Decision 07-12-004 December 6, 2007

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company to Market Value Hydroelectric Generating Plants and Related Assets Pursuant to Public Utilities Code Sections 367(b) and 851. (U 39 E)	Application 99-09-053 (Filed September 30, 1999)

OPINION GRANTING INTERVENOR COMPENSATION TO CALIFORNIA HYDROPOWER REFORM COALITION AND TO FRIENDS OF THE EEL RIVER AND CALIFORNIA SPORTFISHING PROTECTION ALLIANCE FOR SUBSTANTIAL CONTRIBUTIONS TO DECISION 07-04-011

This decision awards California Hydropower Reform Coalition (CHRC) $101,698.92 in compensation and jointly, Friends of the Eel River (Friends) and California Sportfishing Protection Alliance (California Sportfishing), $77,671.48 in compensation for their substantial contributions to Decision (D.) 07-04-011.[1] No opposition to these requests has been filed and in making these awards, this decision follows precedent established by D.07-07-031, which granted intervenor compensation to The Utility Reform Network (TURN) for its substantial contribution to D.07-04-011.

[1] Friends of the Eel River and California Sportfishing are two among a number of organizations and entities that refer to themselves as Conservation Groups. As we discuss in the body of today's decision, though we find the others ineligible for intervenor compensation, this finding does not reduce the award.

Both awards are somewhat less than the total amounts requested. The award to CHRC is $1,000.00 less than the requested sum because we disallow noncompensable clerical time and calculate compensation for several hours devoted to compensation-related activities at half the approved hourly rate, rather than at full rate. The award to Friends and California Sportfishing is approximately $10,000.00 less than the requested sum because we do not escalate their lead attorney's hourly rate to the level sought and we allow only two-thirds of the 75+ hours claimed for preparation of compensation pleadings.[2]

Our review of any request is streamlined when an intervenor includes an Intervenor Compensation Claim Summary, which lays out in a simple table the name of each attorney and consultant for whom compensation is sought, the hourly fee requested, the year associated with that fee, and relevant information about education or experience (e.g., degree, year degree obtained; years of practice before this Commission). CHRC did so, as did TURN, and we urge all intervenors to submit a completed Intervenor Compensation Claim Summary with each request for compensation.

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[2] The request, as originally filed, has three components: $55,605.00 associated with participation in A.99-09-053, $25,737.23 associated with participation in A.98-05-014/A.98-05-022 (which preceded A.99-09-053), and $10,103.25 for compensation-related expenditures attributed to the combined dockets. The request reports this total as $91,445.98, rather than $91,445.48, due to a $0.50 discrepancy in some subcomponents. The comments revise the request to $87,389.48 to reflect certain adjustments recommended by the proposed decision.

1. Background

1.1. This Application; Precedent

D.07-04-011 outlines the unique and complex events that followed the filing by Pacific Gas and Electric Company (PG&E) of this application to "market value" and divest its hydroelectric generating assets pursuant to Assembly Bill (AB) 1890.[3] D.07-07-031, the Commission's intervenor compensation award to TURN in connection with D.07-04-011, further summarizes these events. We need not restate this procedural history in detail here but merely observe, again, that "[t]he California energy crisis, PG&E's bankruptcy filing, and the California Legislature's ban on public utility divestiture of electric generation plants ultimately overtook this application." (D.07-07-031 at 1-2.) Given these events and the subsequent settlement of the bankruptcy litigation, D.07-04-011 dismissed this application without a determination on the merits. D.07-04-011 also found that "the right of eligible parties to request intervenor compensation in this proceeding should be protected" and ordered that "[e]ligible parties may request intervenor compensation."[4]

In determining to grant intervenor compensation to TURN for the substantial time and effort it devoted to evaluating the application during the proceeding's divestiture phase, D.07-07-031 discusses and relies upon a number of prior Commission decisions which order intervenor compensation awards though the underlying dockets were closed without decisions on the merits. Among these precedents are the proposed merger of MCI WorldCom, Inc. and

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[3] 1996 Cal. Stats. Ch. 854 (Sept. 24, 1996).

[4] D.07-04-011 at Conclusion of Law 3 and Ordering Paragraph 2.

Sprint Corporation that fell through because of objection from the U.S. Department of Justice and the European Union[5] and several energy crisis era proceedings, including the application of Southern California Edison Company to market value its hydrogeneration assets, which terminated for reasons similar (although not identical) to those relevant here.[6]

D.07-07-031 states:

> [W]e have often held that the participation of intervenors in our proceedings is vital to our ability to make reasoned decisions, and that if we prohibit compensation where the proceeding might go away for reasons unrelated to the intervenors' actions, we might discourage participation in some of our most important proceedings. (D.07-07-031 at 6-7.)

D.07-07-031 concludes "there is ample precedent in the energy crisis – and indeed in the hydro valuation – context to award compensation here." (D.07-07-031 at 10.) Therefore, though TURN had proposed the Commission expressly employ a four-part test in assessing the merits of TURN's compensation claim, D.07-07-031 does not discuss those factors.[7]

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[5] D.02-07-030, 2002 Cal PUC LEXIS 438, at *14.

[6] D.04-03-031, 2004 Cal PUC LEXIS 78.

[7] The Commission did apply this four-part test in D.02-08-061 (in A.00-01-009), as well as in D.03-06-053 (in A.99-06-033 et al.) and in D.04-03-031 (in A.99-12-024) – all energy crisis era proceedings. D.02-08-061 states:

> TURN's suggested review criteria have not been given a full airing, and we hesitate to adopt them as appropriate tests of substantial contribution in all proceedings before us. (D.02-08-061 at 6.)

1.1.1. Role of CHRC

CHRC participated in both phases of this proceeding: the divestiture phase, which occurred primarily between March and the end of September, 2000; and the parallel-track CEQA phase (referring to the California Environmental Quality Act), which commenced with the filing of PG&E's Proponent's Environmental Assessment (PEA) on October 29, 1999, continued through the release of the Commission's Draft Environmental Impact Report (DEIR) on November 11, 2000 and essentially shut-down after workshops on the DEIR in early February, 2001, followed in late February by PG&E's motion to suspend the CEQA phase. As D.07-04-011 relates, by that time Pub. Util. Code § 377[8] had been amended to prohibit the sale of any public utility electric generation before January 1, 2006. As we discuss in greater detail below, CHRC was actively involved in the hearings and settlement negotiations associated with the divestiture phase and participated in the CEQA phase through review of the PEA and DEIR.

