Decision 06-05-037 May 25, 2006

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Implement Portions of AB 117 Concerning Community Choice Aggregation.	Rulemaking 03-10-003 (Filed October 2, 2003)

OPINION AWARDING INTERVENOR COMPENSATION FOR SUBSTANTITAL CONTRIBUTIONS TO DECISIONS 04-12-046 AND 05-12-041

This decision awards intervenor compensation to the following three parties: $61,283.78 to The Utility Reform Network (TURN) for its contributions to Decision (D.) 04-12-046 and D.05-12-041; $39,534.85 to the Community Environmental Council (CEC) for contributions to D.05-12-041; and $42,126.54 to Local Power for contributions to D.05-12-041. TURN is awarded the full amount of its request. The awards to CEC and Local Power are approximately 70% and 65%, respectively, of the amounts requested, as explained herein.

I. Background

The Commission opened this rulemaking to implement provisions of Assembly Bill (AB) 117 that would permit local governments to purchase energy on behalf of local customers acting as "community choice aggregators" or CCAs.

CCAs are governmental entities formed by cities and counties to serve the energy requirements of their local residents and businesses. AB 117 authorizes the creation of CCAs, describes essential program elements, requires the state's utilities to provide certain services, and establishes methods to protect existing utility customers from liabilities they might otherwise incur when a portion of the utility's customers transfer their energy services to a CCA. Cities and counties have become increasingly involved in implementing energy efficiency programs, advocating for their communities in power plant and transmission line siting cases, and developing distributed generation and renewable resource energy supplies. The CCA program takes these efforts one step further by enabling communities to purchase power on behalf of the community.

D.04-12-046 implemented portions of AB 117, in Phase 1 of this proceeding, by adopting an interim cost recovery surcharge (CRS) and method for calculating it, and by addressing a variety of cost issues. D.05-12-041 was issued in a second phase of this proceeding that resolved issues relating to the accounting of respective liabilities of utilities and CCAs for utility power purchases, details of utility services to CCAs, and other implementation issues. This proceeding remains open to address other implementation issues.

II. Requirement for Awards of Compensation

Intervenors who seek compensation for their contributions in Commission proceedings must file requests for compensation pursuant to Pub. Util. Code §§ 1801-12.

A. Preliminary Procedural Requirements

Section 1804(a) requires an intervenor to file a notice of intent (NOI) to claim compensation within 30 days after the prehearing conference (PHC) or by

a date established by the Commission. The first PHC was held on November 19, 2003. TURN and Local Power timely filed NOIs, respectively, on November 24, and December 1, 2003. A second PHC was held on January 25, 2005, and a third on March 30, 2005, both in Phase 2 of the proceeding. CEC filed its NOI on March 2, 2005. On March 22, 2005, the assigned Administrative Law Judge (ALJ) ruled CECs NOI as timely filed.

Section 1802(b) requires that an intervenor be a customer of a public utility. TURN and CEC are customers pursuant to § 1802(b)(1)(C), as they are organized by their bylaws or articles of incorporation to represent customers. Local Power is a customer pursuant to § 1802(b)(1)(B), as it is authorized to represent a customer.

Pursuant to §§ 1802(g) and 1803, intervenors must demonstrate significant financial hardship. On December 4, 2003, the assigned ALJ ruled that TURN and Local Power are eligible to claim compensation in this proceeding. On March 22, 2005, the ALJ similarly ruled CEC as eligible.

We affirm the above rulings of the ALJ and find TURN, CEC and Local Power eligible to claim compensation in this proceeding.

B. Timeliness of Compensation Requests

Section 1804(c) requires an eligible customer to file a request for an award within 60 days of issuance of a final order or decision. TURN and Local Power filed compensation requests on February 14, 2006, within 60 days of D.05-12-041 being issued. CEC filed its compensation request and a motion to late file on February 22, 2006. CEC is relatively new to our proceedings, and in this case we grant the motion and accept its request as timely filed. CEC is advised to make timely filings in any future proceedings before the Commission.

