

Decision 08-10-035 October 16, 2008

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

Order Instituting Rulemaking to Integrate  
Procurement Policies and Consider Long-Term  
Procurement Plans.

Rulemaking 06-02-013  
(Filed February 16, 2006)

**DECISION GRANTING INTERVENOR COMPENSATION TO AGLET  
CONSUMER ALLIANCE AND WOMEN'S ENERGY MATTERS FOR  
SUBSTANTIAL CONTRIBUTIONS TO DECISION 06-07-029**

This decision awards \$18,130.28 to Aglet Consumer Alliance (Aglet) and \$12,847.76 to Women's Energy Matters (WEM) for their substantial contributions to Decision (D.) 06-07-029 in Phase I of this Rulemaking. From the amounts requested, the intervenor compensation award represents a decrease of \$4,348.98 for Aglet and of \$5,865.00 for WEM. Today's award payment will be allocated to the affected utilities. This proceeding remains open for Phase II.

**1. Background**

This rulemaking was initiated on February 16, 2006, to integrate all procurement policies and related programs and review the need for a policy to ensure adequate contracting for new electric resources. Phase I of this proceeding focused on how to incentivize new generation in California that would benefit both system users and the bundled customers of the three investor-owned utilities (IOUs). The problem was easily identified: neither the IOUs nor the independent power producers (IPP) were willing to take the financial risk of investing in new generation facilities without some support from the Commission. The Commission was faced with the urgent need to bring new

capacity online as early as 2009. The IOUs were reluctant to burden their bundled ratepayers with the entire cost of the new projects, especially in light of the fact that the resources would benefit the system as a whole, and the IPPs could not finance new projects without long-term contracts. As a result, an impasse developed whereby electricity resources were scarce and the Commission opened this rulemaking to investigate whether it should take immediate and affirmative action to assure construction of adequate new capacity.

The only complete solution presented was the Joint Parties' (JP) proposal. D.06-07-029 adopted on a limited, transitional basis the cost allocation mechanism reflected in a modified version of the JP's proposal and concluded Phase I of the proceeding. While neither Aglet nor WEM were parties to the proposal, they participated actively in Phase I.

## **2. Requirements for Award of Compensation**

The intervenor compensation program, enacted in Pub. Util. Code §§ 1801-1812, requires California jurisdictional utilities to pay the reasonable costs of an intervenor's participation if the intervenor makes a substantial contribution to the Commission's proceedings. The statute<sup>1</sup> 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

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<sup>1</sup> Subsequent statutory references are to the California Public Utilities Code unless otherwise indicated.

- compensation within 30 days of the prehearing conference (PHC), pursuant to Rule 17.1 of the Commission's Rules of Practice and Procedure (Rules), or at another appropriate time 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 must 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) and 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 or as otherwise found by the Commission. (§§ 1802(i) and 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).

In the discussion below, the procedural issues in Items 1-4 above are combined and a separate discussion of Items 5-6 follows.

### **2.1. Timing of the Notices of Intent to Claim Compensation**

The PHC in this matter was held on February 28, 2006. Aglet and WEM both filed their respective NOIs on March 30, 2006. The Notices were filed within 30 days from the date of the PHC, as required in § 1804(a).

### **2.2. Customer Status**

Section 1802(b)(1) defines a customer as: A) a participant representing consumers, customers or subscribers of a utility; B) a representative who has been authorized by a customer; or C) a representative of a group or organization

authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers or small commercial customers who receive bundled electric service from a utility.

Aglet's NOI indicates that Aglet represents the interests of residential customers. WEM's NOI indicates that WEM represents the interests of residential customers in administrative and judicial proceedings concerning public utilities matters. Therefore, each of the intervenors is a "customer" as this term is defined in § 1802(b)(C).