1.1.2. Role of Friends and California Sportfishing

The request refers to ten organizations -- Friends, California Sportfishing and eight other entities -- as Conservation Groups. Though each entered an appearance as a separate party in this proceeding, the ten organizations participated collectively. For reasons we explain in Section 3.2, Friends and California Sportfishing are the only organizations that we find eligible to request intervenor compensation. Given the nature and focus of Conservation Groups'

[8] Unless otherwise stated hereafter, all references to a section or sections refer to the Public Utilities Code.

unified participation in this docket, however, the ineligibility of the other eight organizations does not require us to reduce the award to Friends and California Sportfishing. Our assessment recognizes that Conservation Groups retained the same counsel and the same witnesses and presented a single viewpoint, effectively acting as one party. Their common concerns and interests centered on the environmental consequences of the proposed valuation and divestiture of PG&E's extensive hydroelectric facilities. Given the geographic and hydrologic inter-relatedness of much of the PG&E system and the conceptual commonality attached to associated valuation and divestiture issues, and absent inefficient or duplicative representation on these common issues or a focus on issues solely of concern to one or more of the ineligible organizations, we see no reason to reduce the request.

As we discuss in greater detail below, Conservation Groups – and therefore, Friends and California Sportfishing -- participated in the divestiture phase of this proceeding, where they presented expert witness testimony on economic valuation, fisheries, and hydrology, as well as the CEQA phase.

1.2. A.98-05-014 and A.98-05-022

Friends and California Sportfishing also seek an award of intervenor compensation in the amount of $25, 737.23 (together with additional monies for preparation of the request for compensation) for their participation in A.98-05-014 and A.98-05-022. These dockets, filed by Southern California Edison Company (SCE) and PG&E, respectively, set out to develop valuation principles or methods for assigning market values to generation and generation-related assets held by each utility. The dockets were closed in March 2000 by D.00-03-019 when the Commission determined, given time constraints and the contentious subject, to move "straight to the valuation process without

separately establishing principles for market valuation." (D.00-03-019, 200 Cal. PUC LEXIS 115, *3.) Friends and California Sportfishing had been found eligible to file a request for intervenor compensation by ruling of the Administrative Law Judge (ALJ) assigned to those dockets[9] and actively participated by urging the Commission to recognize that valuation must go forward in accordance with the California Environmental Quality Act (CEQA). Friends and California Sportfishing raised this issue at the prehearing conference and subsequently, filed a petition urging the Commission to deny PG&E's application and require the filing of a new one which addressed the environmental consequences of the proposed divestiture.

While the Commission closed A.98-05-014/A.98-05-022 without a decision on the merits, the focus on valuation issues, for PG&E, already had shifted to A.99-09-053. Based on their participation on CEQA issues in A.98-05-014/ A.98-05-022, Friends and California Sportfishing claim credit for the Commission's establishment of a CEQA phase in A.99-09-053. They point to D.04-03-031 as precedent for their claim. That decision makes a combined intervenor compensation award to TURN of approximately $48,700.00. The majority of the award, about $42,000, is for substantial contribution in A.99-12-024, SCE's hydroelectric divestiture docket (a parallel proceeding to A.99-09-053); the remaining $6,700 is for participation in A.98-05-014/ A.98-05-022. Under the unique circumstances presented here, and to afford comparable treatment with TURN, we will authorize compensation in today's

[9] *See Administrative Law Judge's Ruling on Eligibility to Claim Intervenor Compensation,* March 12, 1999, A.98-05-014/A.98-05-022, by ALJ Bertram D. Patrick. The ruling is attached as Ex. 4 to Conservation Groups' Request.

decision to Friends and California Sportfishing for their participation in A.98-05-014/A.98-05-022, even though that participation occurred some eight years ago.

2. Requirements for Awards of Compensation

In this section and continuing through Section 8, we discuss the requests for compensation stemming from this docket. We discuss the request stemming from A.98-05-014/A.98-05-022 in Section 9.

The intervenor compensation program, enacted in §§ 1801-1812, requires California jurisdictional utilities to pay the reasonable costs of an intervenor's participation if the intervenor makes a substantial contribution to a Commission order, decision, or proceeding. The statute provides that the utility may adjust its rates to collect the amount awarded from its ratepayers.

All of the following procedures and criteria must be satisfied for an intervenor to obtain a compensation award:

1. The intervenor must satisfy certain procedural requirements including the filing of a sufficient notice of intent (NOI) to claim compensation within 30 days of the prehearing conference, or in special circumstances at other appropriate times that we specify. (§ 1804(a).)
2. The intervenor must be a customer or a participant representing consumers, customers, or subscribers of a utility subject to our jurisdiction. (§ 1802(b).)
3. The intervenor should file and serve a request for a compensation award within 60 days of our final order or decision in a hearing or proceeding. (§ 1804(c).)
4. The intervenor must demonstrate "significant financial hardship." (§§ 1802(g), 1804(b)(1).)
5. The intervenor's presentation must have made a "substantial contribution" to the proceeding, through the adoption, in whole

or in part, of the intervenor's contention or recommendations by a Commission order or decision. (§§ 1802(i), 1803(a).)

6. The claimed fees and costs must be reasonable (§ 1801), necessary for and related to the substantial contribution (D.98-04-059), comparable to the market rates paid to others with comparable training and experience (§ 1806), and productive (D.98-04-059).

The following section addresses Items 1-3 above, followed by separate discussions of Items 4-6.

3. Timeliness of NOI and Request; Customer Status

The Commission conducted a prehearing conference in this matter on November 16, 1999. D.07-04-011, which authorized eligible intervenors to file requests for compensation, mailed on April 17, 2007.

3.1. CHRC

CHRC timely filed a NOI on December 15, 1999 (i.e., within 30 days of the PHC) and timely filed a request for compensation on June 18, 2007 (i.e., within 60 days of the mailing of D.07-04-011). CHRC filed a supplement to its request on July 2, 2007.

Because the issue of CHRC's customer status was not resolved at the NOI stage, we recount the problem and resolution here. By ruling on January 31, 2000, the ALJ then-assigned to this docket noted several deficiencies in CHRC's NOI, including its showings on customer status and financial hardship, and declined to make a definitive finding on eligibility.[10] With respect to customer status, the ruling observes that CHRC's Protest and NOI both include lists of its nonprofit members, but those lists do not appear to be identical. The ruling

[10] *Administrative Law Judge's Preliminary Ruling on Notices of Intent to Claim Compensation,* January 31, 2000, by the then-assigned ALJ, Barbara Hale.

directs CHRC to rectify its showing on customer status within 15 days. CHRC complied by tendering a response to the ruling on February 16, 2000, together with a motion for leave to file one day late. The ALJ's February 18, 2000 Ruling authorizes the late filing and finds that the response adequately clarifies that CHRC represents the following nonprofit corporations: American Whitewater, California Outdoors, California Trout, Foothill Conservancy, Friends of the River, Natural Heritage Institute, and Trout Unlimited.[11]

Referring to its NOI, CHRC's request reiterates that each of these nonprofit corporations is a voting member of its governing board, and that the nonprofit corporations have approximately 10,000 dues-paying members, nearly all of whom are residential customers of PG&E. Finally, CHRC quotes from its governing protocols, which authorize it to represent these members in "rulemaking, ratemaking, and other proceedings that generally affect PG&E's hydropower system" both before this Commission and the Federal Energy Regulatory Commission. (CHRC Request at 7.) This showing is adequate to permit us to find that CHRC is a customer as defined by § 1802(b)(C).