C. Substantial Contribution to Resolution of Issues

TURN seeks compensation for work in Phase 1 and Phase 2 of this proceeding. CEC seeks compensation for work in Phase 2 of this proceeding because its participation began during Phase 2. Local Power seeks compensation for work in Phase 2 only because the Commission has already awarded Local Power compensation for its contributions to D.04-12-046, which addressed Phase 1 issues.

Under § 1804(c), an intervenor requesting compensation must provide "a detailed description of services and expenditures and a description of the customer's substantial contribution to the hearing or proceeding." Section 1802(h) states that "substantial contribution" means,

- in the judgment of the commission, the customer's presentation has substantially assisted the commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer. Where the customer's participation has resulted in a substantial contribution, even if the decision adopts that customer's contention or recommendations only in part, the commission may award the customer compensation for all reasonable advocate's fees, reasonable expert fees, and other reasonable costs incurred by the customer in preparing or presenting that contention or recommendation.

Section 1804(e) requires the Commission to issue a decision that determines whether the customer has made a substantial contribution and what amount of compensation to award. The level of compensation must be reasonable and take into account the market rate paid to people with comparable training and experience who offer similar services, consistent with § 1806.

As provided in § 1802(h), a party may make a substantial contribution to a decision in one of several ways. It may offer a factual or legal contention upon which the Commission relied in making a decision, or it may advance a specific policy or procedural recommendation that the ALJ or Commission adopted. A substantial contribution includes evidence or argument that supports part of the decision even if the Commission does not adopt a party's position in total.

1. TURN

TURN asserts it made a substantial contribution to D.04-12-046 primarily in the area of the CRS methodology for CCAs. It observes the Commission adopted TURN's proposal in substantial part by agreeing that the CRS should be vintaged according to the time a CCA initiated service, by rejecting a cap on the CRS, and by agreeing that over time the CRS should recover all relevant costs with an ongoing "true-up" designed to match costs with CRS revenues. TURN also proposed using a binding notice of intent and an "open season" to determine when a CCA's power purchase liabilities to the utility would terminate. D.04-12-046 adopted these proposals.

TURN observes that the Commission also adopted most of its proposals in D.05-12-041, particularly the proceeding's most contentious issues relating to the "open season" and collaboration on load forecasting processes. TURN observes that its work in the long term procurement plan phase assured consistency between the Commission's policies and its proposals for CCAs.

TURN states the Commission's adoption of most of its proposals affirm it made a substantial contribution to both the Phase 1 and the Phase 2 decisions. We concur. TURN ably represented consumer interests while proposing practical and lawful solutions to some of the rulemaking's most difficult issues. TURN's proposals required a substantial amount of creative thinking and

extensive knowledge of Commission policies, utility operations and regulation. On many of the issues it addressed, TURN presented a middle ground that not only protected consumers but addressed the most prominent concerns of parties whose interests were otherwise adversarial. We find that TURN made a substantial contribution to this rulemaking.

2. CEC

CEC claims it made a substantial contribution to D.05-12-041 by submitting testimony and briefs. CEC summarizes its positions as follows:

- advocated in favor of the draft tariffs submitted by the Local Government Commission Coalition (LGCC);
- argued that CCAs should be subject to the same requirements for the renewable portfolio standard as utilities;
- proposed that CCAs should permit net metering using the utility's distribution system;
- proposed that CCAs inform their customers of renewable power purchases in a CCA portfolio; and
- interpreted AB 117 to give Commission jurisdiction over a CCA's creation but not over its ongoing operations, including on issues relating to the implementation plan, customer notices and customer protections.

CEC presented thoughtful testimony and analysis in this proceeding and the Commission adopted a number of its proposals related to specific tariff provisions. On the other hand, much of what CEC proposed was supportive of the proposals of the CCAs, as represented by LGCC, and therefore duplicative. D.05-12-041 did not resolve issues relating to the renewable portfolio standard or net metering and parted company with CEC on issues relating to the Commission's jurisdiction over CCAs during the period of their creation, instead finding the Commission has authority over the utilities and the utility tariffs

designed to serve CCAs. Nevertheless, some of CEC's work complemented that of the LGCC and we find that CEC made a substantial contribution to D.05-12-041, in certain areas.