### **2.3. Financial Hardship**

Aglet's and WEM's NOIs raise the issue of significant financial hardship. Aglet supports its claim of significant financial hardship by referring to the November 15, 2005 ruling by an Administrative Law Judge (ALJ) in A.05-06-006 et al. That ruling found that Aglet met the "significant financial hardship" requirement for eligibility for intervenor compensation in that proceeding. This proceeding commenced within one year of the date of that finding. Similarly, WEM refers to D.06-08-009 issued on August 24, 2006, in A.05-06-004 et al. That decision found that WEM met the financial hardship requirements and was eligible for intervenor compensation.

According to § 1804(b)(1), a finding of significant financial hardship creates a rebuttable presumption of eligibility for compensation in other Commission proceedings, commenced within one year of the date of that finding. Pursuant to that provision, we extend to this proceeding the referenced findings of significant financial hardship for Aglet and WEM.

### **2.4. Timeliness of Requests for Compensation**

Pursuant to § 1804(c), requests for intervenor compensation should be filed within 60 days following issuance of a final decision. D.06-07-029 was issued on

July 21, 2006. Aglet filed its request for compensation on September 15, 2006, and WEM - on September 19, 2006. Under the provisions of § 1804(c) both requests are timely.

Aglet and WEM are eligible to request compensation in this proceeding.

### **3. Substantial Contribution**

In evaluating whether a customer made a substantial contribution to a proceeding, we look at several things. First, we look at whether the Commission adopted one or more of the factual or legal contentions, or specific policy or procedural recommendations put forward by the customer. (§ 1802(i).) Second, if the customer's contentions or recommendations paralleled those of another party, we look at whether the customer's participation unnecessarily duplicated or materially supplemented, complemented, or contributed to the presentation of the other party. (§§ 1801.3(f) and 1802.5.)

As described in § 1802(i), the assessment of whether the customer made a substantial contribution requires the exercise of judgment.

In assessing whether the customer meets this standard, the Commission typically reviews the record, composed in part of pleadings of the customer and, in litigated matters, the hearing transcripts, and compares it to the findings, conclusions, and orders in the decision to which the customer asserts it contributed. It is then a matter of judgment as to whether the customer's presentation substantially assisted the Commission.<sup>2</sup>

With this guidance in mind, we turn to the claimed contributions.

To achieve resolution of the Phase I issues, the Commission sought input from all stakeholders, including the IOUs and the IPPs, as well as all of the

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<sup>2</sup> D.98-04-059, 79 CPUC2d 628 at 653.

consumer and environmental groups, on whether the Commission should take action, or whether to take a stay-the-course attitude with all the programs and incentives that had already been established in other proceedings.

It was in this context that Aglet and WEM contributed to the proceeding. We solicited multiple rounds of comments, held workshops, and ultimately adopted a modified version of a proposal suggested by Southern California Edison Company (SCE), Pacific Gas and Electric Company (PG&E), NRG Energy, Inc., The Utility Reform Network, and AES Corporation (Joint Parties). While the final decision focused on the Joint Parties' proposal, the contributions of all stakeholders were a valuable part of the Commission's consideration of how to best ensure new generation for California.

### **3.1. Substantial Contribution Claimed by Aglet**

Aglet participated on the issues of cost allocation, need determination, legal authority, requests for offer, and other critical issues. Although Aglet did not support the cost-allocation methodology ultimately adopted by the Commission, Aglet fully participated and made critical recommendations that helped the Commission reach its final decision. D.06-07-029 adopted several of Aglet's recommendations. We find that Aglet contributed substantially to the decision.

In its March 7, 2006 proposal, Aglet recommended not to adopt new policies without first determining how much new generation is needed. In response to that proposal, Finding of Fact 4 of D.06-07-029 states: "PG&E has a need for 2,200 [megawatts] MW and SCE has a need for 1,500 MW."

Finding of Fact 6 in D.06-07-029 states that long-term contracts are necessary to solicit investment in new generation in California. Finding of Fact 6 is consistent with Aglet's post post-workshop comments of April 7, 2006.