3.2. Friends and California Sportfishing

Conservation Groups filed a single NOI on February 11, 2000 on behalf of Friends, California Sportfishing and the following eight organizations and two other entities: League to Save Sierra Lakes, Golden Gate Audubon Society, El Dorado County Taxpayers for Quality Growth, Marin Audubon Society, Center for Sierra Nevada Conservation, Northern Sierra Summer Home Association, Environmental Planning and Information Council of Western

[11] *Administrative Law Judge's Ruling Regarding Deficiencies in Notices of Intent,* February 18, 2000, by ALJ Barbara Hale.

El Dorado County, Friends of the Russian River (now known as Russian Riverkeeper), as well as the Wiyot Tribe of the Table Bluff Reservation and Coyote (Fred Downey, Ph.D.). By ruling on January 31, 2000, the ALJ granted party status to each of these persons and entities, noted their collective representation by Stephen C. Volker (consistent with the request in their November 29, 1999 motion to intervene), and authorized the late-filing of their protest.[12] Subsequent rulings do not appear to have directly assessed the timeliness of the NOI. Under the circumstances presented here, where intervention was sought and granted after the PHC occurred and where the subsequent NOI was filed fewer than two weeks after the ruling on intervention, we find the NOI to have been timely-filed. Like CHRC, Conservation Groups filed their request on June 18, 2007, which is within 60 days of the mailing of D.07-04-011, and therefore timely. We note that on June 22, 2007, Conservation Groups also filed a supplemental declaration of counsel in support of their request.

We turn next to the issue of customer status. The February 18, 2000 ALJ Ruling raises a number of questions about the customer status showings (and significant hardship showings) by the organizations and persons which the NOI lists as members of Conservation Groups. The ruling concludes that the NOI is insufficient to permit an eligibility ruling, but provides Conservation Groups with alternative remedies -- either they may file an amendment by February 25, 2000 or they may address the deficiencies in their future request. The ruling explains that to establish eligibility, an organization that claims to represent

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[12] *Administrative Law Judge's Preliminary Ruling Regarding Motions to Intervene,* January 31, 2000, by ALJ Barbara Hale.

customers pursuant to its articles of incorporation or bylaws not only must provide a copy of such document, but also – unless the authorization to represent residential customers is explicit -- must explain how the document can be read to support such a finding. Conservation Groups' NOI included no articles, bylaws or supporting arguments.

The ruling also notes that Consumer Groups' motion to intervene and subsequent NOI provide "somewhat conflicting information as to the purpose of some of the organizations" and advises that clarification is needed. (February 18, 2000 ALJ Ruling at 5.) Finally, the ruling observes that the NOI does not explain how the tribal entity, nor Coyote, the individual, fit within the statutory definition of customer.

The docket card does not reflect that an amendment to the NOI, per se, was ever filed. Instead it appears that Conservation Groups sent a letter dated February 29, 2000, to the Commission's Docket Office and requested that the letter be forwarded to ALJ Hale.[13] The letter advises that by ALJ ruling in A.98-05-014/A.98-05-022 less than a year earlier, Friends and California Sportfishing were found eligible to file for intervenor compensation. The letter states that articles or bylaws for the other eight organizations have been enclosed, as well as a Federal Register Notice confirming that the tribe is federally-recognized.[14]

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[13] *See* Ex. 6 to Conservation Groups' request.

[14] Ex. 6 to Conservation Groups' request includes articles/bylaws for seven of the organizations but documentation for the eighth, Golden State Audubon Society, is not among them.

In the request, itself, Conservation Groups seek intervenor compensation on behalf of the ten organizations listed above, but do not mention the Wiyot Tribe or Coyote. The request includes, as further grounds for a finding of customer eligibility, a declaration of counsel that states, among other things, that each of the organizations includes residential customers and was authorized to represent them in Commission proceedings.

The previous eligibility determination for Friends and California Sportfishing in A.98-05-014/A.98-05-022 creates a rebuttable presumption, for them, "of eligibility for compensation in other commission proceedings commencing within one year of the date of that finding." (§ 1804(b)(1).) This application was filed on September 30, 1999, less than seven months after the eligibility ruling in A.98-05-014/A.98-05-022. Given no change in the underlying determinative factors (as evidenced by counsel's declaration), we extend the eligibility finding for Friends and California Sportfishing to this docket.

The information provided for the other eight organizations is insufficient to explicitly establish that they represent utility "customers" for the purposes of §1802(b), however. The documents supplied merely establish that most of the organizations are nonprofit charitable corporations under § 501(c)(3) of the Internal Revenue Code (IRC) and that one is a mutual benefit corporation under IRC § 501(c)(4). The request lacks the explanatory discussion required by the February 18, 2000 ALJ Ruling and the declaration of counsel is likewise vague; for example, it does not attempt to quantify the residential customer membership in any organization or describe how an organization authorized the representation of residential utility customers in this proceeding. We cannot find, on this record, that the other eight organizations meet the § 1802(b)(C) definition of customer. However, as we discuss in Section 1.1.2, our

determination that only Friends and California Sportfishing have established eligibility for an award of intervenor compensation does not reduce the award.

4. Significant Financial Hardship

4.1. CHRC

Before a customer can be found eligible to request intervenor compensation, the customer must make a showing of significant financial hardship. Because the January 31, 2000 ALJ ruling could not assess fully CHRC's customer status, neither could it assess fully CHRC's claim of financial hardship. The former problem now having been rectified, we review CHRC's financial hardship showing.

CHRC's request sets forth the following:

> As stated in the verified 1999 Notice, CHRC was entirely dependent on charitable grants for its budget as an association. In late 1999 through early 2001, when this proceeding was active, it did not have any uncommitted funds for participation in this proceeding. Most importantly, this proceeding was intended to establish the market value of PG&E hydropower system, preparatory to the commission's decision whether the system would be divested or retained within the utility. CHRC members, including the nonprofit corporations and the dues paying individuals they represented, had very little economic interest in such valuation, relative to the cost of $115,000 for effective participation estimated in the 1999 Notice. (CHRC Request at 8-9.)