3. Local Power

Local Power asserts it made a substantial contribution to our Phase 2 order, D.05-12-041 by cross-examining witnesses, presenting testimony and documents for the record, filing briefs, and being fully active in the proceeding. Local Power describes the following specific contributions it made to the decision, among others:

- proposed the Commission require the utilities to include CCA notices in utility bills, a policy adopted in D.05-12-041;
- objected to the utilities' use of the term "community choice providers" on the grounds that it blurred the distinction between CCAs and ESPs. D.05-12-041 does not use the term and makes clear legal distinctions between CCAs and ESPs;
- argued that the Commission does not have jurisdiction over CCAs as regulated utilities, which the Commission found in D.05-12-014;
- advocated for the Commission to entrust CCAs as governmental entities to determine appropriate information in customer notices and to establish their own customer protections. D.05-12-041 adopted both of these proposals;
- argued that CCAs are entitled to all relevant utility information, a finding adopted in D.05-12-041; and
- objected to the utilities' proposals to make CCAs liable for five years of load forecasting. D.05-12-041 rejected those utility proposals.

No party takes issue with Local Power's characterization of its contributions to the decision. Local Power provided important perspectives on the statute and practical implementation ideas, and its participation was thoughtful and vigorous. Though Local Power did not prevail on many of its positions and proposals, nevertheless we concur with its view that it contributed substantially to D.05-12-041 in Phase 2 of this proceeding.

III. The Reasonableness of Requested Compensation

A. TURN

1. Total Request

TURN requests $61,283.78 for its participation in this proceeding, including expenses of $332.53, for work performed in 2003-2005 by its attorneys Michael Florio, Robert Finkelstein, Hayley Goodson and Matthew Freedman. TURN appropriately claims half of the hourly attorney rate for time spent drafting its compensation request.

Its hours claimed are as follows:

Michel Florio	.75 hours at $435 (2003)	$ 326.25
	.50 hours at $217.50 (comp)	$ 108.75
	117.50 hours at $470 (2004-2005)	$55,225.00
	6.0 hours at $235 (comp)	$ 1,410.00
Matthew Freedman	1.0 hour at $250 (2003)	$ 250.00
	7.25 hours at $270 (2004-2005)	$ 1,957.50
Hayley Goodson	7.25 hours at $190 (2003-2005)	$ 1,377.50
Robert Finkelstein	.75 hours at $395 (2005)	$ 296.25
Expenses		$ 332.53

$61,283.78

B. Hours Claimed and Productivity

TURN documents its work by presenting a daily breakdown of its attorney and analyst hours, accompanied by a brief description of each activity.

TURN's claimed hours are reasonable and conform to Commission policy with regard to the types of activities that may be compensated. Consistent with D.98-04-059, TURN has also demonstrated productivity. In a rulemaking such as this, productivity is not easily quantified. We therefore apply qualitative standards. This rulemaking establishes policies and program elements for implementing AB 117 and applies to the three major public electric utilities serving the state, as well as to all the CCAs (municipalities and others) impacted by the legislation. The adopted policies involve recovery of stranded utility investments, which may be substantial, and program elements that implicate all types of utility operations and potentially millions of customers. The outcome in this proceeding is substantial. Considering these issues in relation to its contributions, we find the participation of TURN to have been highly productive.

A review of TURN's work and time allocated to that work confirms its requested hours are reasonable and consistent with Commission policy with regard to the types of activities compensated. Indeed, TURN's total hours claimed suggest that its participation was extraordinarily efficient in this proceeding.

1. Hourly Rates

We previously approved all of the above requested rates for TURN's attorneys and adopt them here (D.06-04-024, D.05-08-030, and D.05-08-016).

2. Costs

TURN's claimed expenses are reasonable, commensurate with the work performed, and consistent with Commission policy.