In its post-workshop comments of April 7, 2006, Aglet recommended that contracts should only be signed as a result of bids received in an all-source solicitation, and that plants without existing contracts should also be allowed to submit bids in all-source solicitations. The Commission's adopted proposal indicates that each IOU may fill its new generation need by way of a competitive request for offer, which is open to any fuel type or technology from both green sites and repowered brown sites. (D.06-07-029, p. 27.)

Aglet also points out that the Commission established a cost allocation system, in which the benefits and costs of new generation will be shared among all customers in an IOU's service territory. (See, D.06-07-029, Finding of Fact 19, at p. 54.) Although the Commission did not adopt Aglet's recommendation against the cost allocation,<sup>3</sup> Aglet's input in the discussion on this issue was an important part of the Commission's review of the JP's proposal and significantly contributed to the Commission's deliberations.

### **3.2. Substantial Contributions Claimed by WEM**

WEM's contribution to the final decision was in suggesting that the Commission prioritize new energy efficiency programs before adopting policies that support fossil resources.<sup>4</sup> WEM recommended that the Commission follow the Energy Action Plan priorities, which emphasized demand-side management and renewables, rather than fossil-fueled generation.<sup>5</sup> The Commission noted WEM's position among key issues raised in pre-workshop proposals

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<sup>3</sup> See Aglet's key proposals in its post-workshop comments of April 7, 2006.

<sup>4</sup> D.06-07-029, p. 20.

<sup>5</sup> See D.06-07-029, p. 20 and Appendix C, p. 22.

(D.06-70-029, pp. 18 and 20). D.06-07-029 addressed WEM's concerns by emphasizing that "[t]he required new resources are *in addition* to the investments the IOU's are expected to make in energy efficiency and renewable generation and are consistent with the State's Loading Order policy, the goals established in Energy Action Plans I and II, the Commission's greenhouse gas policy, and Commission decisions implementing these policies." (D.06-07-029, p. 3.) The Commission finds that by its advocacy targeted at energy efficiency, WEM provided a valuable contribution to Phase I issues.

#### **4. Contributions of Other Parties**

Section 1801.3(f) requires an intervenor to avoid unnecessary participation that duplicates that of similar interests otherwise adequately represented by another party, or unnecessary for a fair determination of the proceeding. Section 1802.5, however, allows an intervenor to be eligible for full compensation if their participation materially supplements, complements, or contributes to that of another party if the latter makes a substantial contribution to the Commission order.

This proceeding had many overlapping issues and involved many parties. Inevitably, intervenors took the same or similar positions on some issues. However, both Aglet and WEM took reasonable steps to coordinate with other parties to complement and assist each other when possible. We also find that these intervenors offered either new or different viewpoints or arguments or viewpoints and arguments that supplemented, complemented, or otherwise contributed to the presentation of other parties taking similar positions. The subject claims should not be reduced for duplication.

**5. Reasonableness of Requested Compensation**

After we have determined the scope of customers’ substantial contributions, we then look at whether the compensation requested is reasonable.

Aglet requests \$22,479.26 for its contributions to D.06-07-029, as follows:

| <b>Item</b>                             | <b>Hours</b> | <b>Rate</b> | <b>Total</b>       |
|---|--------------|-------------|--------------------|
| James Weil professional time            | 10.2         | \$262.00    | \$ 2,672.40        |
| James Weil work on compensation request | 6.2          | \$131.00    | \$ 812.20          |
| Jan Reid professional time              | 85.3         | \$200.00    | \$17,060.00        |
| Jan Reid travel                         | 4            | \$100.00    | \$ 400.00          |
| Jan Reid work on compensation request   | 13.1         | \$100.00    | \$ 1,310.00        |
| <b><u>Other Reasonable Costs:</u></b>   |              |             |                    |
| Photocopying                            |              |             | \$ 64.08           |
| Postage                                 |              |             | \$ 76.70           |
| Parking/mileage                         |              |             | \$ 83.88           |
| <b>Total</b>                            |              |             | <b>\$22,479.26</b> |