In the context of this proceeding, we agree that the economic interest of the individual members of each of CHRC's constituent nonprofit organizations is small in comparison to the cost of effective participation. We conclude that CHRC has made a showing of significant financial hardship.

4.2. Friends and California Sportfishing

The extension of the previous eligibility determination for Friends and California Sportfishing applies to significant financial hardship as well as customer status.

5. Substantial Contribution

Section 1.1, above, provides the basis for finding that CHRC, as well as Friends and California Sportfishing, have made substantial contributions warranting an award of intervenor compensation. We therefore turn to the reasonableness of the compensation these intervenors seek here.

6. Reasonableness of Requested Compensation

In general, a request must demonstrate reasonable fees and costs of the customer's preparation for and participation in a proceeding that resulted in a substantial contribution. We first assess whether the hours claimed for the customer's efforts that resulted in substantial contributions to Commission decisions are reasonable by determining to what degree the hours and costs are related to the work performed and necessary for the substantial contribution.

6.1. CHRC

CHRC underscores that "the application in this proceeding affected not only utility service but also the non-power uses of lands and waters throughout Northern California, including recreation, fish and wildlife, and water supply" (CHRC Request at 11.) CHRC asserts the amount of its request is reasonable for the following reasons:

> Because of the range and significance of impacts on all ratepayers of Northern California, A.99-09-053 resulted in multiple interventions and "extensive" protests, comments, briefs, testimonies, motions, and other filings. [citation omitted] CHRC acknowledges that it and many other

intervenors addressed the environmental impacts of divestiture in such filings …

CHRC made substantial efforts to coordinate with other intervenors and otherwise minimize duplication efforts in this proceeding. For example, CHRC, Environmental Defense, and Center for Energy Efficiency and Renewable Technologies, jointly developed and filed written testimonies (March 1, 16, and June 18, 2000) for the evidentiary hearing the divestiture phase; and then jointly sponsored those witnesses for examination. These groups filed joint comments (Feb. 2, 2000) on the PEA. CHRC limited our cross-examination to witnesses whose testimony directly addressed how market valuation may affect operations and land of the hydropower system. For that reason, we participated in less than one-half of the evidentiary hearing dates. We cooperated with other intervenors in developing non-duplicative lines of cross-examination of such witnesses, such as Leslie Everett (Vice-President and Corporate Secretary, PG&E); David Moller (Senior Manager, Hydropower Licensing, PG&E); and Norm Sweeney (Director, Hydro Generation Department, PG&E).

CHRC filed a series of motions, or responses to motions, related to procedure and schedule for the proceeding. *See* filings dated February 3, July 14, July 26, July 31, September 5, and December 29, 2000; and January 19 and March 5, 2001. These sought modifications in the procedures and schedule set by the Scoping Order (Jan. 13, 2000 as amended Feb. 28, 2000.) These modifications were necessitated by the "extraordinary" crises in the electricity market. [citation omitted] Before filing, we actively solicited and obtained co-sponsorship of these proposed modifications by various intervenors, including the California Farm Bureau, East Bay Municipal Utility District, Mendocino County Inland Water and Power Commission, Office of Ratepayer Advocates, as well as other conservation groups. (CHRC request at 16-17.)

For these activities, CHRC seeks the following compensation:

	Year	Hours	Rates	
Attorney Fees				
Richard Roos-Collins	1999	17.3	$305	$ 5,276.50
	2000	253.2	$315	$ 79,758.00
	2001	34	$325	$ 11,050.00
(comp)	2007	16	$177	$ 2,832.00
			Subtotal	***$ 98,916.50***
Paralegal Fees				
Amy Roon	2000-1	19.4	$50	$ 970.00
Christian Mastrodonato	2000	12.3	$50	$ 615.00
			Subtotal	***$ 1,585.00***
			Total Advocacy Fees	**$100,501.50**
Other Costs				
Telephone (including fax, cell phone & conference calls)				$ 1,018.09
Postage and Delivery				$ 222.48
Photocopies & Document Production				$ 789.95
Travel				$ 99.90
Lexis				$ 67.00
			Total Other Costs	**$ 2,197.42**
TOTAL				**$102,698.92**

CHRC states that the attorney fees do not include time for travel between Roos-Collins' office and the Commission and that time devoted to preparation of the compensation request has been billed at one-half the usual fee. Review of the supporting documentation corroborates this claim. However, review also shows that four hours devoted to compensation-related activities early in the proceeding (three hours for preparation of the NOI in 1999 and 1 hour for preparation of a response to the ALJ's NOI ruling in 2000) have not been billed at half the professional rate, as required. In all other respects, CHRC provides reasonable accounting and justification for its work in this proceeding. As adjusted for the error noted, we find that the hours CHRC claims for Roos-Collins are reasonable in light of the work performed.

CHRC states that the paralegal assistance "was for legal research, filing, and service in this proceeding." (CHRC Request at 20.) While legal research is compensable, purely clerical assistance is not – we deem the latter to be included in overhead subsumed within attorneys fees. CHRC's time records do not describe what specific tasks its paralegals, Roon and Mastrodonato, undertook on the days where they billed time. As an expedient, reasonable adjustment, given the relatively small number of hours at issue, we reduce the total number of paralegal hours by approximately one-quarter, from 31.7 hours to 24 hours, and allow 15 hours for Roon and 9 hours for Mastrodonato.

6.2. Friends and California Sportfishing

Conservation Groups' assert that the amount of their request is reasonable. As discussed in Section 1.1.2, we construe all representations made by Conservation Groups as having been made on behalf of Friends and California Sportfishing, the eligible intervenors. The request states:

Conservation Groups intervened in the present proceeding in November 29, 1999. Then, on March 2, 2000, Conservation Groups filed extensive direct testimony in opposition to PG&E's valuation application, including:

1. Direct Testimony Regarding Fisheries in Opposition to PG&E Testimony Supporting Application 99-09-053, given by Terry Roelofs, Ph.D.
2. Direct Testimony Regarding Valuation in Opposition to PG&E Testimony Supporting Application 99-09-053, given by Daniel M. Ihara, Ph.D.
3. Direct Testimony Regarding Hydrology in Opposition to PG&E Testimony Supporting Application 99-09-053, given by Robert R. Curry, Ph.D.

These experts testified in support of a valuation proceeding that properly addressed and analyzed the critical environmental impacts of the divestiture of PG&E's hydroelectric facilities, both individually and collectively. Further, the testimony called for extensive mitigation of the facilities' adverse impacts – based on past, present, and proposed future operations and the devastating impacts of those operations on river resources.