IV. Award

We herein award TURN $61,283.78 as summarized below:

Michel Florio	.75 hours at $435 (2003)	$ 326.25
	.50 hours at $217.50 (comp)	$ 108.75
	117.50 hours at $470 (2004-2005)	$55,225.00
	6.0 hours at $235 (comp)	$ 1,410.00
Matthew Freedman	1.0 hour at $250 (2003)	$ 250.00
	7.25 hours at $270 (2004-2005)	$ 1,957.50
Hayley Goodson	7.25 hours at $190 (2003-2005)	$ 1,377.50
Robert Finkelstein	.75 hours at $395 (2005)	$ 296.25
Expenses		$ 332.53
		$61,283.78

Consistent with previous Commission decisions, we will order that interest be paid on the award amount (calculated at the three-month commercial paper rate), commencing the 75th day after TURN filed its compensation request and continuing until full payment of the award is made. We direct Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Edison (SCE) to allocate payment responsibility among themselves based upon their California-jurisdictional electric revenues for the 2005 calendar year.

A. Local Power

1. Total Request

Local Power seeks $65,370.14 for the work of experts Paul Fenn, Robert Freehling and Matthew Patrick, in Phase 2 of this proceeding. Local Power appropriately claims half the requested rate for time spent drafting its compensation request. The request is summarized below:

Paul Fenn	369 hours at $140.40	$51,807.60
	60 hours at 70.20 (comp/travel)	$ 4,212.00
Robert Freehling	48 hours at $150	$ 7,200.00
Matthew Patrick	16 hours at $120	$ 1,920.00
Expenses		$ 230.54
		$65,370.14

2. Hours Claimed and Productivity

Local Power seeks compensation for excessive hours on some activities. For example, Local Power seeks reimbursement for 40 hours to draft a request for compensation, 43 hours to research and draft opening testimony, 47 hours to draft the opening brief and 30 hours to review opening testimony. We contrast this to TURN, which claims 6 hours to draft a request for compensation, 10.75 hours to research and draft opening testimony, 10.75 hours to draft its opening brief and 1.25 hours to review opening testimony. While Local Power addressed more issues than TURN, the hours Local Power claims appear nevertheless excessive for the work it did conduct. Local Power also claims dozens of hours to draft comments that the Commission did not solicit. Overall, Local Power claims substantially more hours for various types of activities than

parties who have requested compensation in other proceedings with comparable work.

Local Power's request states that it did not duplicate the efforts of other parties, and that where it took similar positions, its work complemented the efforts of others. However, we find that in this proceeding, CCAs were adequately represented. Most of Local Power's analyses and proposals were similar to those presented by CCAs, although some of Local Power's work materially supplemented or complemented the presentation by other parties. (See Section 1802.5.)

Because we only compensate the reasonable time spent working on a proceeding, we disallow certain hours claimed by Local Power. We disallow 40 hours for time spent drafting comments in March and April 2005 that the Commission did not solicit and that were not entered into the record of the proceeding. We disallow all but 20 hours claimed for drafting the request for compensation. Finally, we discount allowable hours for Paul Fenn's work by 20% (excluding travel and work on the request for compensation) because Local Power's claimed hours appear excessive and because much of its work duplicated that of the CCAs. This discount still allows compensation for hours well in excess of those claimed by TURN in recognition that Local Power addressed more issues than TURN. We allow compensation for the hours Local Power claims for Matthew Patrick and Robert Freehling, which are reasonable for their work on reply and rebuttal testimony.

3. Hourly Rates

Local Power requests an hourly rate of $140.40 for Paul Fenn. Fenn is the executive director of Local Power. He received a graduate degree from the University of Chicago in l992 and has worked for 12 years in energy and

telecommunications regulation and law, primarily on CCA issues. We approved an hourly rate for Fenn of $130 for work in 2004 in Phase 1 of this proceeding. D.05-11-031 established certain policies for setting hourly rates. As a general guideline, the order states hourly rates approved for work in 2004 will not be increased for work performed in 2005 except in response to specified circumstances, for example, where the intervenor's approved rate is outside the range for intervenors with comparable experience. The range adopted for experts in D.05-11-031 is $110-360 an hour. Although Fenn's rate is on the low end of the range, his pleading does not provide any justification for increasing the amount using the criteria adopted in D.05-11-031 and we cannot infer such a justification from his pleading or work products. Accordingly, we retain Fenn's hourly rate at $130 for work completed in 2005 and 2006 in this proceeding.

