

Decision 09-01-033 January 29, 2009

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

Order Instituting Rulemaking to Implement the Commission's Procurement Incentive Framework and to Examine the Integration of Greenhouse Gas Emissions Standards into Procurement Policies.

Rulemaking 06-04-009  
(Filed April 13, 2006)

**DECISION GRANTING INTERVENOR COMPENSATION  
TO COMMUNITY ENVIRONMENTAL COUNCIL  
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 08-03-018**

This decision awards Community Environmental Council (CE Council) \$39,411.00 in compensation for its substantial contributions to Decision (D.) 08-03-018. This represents a decrease of \$3,901.25 from the amount requested due to a reduction in the hourly rate requested for Tamlyn Hunt in 2008 and to correct a miscalculation by CE Council in the number of hours reported by Hunt. This award will be paid from the intervenor compensation program fund, pursuant to D.00-01-020. This proceeding remains open to consider remaining issues in Phase 1 and Phase 2.

**1. Background**

In the Order Instituting Rulemaking (OIR) initiating Rulemaking (R.) 06-04-009, the Commission provided that Phase 2 would be used to implement a load-based greenhouse gas (GHG) emissions cap for electricity utilities, as adopted in Decision (D.) 06-02-032 as part of the procurement incentive framework, and also would be used to take steps to incorporate GHG

emissions associated with customers' direct use of natural gas into the procurement incentive framework.<sup>1</sup>

On September 27, 2006, Governor Schwarzenegger signed into law Assembly Bill (AB) 32, "The California Global Warming Solutions Act of 2006." This legislation requires the California Air Resources Board (ARB) to adopt a GHG emissions cap on all major sources in California, including the electricity and natural gas sectors, to reduce statewide emissions of GHGs to 1990 levels.

We held a prehearing conference (PHC) in Phase 2 on November 28, 2006. The Phase 2 scoping memo, which was issued on February 2, 2007, determined that, with enactment of AB 32, the emphasis in Phase 2 should shift to support implementation of the new statute. Because of the need for "a single, unified set of rules for a GHG cap and a single market for GHG emissions credits in California," the Phase 2 scoping memo provided that "Phase 2 should focus on development of general guidelines for a load-based emissions cap that could be applied ... to all electricity sector entities that serve end-use customers in California,"<sup>2</sup> including both investor-owned utilities (IOUs) that the Commission regulates and publicly owned utilities (POUs).

As detailed in the Phase 2 scoping memo, the Public Utilities Commission and the California Energy Commission undertook Phase 2 on a collaborative

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<sup>1</sup> In D.07-01-039 in Phase 1 of this proceeding, the Commission adopted a GHG emissions performance standard for new long-term financial commitments to baseload electricity generation. D.07-05-063 denied applications for rehearing of D.07-01-039. D.07-08-009 denied a petition for modification, but clarified how the adopted cogeneration thermal credit methodology will be applied to bottoming-cycle cogeneration. Two other petitions to modify D.07-01-039 are pending.

<sup>2</sup> Phase 2 scoping memo, *mimeo.* at 8.

basis, through R.06-04-009 and Docket 07-OIIP-01, respectively, to develop joint recommendations to ARB regarding GHG regulatory policies as it implements AB 32. The Phase 2 scoping memo noted that the policies in D.06-02-032 issued in R.04-04-003 were adopted prior to passage of AB 32. It placed parties on notice that, in the course of Phase 2, the Commission might adopt policies that would modify portions of D.06-02-032 as a result of AB 32, subsequent actions by ARB, or the record developed in the course of this proceeding.<sup>3</sup>

AB 32 requires that, on or before January 1, 2008, ARB adopt regulations to require the reporting and verification of statewide GHG emissions and to monitor and enforce compliance with the program. (Section 38530(a).) The statute specifies that “statewide GHG emissions” includes the total annual emissions of GHG gases in the state. (Section 38505(m).) While certain language in AB 32 focuses on “electricity consumed in the state,” we interpret the statutory definition of “statewide GHG emissions” to include emissions from electricity generated in California and exported from the state, in addition to electricity consumed in the state.

On April 19, 2007, the Public Utilities Commission and the Energy Commission held a symposium which addressed linking GHG cap-and-trade systems. Reporting issues were also discussed.

The Public Utilities Commission and the Energy Commission jointly held a workshop on April 12 and 13, 2007, that addressed GHG reporting and verification issues, among other subjects. Based on information presented at that workshop, subsequent ARB workshops, and existing reporting protocols of the

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<sup>3</sup> *Id.*, *mimeo.* at 10-11.

Energy Commission and the California Climate Action Registry, staff from the two agencies (Joint Staff or Staff) developed a Joint Staff proposal for an electricity retail provider GHG reporting protocol. Pursuant to a June 12, 2007 ruling by the Administrative Law Judges (ALJs), parties were invited to comment on the Joint Staff proposal. The ALJ ruling also asked parties to comment, among other things, on whether modifications to the Joint Staff reporting proposal would be needed to support a deliverer/first-seller GHG regulatory structure for the electricity sector.

In D.06-02-032, the Public Utilities Commission stated an intent to apply a load-based GHG emissions cap to the three major IOUs, and also to Community Choice Aggregators (CCAs) and Electric Service Providers (ESPs) operating within the service territory of the three major IOUs. D.06-10-020 amended the OIR, and the Public Utilities Commission specified that, with the passage of Senate Bill (SB) 1368, all ESPs, all CCAs, and all electrical corporations, including all IOUs, multi-jurisdictional utilities, and electric cooperatives, are respondents to this rulemaking. The Phase 2 scoping memo specified that Phase 2 would address whether the load-based GHG emissions cap should apply to the additional respondents added by D.06-10-020.