Then, in April 2000, Mr. Volker conducted cross-examinations of numerous witnesses over the course of at least six days of Commission proceedings. These lengthy cross-examinations pertained to the deficiencies in PG&E's valuation proposals, and most importantly, the valuation estimates' failure to account for the environmental costs and benefits of various alternative valuation estimates.

On June 1, 2000, Conservation Groups filed scoping comments pursuant to the notice of preparation of an EIR for PG&E's valuation and/or divestiture of its hydroelectric facilities. Conservations Groups argued for intensive investigation of the environmental benefits of decommissioning of some or all of PG&E's facilities, including the Potter Valley Project. They also requested further analysis of the patent or latent environmental and safety hazards associated with the facilities and a

> discussion of how these hazards should be accounted for in the valuation process. Further, the Groups called on the Commission to discuss the validity and impacts of prospective consumptive water uses associated with the facilities where then-existing consumptive uses of water diverted through PG&E facilities lacked necessary water rights. Finally, Conservation Groups asked that PG&E conduct more research into the cultural impacts of continued diversion of approximately 98% of the summer flow of the mainstream Eel River and of blocked access to critical spawning habitat of culturally-significant coho and Chinook salmon and steelhead trout.
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> In addition to these above-described substantive filings, Conservation Groups filed numerous procedural motions, joinder, and other submissions, including testimony in July 2000 by Guy Phillips, Ph.D. (Request at 11-13.)

Friends and California Sportfishing seek the following compensation for their participation in A.99-09-053 and for preparation of the compensation request, which as noted previously, seeks compensation not only for A.99-09-053 but also for A.98-05-014/A.98-05-022 (the figures are from the corrected request in the comments.)

	Year	Hours	Rates	
Attorney Fees				
Stephen C. Volker	1999	16.8	$265	$ 4,452.00
	2000	133	$280	$ 37,240.00
	2001	9.9	$295	$ 2,920.50
			Subtotal	$ *44,612.50*
Attorney Fees (Comp & Travel)				
Stephen C. Volker	2000	14.0	$140.00	$ 1,960.00
	2001	0.5	147.50	$ 73.75
	2007	8.5	250.00	$ 2,125.00
Marnie E. Riddle	2007	9.4	$112.50	$ 1,057.50
Joshua A. H. Harris	2007	58.9	$117.50	$ 6,920.75
			Subtotal (Comp)	***$ 12,137.00***
Outside Expert Fees				
Daniel M. Ihara, Ph.D.	2000	12.25	$100	$ 1,225.00
Robert R. Curry, Ph.D.	2000	10	$125	$ 1,250.00
Terry Roelofs, Ph.D.	2000	8	$100	$ 800.00
Guy Phillips, Ph.D.	2000	24	$150	$ 3,600.00
			Subtotal	***$ 6,875.00***
Other Costs				
Copy of draft EIR				$ 50.00
			Subtotal	***$ 50.00***
TOTAL				**$ 63,674.50**

The proposed decision observes several problems in the supporting documentation. The comments correct the first problem, inclusion of some travel time and compensation-related work at full hourly rate. While we allow the corrected travel time since it was incurred early in this proceeding, our policy has evolved and we may not allow compensation or reimbursement for routine

commuting in the future.[15] The second problem concerns the time (and associated $10,103.25 in fees) related to preparation of the compensation request. As already noted, Conservation Groups seek a single award that consists of three parts – an award associated with participation in A.98-05-014/A.98-05-022, an award associated with participation in A.99-09-053, and an award for compensation-related expenses associated with preparing this single request, which does not apportion the hours between this docket and A.98-05-014/A.98-05-022.

This problem is compounded because the hours devoted to preparation of the compensation request (and the associated fees) appear excessive. We recognize that Conservation Groups used Harris, and to a lesser extent Riddle, both of whom bill at lower hourly rates than Volker, to prepare portions of the request. However, Harris' 58.9 hours, together with 9.4 hours by Riddle and 8.5 hours by Volker, total over 75 hours. By comparison, TURN reported – and we approved – 20.5 hours for work done at the NOI and request stages in connection with A.99-09-053. Billed at one half the approved hourly rate, D.07-07-031 awarded TURN $4,116.25 for compensation-related work. CHRC's request in connection with A.99-09-053 is in line with and somewhat lower than TURN's, both as to hours and associated fees.

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[15] *See* D.07-04-010, which denies compensation for an intervenor's time and costs associated with "routine commuting," stating that: "An intervenor's fees are assumed to cover such overhead costs [including routine commuting], just as they cover administrative costs. If an intervenor has extraordinary travel costs, that are reasonable and justified….we will continue to compensate them." (D.07-04-010 at 11-12.) See also D.07-10-014, which denies rehearing of D.07-05-043, explaining that the Commission's prior practice did not constitute a rule, since the Commission has not reviewed them closely in the past.

We recognize that unlike Friends and California Sportfishing, CHRC does not seek compensation for participation in A.98-05-014/A.98-05-02. However, TURN did and as Friends and California Sportfishing point out, part of the award D.04-03-031 grants is for TURN's participation in A.98-05-014/A.98-05-02. (See discussion in Section 1.2, above.) The part of that award attributable to compensation-related activities is only 11.25 hours and totals $1,904.00. Thus, TURN billed approximately 30 hours, valued at about $6,000, for compensation-related work in both proceedings.

While we do not suggest the presentations put forward by these parties are identical, we think TURN's billing provides a reasonable benchmark. After reviewing the comments, and recognizing that Friends and California Sportfishing have less experience practicing before the Commission, we reduce their compensation-related hours by approximately one-third, which likewise serves to reduce that portion of their claim by approximately one-third. As adjusted, we find this portion of the claim reasonable.

In other respects, the time records appear to support adequately the time claimed by Volker for his participation in this docket and by the four expert witnesses.

7. Hourly Rates

We next take into consideration whether the claimed fees and costs are comparable to the market rates paid to experts and advocates having comparable training and experience and offering similar services.

7.1. CHRC

In D.04-08-025, the Commission approved an hourly rate for Roos-Collins of $325/hour for work related to PG&E's bankruptcy proceeding; though the work spanned the years 2001-2004, most of it was done in 2002 and 2003. CHRC

seeks, and we approve, the same rate for Roos-Collins' work in 2001 in this docket.

D.06-06-031 approves an hourly rate for Roos-Collins of $350 for 2006. D.07-01-009 authorizes a 3% cost of living adjustment (COLA) from 2006 to 2007. CHRC asks us to approve a 2007 rate for Roos-Collins of $354/hour, slightly less than the full COLA, and we do so.