Local Power seeks $120 an hour for the work of Matthew Patrick, a consultant to Local Power. Patrick billed Local Power $120 an hour for his work. Patrick is a member of the Massachusetts House of Representatives representing the Barnstable District. He serves on the Joint Committee on Telecommunications, Utilities and Energy. Formerly a Falmouth Selectman and Executive Director of Self Reliance, which studied and helped develop the concept of CCA. Patrick represented Falmouth on the Cape Light Compact as a founding member, the first CCA formed. This work involved creating regulatory programs and procedures for the CCA program implemented by the Massachusetts Department of Telecommunications and Energy and implementing the CCAs own program. We concur that the billed hourly rate for Matthew Patrick is reasonable.

Local Power seeks $150 an hour for the work of Robert Freehling, also a consultant to Local Power. Freehling has a BA in Liberal Arts and has been

Research Director of Local Power since 2001. Local Power does not provide more information about Freehling's qualifications that would justify paying Local Power's research director more than its executive director, for whom we authorize a rate of $130 on the basis of previous awards. We therefore reduce Freehling's rate to $120 an hour.

4. Costs

Local Power seeks reimbursement for expenses that are very reasonable for copying, postage and similar expenses.

5. Award

The total amount we award to Local Power for its participation in this proceeding is $42,126.54, as follows:

Paul Fenn	243.20 hours at $130	$31,616.00
	40 hours at $65	$ 2,600.00
Paul Freehling	48 hours at $120	$ 5,760.00
Matthew Patrick	16 hours at $120	$ 1,920.00
Expenses		$ 230.54
		$42,126.54

Consistent with previous Commission decisions, we will order that interest be paid on the award amount (calculated at the three-month commercial paper rate), commencing the 75th day after Local Power filed its compensation request and continuing until full payment of the award is made. We direct PG&E, SDG&E, and SCE to allocate payment responsibility among themselves based upon their California-jurisdictional electric revenues for the 2004 calendar year, to reflect the year in which the proceeding was primarily litigated.

B. CEC

1. Total Request

CEC seeks $54,873.60 for the work and related expenses of attorney Tam Hunt, consultant Michel Nelson, and staff member Jenny Phillips. CEC appropriately claims half of Hunt's requested rate for time spent drafting its compensation request. The request is summarized below:

Tam Hunt	114.65 hours at $260	$29,809.00
	26.5 hours at $130 (comp/travel)	$ 3,445.00
Jenny Phillips	8 hours at $60	$ 480.00
Michel Nelson	81.98 hours at $220	$18,035.60
	5 hours at $110 (travel)	$ 550.00
Travel		$ 239.90
Lodging		$ 292.41
Expenses (Westlaw and Travel)		$ 2,021.69
		$54,873.60

2. Hours Claimed and Productivity

CEC provides a breakdown of its representatives' work activities. CEC appropriately bills for travel time at half the applicable rate. A review of CEC's documentation shows it claimed reasonable hours for activities that we routinely compensate. We adopt CEC's claimed hours for its representatives, but discount the hours of its attorney and consultant by 20% because its participation was not highly productive. Although it provided thoughtful analysis and generally reasonable proposals, its work was duplicative of the work of many of the other parties, it did not prevail on a number of its issues and some of its proposals –

including those relating to net metering and the renewable portfolio standard – are the subjects of other proceedings and therefore not resolved in this docket.

3. Hourly Rates

We previously have not set hourly rates for CEC's representatives. CEC requests an hourly rate of $260 for its attorney Tamlyn Hunt. Hunt has four years of experience since law school in energy law, environmental law and water law, at two private law firms before joining CEC.

