>Total:</i>	<i>140.10</i>	<i>94.25</i>	<i>33.38</i>	<i>267.73</i>
	Inefficiency reduction (internal duplication of efforts):	3.50	4.71	1.67	
The remaining hours more reasonably represent the effort required to make the comparable contributions to D.11-05-018.					
7	<p><u>Intervenor Compensation.</u> We find the requested hours excessive. In our past decisions we have brought to WEM’s attention the problem with excessive hours for the intervenor compensation matters (D.10-05-049 at 18 or D.11-07-026 at 10). Now we make the following reductions: Homec: 6.50 hours; George: 7.40 (1.40 hours (2010) plus 6.00 hours (2011)). We also disallow 0.25 hour spent by George performing a clerical task (3/22/10). We note that WEM continues to combine several tasks in one time record and fails to provide the proper allocation of hours by issues.²⁰ WEM’s comments on the proposed decision supplemented information that was missing in the intervenor compensation claim. Additional hours that WEM requests for preparing the comments are not compensable.</p>				

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the claim?	No
<p>B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?</p> <p>Public Utilities Code Section 311(g)(1), provides that a decision must be served on all parties and be subject to at least 30 days review and comment prior to a vote of the Commission. Rule 14.6(c)(6) provides that this 30-day comment period may be waived for a decisions on a request for compensation pursuant to § 1801 et seq. Here, because of large reduction of the award, the proposed decision was mailed to the parties in accordance with § 311 and comments were allowed under Rule 14.3 of the Commission’s Rules of Practice and Procedure.</p>	No

²⁰ D.85-08-012 and D.98-04-059.

Comments were filed on February 2, 2012. The proposed decision was revised to address the comments.	
---	--

FINDINGS OF FACT

1. Claimant has made a substantial contribution to Decision (D.) 11-05-018.
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 \$83,634.53.

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 \$83,634.53.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay claimant the total award. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning September 25, 2011, the 75th day after the filing of claimant's request, and continuing until full payment is made.
3. The comment period for today's decision is not waived.
4. This decision is effective today.

Dated February 16, 2012, 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
Commissioners

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:	D1202034	Modifies Decision?	No
Contribution Decision:	D1105018		
Proceeding(s):	A0912020, I1007027		
Author:	ALJ Division		
Payer:	Pacific Gas and Electric Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier ?	Reason Change/Disallowance
Women's Energy Matters	7/12/11	\$122,575.09	\$83,634.53	No	Non-compensable costs (unsupported by the record, clerical/administrative, issues outside the scope, travel); unreasonable costs (excessive hours, inefficient efforts)

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Barbara	George	Advocate	Women's Energy Matters	\$175	2010	\$175
Barbara	George	Advocate	Women's Energy Matters	\$175	2011	\$175
Martin	Homec	Attorney	Women's Energy Matters	\$185	2010	\$185
Martin	Homec	Attorney	Women's Energy Matters	\$185	2011	\$185
Don	Davy	Expert	Women's Energy Matters	\$175	2010	\$175

(END OF APPENDIX)