For the two earlier years, 1999 and 2000, CHRC requests hourly rates of $305 and $315, respectively. These rates are generally consistent with the hourly rates approved during that period and are reasonably scaled to rates approved for Roos-Collins in subsequent years. We adopt the requested rates.

CHRC seeks $50/hour for each of its paralegals, Roon and Mastrodonato, for work done in 2000 and 2001. Both are college graduates. The rates are on the low end of the scale we have awarded for paralegal assistance during the relevant time period and we approve them.

7.2. Friends and California Sportfishing

D.03-01-058 and D.05-02-003 approve an hourly rate for Volker of $250 for work done between 2000 and 2003 in other dockets. We adopt the same rate for Volker for work done in 2000 and 2001 in connection with this application, rather than the higher rates requested ($280 and $295, respectively). For 1999, no hourly rate has been established for Volker. Since litigation of this application did not begin until the last quarter of 1999, we allow the 2000 hourly rate for the limited number of hours Volker billed in 1999.

Following the guidance of prior Commission decisions, we set Volker's 2007 rate as follows. We escalate $270, the rate established for Volker for 2004,[16] by 0% for 2005 (*see* D.05-11-031), and by 3% for 2006 and another 3% for 2007 (*see* D.07-01-009), each time rounding the sum to the nearest $5.00. The result is $290 and we approve this rate for Volker's work on this application in 2007. Because all of that work was related to preparation of the request, however, the 2007 award is calculated at one-half of $290, or $145. Given the various problems with the request noted in the proposed decision (some of which persist), we do not find this work product to be of a caliber warranting an addition to the base fee of $290/hour and decline, here, to further escalate Volker's 2007 hourly rate.

D.06-04-018 approves a rate of $190/hour for Harris in 2004. Following the same escalation procedure outlined above, we arrive at a 2007 rate for Harris of $200/hour, rather than $250. Likewise, D.06-04-018 approves a rate of $90/hour for Riddle in 2004, as a law clerk. She is now listed as a member of the Law Offices of Stephen C. Volker. The request does not state which year she was admitted to the California bar but the comments rectify this omission. Riddle was admitted in December 2004. D.07-01-009, the Commission's most recent update of criteria and methodology for setting rates for attorneys and experts, establishes the following ranges for 2007: for attorneys with 0-2 years of experience, the authorized rate scale is $145 - $200; with 3-4 years of experience, the scale increases to $195 - $230. For the purposes of today's decision, since

[16] Volker's 2004 rate was approved by D.06-04-018. D.06-06-025 denied the request for rehearing, which argued among other things that Volker's 2004 rate should be $400/hour.

Riddle's work solely concerned request preparation in the first half of 2007, we will set her rate at $200/hour.

We note that the request does not mention the prior awards to Volker in 2000-2003, or the prior award to Harris or Riddle in 2004. We presume either an oversight -- or a misunderstanding of the leave D.07-01-009 gives to intervenors to request increases above the established COLA in the calculation of 2007 rates. However, we caution that by failing to recognize and report the hourly rates the Commission has set in the past, an intervenor risks sanction, particularly where the rates sought are higher than the rates the Commission previously found to be reasonable. While D.07-01-009 authorizes an intervenor to seek an adjustment beyond the authorized COLA to the hourly rate established for 2007, such a request requires support. Here the only support for the rates sought for Harris and Riddle in the request is Volker's declaration that such rates are reasonable, market-based rates, given the dates each graduated from law school; the comments provide bar admission dates. The support for the increase in Volker's rate is more comprehensive and should Volker renew in a future, suitable proceeding, his effort to obtain an increase in the 2007 rate set by today's decision, he should provide support of this nature with the request.

We turn now to the rates requested for the four expert witnesses for their work in 2000: Ihara, Roelofs, Curry and Phillips. The Commission has not established rates for these individuals previously. The request includes a current resume or curriculum vita for each which lists education and experience, including other consultancy or other work product, such as research or published papers. We focus on each expert's qualifications in the 2000 timeframe in which the work at issue was done.

Ihara, an instructor in economics at Humboldt State University since 1992, earned a Ph.D. in economics in 1991 from the University of Oregon. He also holds an M.S. in economics from the University of Oregon (1990) and a B.A. in English literature from the University of California, Berkeley (1969). In addition to holding various other teaching posts and coordinating academic, governmental and quasi-governmental conferences on climate change and related subjects, Ihara has authored numerous papers on climate change and related issues in environmental economics.

Roelofs, an instructor in the Department of Fisheries Biology at Humboldt State University, earned a Ph.D. in fisheries in 1970 from Oregon State University. He holds an M.S. in engineering from the University of Washington (1967) and a B.S. in fisheries from Michigan State University (1965). Roelofs has received awards for his professional work and continues to pursue research focusing on salmon recovery.

Curry, a research professor at the University of California, Santa Cruz, earned a Ph.D. in geomorphology and paleoclimatology from the University of California, Berkeley in 1967. He holds an M.S. and B.A. in geology from the University of Colorado (1960, 1961). Curry also serves as Research Coordinator and Senior Scientist for California State University, Monterey Bay, Watershed Institute. Curry's research specialties include wetlands and stream restoration, watershed systems, and environmental geology, to name only a few. His publications (books, monographs, journal papers, etc.) are extensive.

Phillips, earned a Ph.D. in environmental economics and law from the University of Wisconsin in 1976. He holds an M.A. in resource economics (1973) and a B.A. in economics (1971) from the same institution. Phillips has worked in senior levels of business, government and academia, serving, for example, as

Assistant Secretary for Resources for California's Resources Agency, Principal Consultant to the California Legislature, Chief Consultant to Speaker pro tem Fred Keeley in the California State Assembly, Associate Professor at California State University, Sacramento. He has also participated in several private sector ventures specializing in energy development and in river restoration.

In setting hourly rates for these experts for 2000, we look to rates set for other experts with comparable qualifications during the same period. In D.01-10-008, for example, the Commission awarded J.B. Marcus and Jeff Nahigian, of JBS Energy, Inc., intervenor compensation for their consulting services to TURN. Both are economists and D.01-10-008, working from established 1999 hourly rates of $150/hour for Marcus and $95/hour for Nahigian, increases them to $160/hour and $100/hour, respectively. The decision relates their experience as follows:

> Marcus graduated from Harvard College with an A.B. magna cum laude in economics in 1974, and received an M.A. in Economics from the University of Toronto in 1975. He has been directly involved in the field of energy policy and utility regulation for more than twenty years, first as an economist with the California Energy Commission and, since 1984, as a Principal Economist for JBS. In this position, he is the firm's lead economist for all utility issues and supervises the work of five other analysts.
>
> * * *
>
> Nahigian, a Senior Economist with JBS, has more than ten years experience analyzing utility operations and rate design issues. He received a B.S. in Environmental Policy Analysis and Planning from the University of California, Davis, in 1986. After a brief stint as a policy analyst for the Independent Energy Producers Association, Nahigian joined the JBS staff in 1987. His analysis served to provide the basis for much of the

> testimony Marcus has presented to the Commission in recent years. (D.01-10-008 at 12-13.)