WEM requests \$18,712.76 for its contributions to D.06-07-029, as follows:

| <b>Name</b>  | <b>Hours<sup>6</sup></b> | <b>Rate</b> | <b>Total</b> |
|--|--------------------------|-------------|--------------|
| Barbara George professional time                       | 93.25                    | \$170.00    | \$ 15,852.50 |
| Barbara George work on intervenor compensation matters | 30.00                    | \$ 85.00    | \$ 2,550.00  |
| Barbara George travel                                  | 2.00                     | \$ 85.00    | \$ 170.00    |
| Photocopies and delivery                               |                          |             | \$ 140.26    |

<sup>6</sup> In WEM’s request, there are discrepancies between this data in the table and information in the timesheet. Here we correct the discrepancies by bringing the number of hours in this table in accord with hours indicated in the timesheet. The total requested dollar amount has not been affected by this correction.

| Name          | Hours <sup>6</sup> | Rate | Total              |
|---------------|--------------------|------|--------------------|
| <b>Total:</b> |                    |      | <b>\$18,712.76</b> |

In general, the components of each of these requests must constitute reasonable fees and costs of the customer’s preparation for and participation in a proceeding that resulted in a substantial contribution. The issues we consider to determine reasonableness are discussed below.

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 substantial contribution.

**5.1. Reasonableness of Aglet’s Request for Compensation**

**5.1.1. Aglet’s Hours and Costs Related to and Necessary for Substantial Contribution**

Aglet documented its claimed hours by presenting a daily breakdown of the hours of its attorneys, accompanied by a brief description of each activity. Aglet also provided allocation of its professional time by major issue. The hourly breakdown and the allocation of time by issues reasonably support Aglet’s claim. Except for travel time, we approve all hours claimed by Aglet.

Aglet’s request includes 4 hours of Jan Reid’s time to travel to the PHC in San Francisco. We have held that it is unreasonable to compensate an intervenor for routine commuting to San Francisco<sup>7</sup> and disallow the travel time.

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<sup>7</sup> See, for example, D.07-04-010, p. 12.

**5.1.2. Aglet’s Hourly Rate**

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. In our previous decision, we already adopted Aglet’s hourly rates for the year 2006, as follows:

| Name       | Rate  | Year | Decision    |
|------------|-------|------|-------------|
| James Weil | \$260 | 2006 | D.06-10-018 |
| Jan Reid   | \$155 | 2006 | D.06-04-022 |

We adopt the same rates here.

**5.1.3. Aglet’s Direct Expenses**

The itemized direct expenses submitted by Aglet include costs of travel (including parking), photocopying, postage, and total \$224.66. The cost breakdown provided in Aglet’s request shows the miscellaneous expenses to be commensurate with the work performed. Except for the expenses related to travel, we find Aglet’s direct expenses reasonable. Travel related expenses are disallowed.

**5.2. Reasonableness of WEM’s Request for Compensation**

**5.2.1. WEM’s Hours and Costs Related to and Necessary for Substantial Contribution**

WEM’s request consists of fees of its executive director, Barbara George, and general expenses. During the period of time from March to July of 2006, WEM filed four documents: Policy Proposal for Integrated Long-Term Procurement, March 2, 2006; Comments on LTPP – March Workshop, April 7, 2006; Reply Comments on March Workshop, April 19, 2006; and Reply Comments on Draft Decision, July 17, 2006, and participated in the March 14,

2006 workshop on new generation policy. In this proceeding, WEM's substantial contribution consisted of reminding the Commission to focus on energy efficiency rather than on building new fossil-fueled generation. WEM has been a party to all energy efficiency proceedings of the Commission since 2001<sup>8</sup> and states it is an expert in the field;<sup>9</sup> however, this is not solely an energy efficiency matter. WEM spent 93.25 hours on the energy efficiency issue which was not the primary focus of this proceeding. Because its substantial contribution was not the primary focus of Phase 1 of the proceeding, the number of hours WEM claims (93.25 hours) was excessive in light of the scope of its substantial contribution.