As a guideline, D.05-11-31 provides that the range of hourly rates for attorneys with five-seven years of legal experience since law school is $250 to $270 for work performed in 2005. The range of rates for attorneys with four years of experience is $185 to $220. Hunt is at the fourth year associate level. Accordingly, we adopt a rate of $205 for Hunt, near the middle of the range, in recognition that he is practicing for the first time before the Commission. We expect his rate could be increased with additional experience.

CEC seeks $220 an hour for its consultant Michel Nelson, who is also associate general counsel and vice president of market development and regulatory affairs at Commonwealth Energy. Nelson has been a member of the California Bar for 10 years, has extensive experience in California working on energy issues, and has participated in a number of other Commission proceedings. Nelson's rate is consistent with D.05-11-031 for an attorney-expert with his level of experience. We find the rate reasonable and adopt it here.

CEC seeks $60 an hour for Jenny Phillips, a CEC staff member who worked on its compensation request. CEC claimed the full rate for Phillips. Unlike the policy for attorneys, we do not discount the rates of paralegals and similar staff for preparing compensation requests. The $60/hour rate for Phillips is reasonable and we adopt it here.

4. Costs

CEC seeks reimbursement for expenses that are reasonable and commensurate with the work performed for copying, postage, legal research fees and similar expenses.

5. Award

This order awards CEC $39,534.85 for its work in this proceeding, as follows:

Tamlyn Hunt	91.72 hours at $205	$18,802.60
	26.5 hours at $102.50 (comp/travel)	$ 2,716.25
Jenny Phillips	8 hours at $60	$ 480.00
Michel Nelson	65.6 hours at $220	$14,432.00
	5 hours t $110 (travel)	$ 550.00
	Travel	$ 239.90
	Lodging	$ 292.41
Expenses (Westlaw and Travel)		$ 2,021.69
		$39,534.85

Consistent with previous Commission decisions, we will order that interest be paid on the award amount (calculated at the three-month commercial paper rate), commencing the 75th day after CEC filed its compensation request and continuing until full payment of the award is made. We direct PG&E, SDG&E, and SCE to allocate payment responsibility among themselves based upon their California-jurisdictional electric revenues for the 2004 calendar year, to reflect the year in which the proceeding was primarily litigated.

As in all intervenor compensation decisions, we put the intervenors on notice that the Commission staff may audit its records related to this award. The intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation, including the actual time spent by each employee, the applicable hourly rate, fees paid to consultants, financial condition of represented customers, and any other costs for which compensation may be claimed.

V. Waiver of Comment Period

Pursuant to Rule 77.7(f)(6) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

VI. Assignment of Proceeding

Michel R. Peevey is the Assigned Commissioner and Kim Malcolm is the assigned ALJ in this proceeding.

Findings of Fact

1. Local Power, TURN and CEC have met all of the procedural requirements necessary to claim compensation in this proceeding.

2. TURN made substantial contributions to D.04-12-046 and D.05-12-041 and was extraordinarily productive in its efforts.

3. The hourly rates and related expenses claimed by TURN are reasonable and consistent with past Commission orders.

4. Some of the hours for which Local Power seeks reimbursement do not qualify for reimbursement, specifically, those related to drafting comments that were not solicited by the Commission or included in the record of the proceeding.

5. Local Power claims excessive hours for work in Phase 1 of this proceeding. The number of hours for which is seeks reimbursement for drafting its NOI and its request for compensation are substantially higher than permitted for other intervenors in other cases and are not otherwise justified. Local Power's claimed hours for other work is excessive compared to the hours claimed by other parties for similar work.

6. Local Power made substantial contributions to D.05-12-041. Local Power generally complemented or supplemented the work of other parties where its positions overlapped with those parties.

7. The hourly rates and related expenses claimed by Local Power are reasonable, as adjusted herein.

8. CEC made substantial contributions to D.05-12-041 and D.04-12-046. However, its work was duplicative in some cases. Some of its work was not resolved in its favor or not addressed in the proceeding. CEC's work in this proceeding is therefore not fully productive.