Comparing qualifications is imprecise, as many factors (such as education, experience and efficiency) must enter into hourly rate calibrations. However, we find that the rates requested for Ihara, Roelofs, Curry and Phillips are reasonably documented and generally consistent with the range of hourly rates approved during the 2000 timeframe. We approve these hourly rates for 2000.

8. Direct Expenses

CHRC seeks $2,197.42 for such costs as telephone services, postage, photocopying, and limited travel. These costs are commensurate with the work performed and reasonable.

Friends and California Sportfishing seek $50 in reimbursement for the costs of obtaining a copy of the EIR but claim no other expenses. We approve the reimbursement sought.

9. Compensation Sought for A.98-05-014 and A.98-05-022

As noted above in Section 1.2, Friends and California Sportfishing filed a timely NOI in A.98-05-014/A.98-05-022 and were found eligible to file a request for an award of intervenor compensation. Regarding the reasonableness of this request, Friends and California Sportfishing state:

> As a result of Conservation Groups' presentation in the prior proceeding, "the Commission held that all future applications aimed at establishing values for specific generation assets – such as the present proceeding, A.99-09-053 – are subject to CEQA review." (Comments, p5, quoting Request at 5.)

They conclude: "This victory represents a very substantial contribution to this proceeding." (Comments at 5.)

In the corrected and revised request included with their comments, Friends and California Sportfishing seek the following compensation for their participation in A.98-05-014/A.98-05-022:

	Year	Hours	Rates	
Attorney Fees				
Stephen C. Volker	1999	60.2	$265	$ 15,953.00
Stephen C. Volker, (comp & travel)	1999	6.6	$132.50	$ 874.50
			Subtotal	***$ 16,827.50***
Outside Expert Fees				
Guy Phillips, Ph.D.	2/1999	14	$150	$ 2,100.00
	3/1999	16.45	$150	$ 2,467.50
	4/1999	14.7	$150	$ 2,205.00
			Subtotal	***$ 6,772.50***
Other Costs				
Postage				$ 141.50
Photocopying				$ 563.95
FAX				$ 6.45
Mileage				$ 6.50
BART				$ 10.80
Transcripts				$ 318.98
Paralegal services				$ 213.75
Long Distance				$ .90
			Subtotal	***$ 1,263.23***
TOTAL				**$ 24,863.23**

As discussed above, we have previously awarded Volker an hourly rate of $250/hour for 1999 and we adjust this portion of the request accordingly. We approve the rate sought for Phillips, consistent with the discussion in Section 7.2. We authorize reimbursement for all direct expenses, except the undocumented

claim for paralegal services. Before we can approve such costs, we require disclosure of the qualifications of the individual who performed the services, the hourly rate sought and justification for it, together with billing records. Nothing has been provided. To the extent these costs represent clerical assistance, they should be subsumed within professional fees, as general office overhead. Though we allow the expenses for mileage and BART incurred in 1999, we may not do so in future. Our more recent policy is to disallow the costs of routine travel to the Commission for those who practice here frequently.

10. Awards

We award CHRC $101,698.92 as follows:

	Year	Hours	Rates	
Attorney Fees				
Richard Roos-Collins	1999	14.3	$305	$ 4,361.50
(comp)	1999	3	$152.50	$ 457.50
	2000	252.2	$315	$ 79,443.00
(comp)	2000	1	$157.50	$ 157.50
	2001	34	$325	$ 11,050.00
(comp)	2007	16	$177	$ 2,832.00
			Subtotal	***$ 98,301.50***
Paralegal Fees				
Amy Roon	2000-1	15	$50	$ 750.00
Christian Mastrodonato	2000	9	$50	$ 450.00
			Subtotal	***$ 1,200.00***
			Total Advocacy Fees	**$99,501.50**
Other Costs				**$ 2,197.42**
TOTAL				**$101,698.92**

We award Friends and California Sportfishing $77,671.48 for A.99-09-053 and A.98-05-022/A.98-05-022, broken down as follows:

	Year	Hours	Rates	
Attorney Fees				
Stephen C. Volker	1999	16.8	$250	$ 4,200.00
	2000	133	$250	$ 33,250.00
	2001	9.9	$250	$ 2,475.00
			Subtotal	***$ 39,925.00***
Attorney Fees (Comp & Travel)				
Stephen C. Volker	2000	14	$125	$ 1,750.00
	2001	0.5	$125	$ 62.50
	2007	5.6	$145	$ 812
Marnie E. Riddle	2007	6.2	$ 100	$ 620
Joshua A. H. Harris	2007	38.8	$100	$ 3,880
			Subtotal (Comp and Travel)	***$ 7,062.00***
Outside Expert Fees				
Daniel M. Ihara, Ph.D.	2000	12.25	$100	$ 1,225.00
Robert R. Curry, Ph.D.	2000	10	$125	$ 1,250.00
Terry Roelofs, Ph.D.	2000	8	$100	$ 800.00
Guy Phillips, Ph.D.	2000	24	$150	$ 3,600.00
			Subtotal	***$ 6,875.00***
Other Costs				***$ 50.00***
TOTAL (A.99-09-053)				**$ 53,912.00**

	Year	Hours	Rates	
Attorney Fees				
Stephen C. Volker	1999	60.2	$250	$ 15,050.00
Stephen C. Volker, (comp or travel)	1999	6.6	$125	$ 825.00
			Subtotal	***$ 15,875.00***
Outside Expert Fees				
Guy Phillips, Ph.D.	1999	45.15	$150	$ 6,772.50
			Subtotal	***$ 6,772.50***
Other Costs				
			Subtotal	***$ 1,049.48***
TOTAL (A.98-05-014/A.98-05-022)				**$ 23,696.98**

Consistent with previous Commission decisions, we order that interest be paid on each award amount (at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release H.15) commencing on the 75th day after the respective parties, CHRC on the one hand and Friends and California Sportfishing on the other, each filed its compensation request, and continuing until full payment of the award is made.