When WEM filed its NOI on March 30, 2006, it had already spent 44.25 hours on the Policy Proposal and the March 14, 2006 workshop. The NOI estimated a total of 50 hours of work towards the Phase I decision.<sup>10</sup> We find that 65 hours, a moderately higher number than estimated, more accurately reflects WEM's substantial contribution to D.06-07-029.

WEM spent 30 hours on intervenor compensation matters. We find that devoting 30 hours to preparing a request for 93 hours of professional time is unproductive and excessive. We authorize 19.5 hours for preparation of the request. In the future, we encourage WEM to use our on-line standardized forms when filing for intervenor compensation, which should shorten the time spent on these matters.

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<sup>8</sup> See WEM's Policy Proposal for Integrated Long-Term Procurement filed March 2, 2006, p. 3.

<sup>9</sup> WEM's Request, p. 5.

<sup>10</sup> NOI, pp. 3-4.

WEM also claims two hours of its representative's time spent travelling to and from a workshop held in San Francisco. As we explained in the case of Aglet, we do not compensate an intervenor for routine commuting to San Francisco. We disallow this time.

### **5.2.2. WEM Hourly Rates**

WEM seeks an hourly rate of \$170.00 for George's work performed in 2006. We previously approved this rate in D.08-01-017 and adopt this rate here.

### **5.2.3. WEM's Direct Expenses**

WEM requests the amount of \$140.26 for photocopies and delivery; however, it provides no itemization of this amount, in violation of the provisions of Rule 17.4(c). Since the amount is not large, we allow compensation. In the future, however, WEM must itemize its expenses or we will not authorize compensation for these expenses.

## **6. Productivity**

D.98-04-059 directed customers to demonstrate productivity by assigning a reasonable dollar value to the benefits of their participation to ratepayers. The costs of a customer's participation should bear a reasonable relationship to the benefits realized through their participation.

Quantification of benefits is often difficult in rulemaking proceedings. Because this rulemaking does not establish specific rates or involve disputes over particular dollar amounts, identification of precise monetary benefits is not possible. However, the rulemaking is not rate-neutral: Phase II of the proceeding should address the ratemaking mechanism to implement the JP's cost proposal; and D.06-07-029 directs the IOU, to charge the benefiting customers the net cost of capacity, and establishes principles for determining the net cost. (*See* D.06-07-029, p. 30.)

Aglet provides several observations which demonstrate that the level of effort by the intervenors in this proceeding was reasonable and productive. For example, as we mentioned previously, Aglet recommended that the Commission determine IOU capacity needs before allowing IOUs to sign additional capacity contracts. The Commission has used values of \$40 per kilowatt-year (kw-yr) for unbundled capacity products and \$73/kw-yr for bundled capacity products.<sup>11</sup> Thus, a single unbundled capacity contract for one MW of power will cost ratepayers at least \$40,000 per year, or almost twice the award requested by Aglet. Because IOU contracts will greatly exceed one MW, a tiny contribution to the efficiency of the adopted contracting process will exceed Aglet’s costs of participation. We therefore find that Aglet’s participation was efficient and that Aglet’s substantial contributions to D.06-07-029 were productive in that the benefits to ratepayers of its participation outweigh the costs.

Similarly, WEM’s stress on the need to address energy efficiency first, while difficult to quantify in this proceeding, is productive since, generally, energy efficient resources are less costly for the ratepayers and more beneficial for the environment than fossil-fuel energy.