9. The hourly rates and related expenses claimed by CEC are reasonable, as adjusted herein.

10. The Appendix to the opinion summarizes today's award.

Conclusions of Law

1. TURN has fulfilled the requirements of §§ 1801-12, which govern awards of intervenor compensation, and is entitled to intervenor compensation, as set forth herein, for its claimed fees and expenses incurred in making a substantial contribution to D.04-12-046 and D.05-12-041.

2. TURN should be awarded $61,283.78.

3. CEC has fulfilled the requirements of §§ 1801-12, which govern awards of intervenor compensation, and is entitled to intervenor compensation, as set forth herein, for its claimed fees and expenses incurred in making a substantial contribution to D.05-12-041.

4. CEC should be awarded $39,534.85 for its contributions to D.05-12-041.

5. Local Power has fulfilled the requirements of §§ 1801-12, which govern awards of intervenor compensation, and is entitled to intervenor compensation, as set forth herein, for its claimed fees and expenses incurred in making a substantial contribution to D.05-12-041.

6. Local Power should be awarded $42,126.54 for its contribution to D.05-12-041.

7. The comment period should be waived and this order should be effective immediately.

O R D E R

IT IS ORDERED that:

1. The Utility Reform Network (TURN) is awarded $61,283.78 in compensation for its substantial contributions to Decision (D.) 04-12-046 and D.05-12-041.

2. Local Power is awarded $42,126.54 in compensation for its substantial contribution to D.05-12-041.

3. The Community Environmental Council (CEC) is awarded $39,534.85 in compensation for its substantial contribution to D.05-12-041.

4. Pacific Gas and Electric Company (PG&E), Southern California Edison (SCE), and San Diego Gas & Electric Company (SDG&E) shall allocate payment of the awards granted herein based upon their California-jurisdictional electric

revenues for the 2005 calendar year. Each shall make its proportionate award payment within 30 days of the effective date of this order. PG&E, SCE, and SDG&E shall also pay interest on the award at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release H.15, with interest, beginning the 75th day after Local Power, TURN and the CEC respectively filed their compensation requests and continuing until full payment of the award is made.

5. The comment period for today's decision is waived.

This order is effective today.

Dated May 25, 2006, at San Francisco, California.

MICHAEL R. PEEVEY
President
GEOFFREY F. BROWN
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
Commissioners

APPENDIX

Compensation Decision Summary Information

Compensation Decision(s):	D0605037
Contribution Decision(s):	D0412046 and D0512041
Proceeding(s):	R0310003
Author:	ALJ Malcolm
Payer(s):	Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Reason Change/Disallowance
Local Power	February 14, 2006	$65,370.14	$42,126.54	Excessive hours, claims for activities that do not qualify for compensation; rates not justified.
The Utility Reform Network	February 14, 2006	$61,283.78	$61,283.78	No disallowance.
Community Environmental Council	February 15, 2006	$54,874.00	$39,534.85	Rates not justified, reduction for productivity.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Paul	Fenn	Expert/ Policy Analyst	Local Power	$140.40	2005	$130
Robert	Freehling	Expert	Local Power	$150	2005	$120
Michel	Florio	Attorney/Expert	The Utility Reform Network	$435	2003	$435
Michel	Florio	"	"	$470	2004	$470
Michel	Florio	"	"	$470	2005	$470
Matthew	Freedman	Expert	The Utility Reform Network	$250	2003	$250

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Hayley	Goodson	Expert	The Utility Reform Network	$190	2003-2005	$190
Robert	Finkelstein	Attorney	The Utility Reform Network	$395	2005	$395
Tamlyn	Hunt	Attorney	CEC	$260.00	2005	$205
Jennie	Phillips	Paralegal	CEC	$60	2005	$60
Michel	Nelson	Attorney	CEC	$220	2005	$220
Matthew	Patrick	Expert	Local Power	$120	2005	$120

(END OF APPENDIX)