Commission staff is authorized to audit an intervenor's records related to the award. Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors that have received compensation should retain records that identify specific issues for which they requested compensation, the actual time spent by each employee or consultant, the applicable hourly rate, fees paid to consultants, and any other costs for which compensation was claimed.

11. Comments on Proposed Decision

The proposed decision of the ALJ in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on November 14, 2007 by Friends and California Sportfishing. No reply comments were filed.

Friends and California Sportfishing argue that the proposed decision errs by (1) failing to award them compensation for their participation in A.98-05-014/A.98-05-022, (2) approving too low an hourly rate for Riddle, (3) approving hourly rates for Volker that fail to recognize his market rate, and (4) finding that the time spent in preparing the compensation request was excessive. On further review, we have revised the proposed decision to authorize reasonable compensation for A.98-05-014/A.98-05-022. Accordingly, because we allow this claim, we also increase the portion of the total award attributable to preparation of the request for compensation. We authorize a little more than $7,000 for compensation-related activities, which is less than the $10,000+ sought. Further, based on the additional information provided in the comments, we have set Riddle's hourly rate at $200/hour.

We make no adjustments to Volker's hourly rates in today's decision, however. Most of the work in these proceedings was done in the 1999-2001 timeframe and the rates awarded Volker during that timeframe are reasonable. For the year 2007, the year in which the compensation request was prepared, the rate we award is based upon established escalations during the interim period. Volker has previously challenged those escalations and we have rejected his

challenge.[17] If Volker wishes to seek to have his 2007 rate reset, he should make that request in the future, where he can show a substantial contribution to a Commission decision based upon work performed during 2007. We continue to find that the quality and clarity of the compensation request filed here (for work done between 1999 and 2001), does not warrant establishment of a 2007 rate above standard escalation.

12. Assignment of Proceeding

Michael R. Peevey is the assigned Commissioner and Jean Vieth is the assigned ALJ in this proceeding.

Findings of Fact

1. CHRC has satisfied all the procedural requirements necessary to claim compensation in this proceeding and has made a substantial contribution to this proceeding as described herein.

2. Friends and California Sportfishing, two members of Conservation Groups, have satisfied all the procedural requirements necessary to claim compensation in this proceeding and have made a substantial contribution to this proceeding as described herein. We find the other members of Conservation Groups ineligible to claim intervenor compensation; however, for reasons described herein, this ineligibility does not require us to reduce the award to Friends and California Sportfishing.

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[17] *See D.06-06-025 and D.06-10-023, and related arguments in Californians for Renewable Energy* v. *Pacific Gas & Electric Company*, Cal. App. A115705, denied January 31, 2007.

3. As adjusted to correct errors and other problems discussed herein, the hourly rates and expenses requested, respectively, by CHRC and by Friends and California Sportfishing, are reasonable.

Conclusions of Law

1. CHRC and jointly, Friends and California Sportfishing, have fulfilled the requirements of Pub. Util. Code §§ 1801-1812, which govern awards of intervenor compensation, and are entitled to intervenor compensation for their substantial contributions to D.07-04-011.

2. CHRC should be awarded $101,698.92 for its contribution to D.07-04-011

3. Friends and California Sportfishing should be awarded $77,671.48, jointly, for their contribution to D.07-04-011.

4. This order should be effective today so that CHRC, and Friends and California Sportfishing, may be compensated without further delay.

O R D E R

IT IS ORDERED that:

1. California Hydropower Reform Coalition (CHRC) is awarded $101,698.92 as compensation for its substantial contributions to Decision (D.) 07-04-011.

2. Friends of the Eel River (Friends) and California Sportfishing Protection Alliance (California Sportfishing), jointly, are awarded $77,671.48 as compensation for their substantial contributions to D.07-04-011.

3. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall remit to CHRC and jointly, to Friends and California Sportfishing, the amounts awarded herein.

4. Interest shall be added to the award to CHRC and to the joint award to Friends and California Sportfishing at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release H.15, commencing on the 75th day after each filed its compensation request, effective September 1, 2007, and continuing until full payment of the award is made

5. Application 99-09-053 is closed.

This order is effective today.

Dated December 6, 2007, at San Francisco, California.

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
TIMOTHY ALAN SIMON
Commissioners

APPENDIX

Compensation Decision Summary Information

Compensation Decision:	D0712004	**Modifies Decision? No**
Contribution Decision(s):	D0704011	
Proceeding(s):	A9909053	
Author:	ALJ Vieth	
Payer(s):	Pacific Gas and Electric Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
California Hydropower Reform Coalition	6/18/07	$102,698.92	$101,698.92	No	Failure to discount intervenor compensation preparation time; administrative time not compensable
Friends of the Eel River and California Sportfishing Protection Alliance	6/18/07	$91,445.48	$77,671.48	No	Failure to justify hourly rate; failure to discount travel and intervenor compensation preparation time; excessive hours.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Richard	Roos-Collins	Attorney	California Hydropower Reform Coalition	$305	1999	$305
Richard	Roos-Collins	Attorney	California Hydropower Reform Coalition	$315	2000	$315
Richard	Roos-Collins	Attorney	California Hydropower Reform Coalition	$325	2001	$325
Richard	Roos-Collins	Attorney	California Hydropower Reform Coalition	$354	2007	$354
Amy	Roon	Paralegal	California Hydropower Reform Coalition	$50	2000-1	$50
Christian	Mastrodonato	Paralegal	California Hydropower Reform Coalition	$50	2000	$50
Stephen C.	Volker	Attorney	Friends of the Eel River/California Sportfishing Protection Alliance	$265	1999	$250
Stephen C.	Volker	Attorney	Friends of the Eel River/California Sportfishing Protection Alliance	$280	2000	$250
Stephen C.	Volker	Attorney	Friends of the Eel River/California Sportfishing Protection Alliance	$295	2001	$250
Stephen C.	Volker	Attorney	Friends of the Eel River/California Sportfishing Protection Alliance	$500	2007	$290

Marnie E.	Riddle	Attorney	Friends of the Eel River/California Sportfishing Protection Alliance	$225	2007	$200
Joshua A. H.	Harris	Attorney	Friends of the Eel River/California Sportfishing Protection Alliance	$250	2007	$200
Daniel M.	Ihara	Expert	Friends of the Eel River/California Sportfishing Protection Alliance	$100	2000	$100
Robert R.	Curry	Expert	Friends of the Eel River/California Sportfishing Protection Alliance	$125	2000	$125
Terry	Roelofs	Expert	Friends of the Eel River/California Sportfishing Protection Alliance	$100	2000	$100
Guy	Phillips	Expert	Friends of the Eel River/California Sportfishing Protection Alliance	$150	2000	$150

(END OF APPENDIX)