**7. Award**

As set forth in the table below, we award \$18,130.28 Aglet for its substantial contributions to D.06-07-029:

| Item                                    | Hours | Rate     | Total       |
|---|-------|----------|-------------|
| <b>Work on Issues of the Proceeding</b> |       |          |             |
| James Weil                              | 10.2  | \$260.00 | \$ 2,652.00 |

<sup>11</sup> See D.06-06-064, pp. 4 and 73.

| <b>Item</b>                                    | <b>Hours</b> | <b>Rate</b> | <b>Total</b>       |
|--|--------------|-------------|--------------------|
| Jan Reid                                       | 85.3         | \$155.00    | \$13,221.50        |
| <b>Total:</b>                                  | <b>95.5</b>  |             | <b>\$15,873.50</b> |
| <b>Work on Intervenor Compensation Matters</b> |              |             |                    |
| James Weil                                     | 6.2          | \$130.00    | \$ 806.00          |
| Jan Reid                                       | 13.1         | \$100.00    | \$ 1,310.00        |
| <b>Total:</b>                                  | <b>19.3</b>  |             | <b>\$ 2,116.00</b> |
| <b>Direct Expenses</b>                         |              |             |                    |
| Photocopying                                   |              |             | \$ 64.08           |
| Postage  |              |             | \$ 76.70           |
| <b>Total:</b>                                  |              |             | <b>\$ 140.78</b>   |
| <b>Total Award</b>                             |              |             | <b>\$18,130.28</b> |

As set forth in the table below, we award \$12,847.76 to WEM for its substantial contribution to D.06-07-029:

| <b>Item</b>                                    | <b>Hours</b> | <b>Rate</b> | <b>Total</b>       |
|--|--------------|-------------|--------------------|
| <b>Work on Issues of the Proceeding</b>        |              |             |                    |
| Barbara George                                 | 65.00        | \$170.00    | \$11,050.00        |
| <b>Work on Intervenor Compensation Matters</b> |              |             |                    |
| Barbara George                                 | 19.50        | \$ 85.00    | \$ 1,657.50        |
| <b>Direct Expenses</b>                         |              |             |                    |
| Photocopies and delivery                       |              |             | \$ 140.26          |
| <b>Total Award:</b>                            |              |             | <b>\$12,847.76</b> |

Consistent with previous Commission decisions, we order that interest be paid on the award amount (at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release H.15) commencing for

Aglet on November 29, 2006, the 75<sup>th</sup> day after Aglet filed its request for compensation and for WEM – on November 26, 2006, the 75<sup>th</sup> day after WEM filed its request for compensation. We direct PG&E, SDG&E, and SCE to allocate payment responsibility among them, based on their California-jurisdictional electric revenues for the 2006 calendar year, to reflect the year in which the proceeding was primarily litigated.

We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Aglet's and WEM's records should identify specific issues for which it 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.

#### **8. Waiver of Comment Period**

This is an intervenor compensation matter. Accordingly, as provided by Rule 14.6(c)(6) of the Commission's Rules of Practice and Procedure, we waive the otherwise applicable 30-day public review and comment period for this decision.

#### **9. Assignment of Proceeding**

President Michael R. Peevey is the assigned Commissioner, and Carol A. Brown is the assigned ALJ in this proceeding.

#### **Findings of Fact**

1. Aglet has satisfied all procedural requirements necessary to claim compensation in this proceeding.
2. WEM has satisfied all procedural requirements necessary to claim compensation in this proceeding.

3. Aglet made a substantial contribution to D.06-07-029 as described herein.
4. WEM made a substantial contribution to D.06-07-029 as described herein.
5. Aglet requested hourly rates for its representatives that, as adjusted herein, are reasonable when compared to the market rates for persons with similar training and experience.
6. WEM requested an hourly rate for its representative that is reasonable when compared to the market rates for persons with similar training and experience.
7. Aglet requested related expenses that are reasonable and commensurate with the work performed.
8. WEM requested related expenses that are reasonable and commensurate with the work performed.
9. The total of the reasonable compensation for Aglet is \$18,130.28.
10. The total of the reasonable compensation for WEM is \$12,847.76.
11. The appendix to this decision summarizes today's awards.

### **Conclusions of Law**

1. Aglet has fulfilled the requirements of Pub. Util. Code §§ 1801-1812, which govern awards of intervenor compensation, and are entitled each to intervenor compensation for their claimed compensation, as adjusted herein, incurred in making substantial contributions to D.06-07-029.
2. WEM has fulfilled the requirements of Pub. Util. Code §§ 1801-1812, which govern awards of intervenor compensation, and are entitled each to intervenor compensation for their claimed compensation, as adjusted herein, incurred in making substantial contributions to D.06-07-029.
3. Aglet should be awarded \$18,130.28 for its contributions to D.06-07-029.
4. WEM should be awarded \$12,847.76 for its contributions to D.06-07-029.

5. Pursuant to Rule 14.6(c)(6), the comment period for this compensation decision may be waived.

6. This order should be effective today so that Aglet and WEM may be compensated without further delay.

7. This proceeding should remain open for Phase II matters.

## **O R D E R**

### **IT IS ORDERED** that:

1. The Aglet Consumer Alliance (Aglet) is awarded \$18,130.28 as compensation for its substantial contributions to Decision (D.) 06-07-029.

2. Women's Energy Matters (WEM) is awarded \$12,847.76 as compensation for its substantial contributions to D.06-07-029.

3. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E) shall pay Aglet these utilities' respective shares of the awards. We direct PG&E, SDG&E, and SCE to allocate payment responsibility among them, based on their California-jurisdictional electric revenues for the 2006 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the awards shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning for Aglet on November 29, 2006, the 75<sup>th</sup> day after Aglet filed its request for compensation and for WEM - on November 26, 2006, the 75<sup>th</sup> day after WEM filed its request for compensation, and continuing until full payment is made.

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

5. This proceeding remains open for Phase II issues.

This order is effective today.

Dated October 16, 2008, 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

|                                  |  |                              |
|----------------------------------|--|------------------------------|
| <b>Compensation Decision:</b>    | D0810035   | <b>Modifies Decision?</b> No |
| <b>Contribution Decision(s):</b> | D0607029   |                              |
| <b>Proceeding(s):</b>            | R0602013   |                              |
| <b>Author:</b>                   | ALJ Brown  |                              |
| <b>Payer(s):</b>                 | Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company |                              |

### Intervenor Information

| <b>Intervenor</b>       | <b>Claim Date</b> | <b>Amount Requested</b> | <b>Amount Awarded</b> | <b>Multiplier?</b> | <b>Reason Change/Disallowance</b>  |
|-------------------------|-------------------|-------------------------|-----------------------|--------------------|--|
| Aglet Consumer Alliance | 9/15/06           | \$22,479.26             | \$18,130.28           | No                 | Failure to justify hourly rates; inappropriately claimed expenses (travel)   |
| Women's Energy Matters  | 9/19/06           | \$18,712.76             | \$12,847.76           | No                 | Excessive hours related to substantial contribution and intervenor compensation matters; inappropriately claimed expenses (travel) |

### Advocate Information

| <b>First Name</b> | <b>Last Name</b> | <b>Type</b> | <b>Intervenor</b>       | <b>Hourly Fee Requested</b> | <b>Year Hourly Fee Requested</b> | <b>Hourly Fee Adopted</b> |
|-------------------|------------------|-------------|-------------------------|-----------------------------|----------------------------------|---------------------------|
| James             | Weil             | Expert      | Aglet Consumer Alliance | \$262.00                    | 2006                             | \$260.00                  |
| Jan               | Reid             | Expert      | Aglet Consumer Alliance | \$200.00                    | 2006                             | \$155.00                  |
| Barbara           | George           | Advocate    | Women's Energy Matters  | \$170.00                    | 2006                             | \$170.00                  |

(END OF APPENDIX)