As Phase 2 has progressed, the Public Utilities Commission has modified the scope of Phase 2 through D.07-05-059 and D.07-07-018 amending the OIR.<sup>4</sup> D.07-05-059 specified that Phase 2 should be used to develop guidelines for a

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<sup>4</sup> On December 21, 2007, the assigned Commissioner issued a ruling modifying the Phase 2 scoping memo to specify the manner in which natural gas issues raised in the OIR and the issues added by D.07-05-059 and D.07-07-018 would be considered in Phase 2.

load-based GHG emissions cap for the entire electricity sector and recommendations to ARB regarding a statewide GHG emissions limit as it pertains to the electricity and natural gas sectors. To that end, D.07-05-059 also expanded the natural gas inquiry in Phase 2 to address GHG emissions associated with the transmission, storage, and distribution of natural gas in California, in addition to the use of natural gas by non-electricity generator end-use customers as originally contemplated in the OIR. The list of respondents to this proceeding was amended to include all investor-owned gas utilities, including those that provide wholesale or retail sales, distribution, transmission, and/or storage of natural gas.

D.07-07-018 amended the OIR further to consider issues raised by and alternatives considered in the June 30, 2007 Market Advisory Committee report entitled, "Recommendations for Designing a Greenhouse Gas Cap-and-Trade System for California," to the extent that they were not already within the scope of Phase 2. Thus, D.07-07-018 provided for consideration of alternatives to a load-based cap for the electricity sector, a deviation from the policies adopted in D.06-02-032.

By ALJ rulings, parties were asked to submit comments and legal briefs on issues raised by the Market Advisory Committee report. On August 21, 2007, the Public Utilities Commission and the Energy Commission held a joint en banc hearing addressing the type and point of GHG regulation in the electricity sector, including alternatives to a load-based cap-and-trade approach. In a November 9, 2007 ALJ ruling, parties were provided an opportunity to file additional comments on issues regarding the type and point of regulation for the electricity sector.

By July 12, 2007 ALJ ruling, parties were directed to file comments on preliminary recommendations of the Public Utilities Commission staff regarding the regulatory treatment of GHG emissions in the natural gas sector. The staff paper attached to the ALJ ruling identified and discussed various policy issues associated with developing regulations to control GHG emissions in the natural gas sector. A PHC was held on August 1, 2007 to address the manner in which regulation of GHG emissions in the natural gas sector should be considered in this proceeding. By ALJ ruling dated November 28, 2007, parties were asked to file comments on the approach to GHG regulation that would be appropriate for the natural gas sector.

Phase 2 also addressed how to distribute annual emissions allowances under a cap-and-trade mechanism to individual entities, to the extent appropriate, and how such a process should be administered. An October 15, 2007 ALJ ruling requested comments on allowance allocation issues, and a workshop was held on this topic on November 5, 2007.

As part of our Phase 2 analysis, the Public Utilities Commission hired a consultant to conduct detailed modeling of the electricity sector impacts of potential GHG emissions cap scenarios. The modeling analysis took into account the policy options developed in other portions of the proceeding in order to analyze various options for cap design and implementation for the electricity sector. The consultants also considered the natural gas sector in their modeling process. However, separate, detailed modeling of the natural gas sector was not undertaken. The modeling effort examined the level and costs of emission reductions that can be achieved by the electricity and natural gas sectors before the 2020 deadline set by AB 32. It also addressed the rate at which these types of reductions can be achieved, which informed our recommendations for annual

emissions goals for the electricity and natural gas sectors. A November 9, 2007 ALJ ruling requested comments on modeling-related issues and on a staff paper on emission reduction measures. A workshop on input assumptions and initial model results was held on November 14, 2007.

On September 6, 2007, the Commission adopted D.07-09-017 that recommended to ARB proposed regulations as reporting and verification requirements applicable to retail providers and marketers in the electricity sector. On March 13, 2008, the Public Utilities Commission adopted D.08-03-018 that recommended ARB adopt a mix of direct mandatory/regulatory requirements for the electricity and natural gas sectors and a cap-and-trade system that includes the electricity sector. D.08-03-018 provides a broad framework for regulating GHG emissions from the electricity and natural gas sectors, and the Commission resolved additional details and issues in D.08-10-037. Today's decision addresses Community Environmental Council's (CE Council) request for compensation associated with D.08-03-018.

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

The intervenor compensation program, which is set forth in Pub. Util. Code §§ 1801-1812,<sup>5</sup> requires California jurisdictional utilities to pay the reasonable costs of an intervenor's participation if that party makes a substantial contribution to the Commission's proceedings. The statute provides that the utility may adjust its rates to collect the amount awarded from its ratepayers.

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<sup>5</sup> All subsequent statutory references are to the Public Utilities Code unless otherwise indicated.

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 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. Preliminary Procedural Issues**

Under § 1804(a)(1) and Rule 17.1(a)(1), a customer who intends to seek an award of intervenor compensation must file an NOI before certain dates.

In a proceeding in which a PHC is held, the intervenor must file and serve its NOI between the date the proceeding was initiated until 30 days after the PHC is held. (Rule 17.1(a)(1).) The first Phase 2 PHC in this matter was held on November 28, 2006. CE Council timely filed its NOI on December 20, 2006. In its NOI, CE Council asserted financial hardship. On April 6, 2007, the ALJ ruled that CE Council meets the financial hardship condition pursuant to § 1802(g).

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 or small business customers. (§ 1802(b)(1)(A) through (C).) On April 6, 2007, the ALJ issued a ruling that found CE Council a customer pursuant to § 1802(b)(1)(C).

Regarding the timeliness of the request for compensation, CE Council filed its request for compensation on April 18, 2008, within 60 days of D.08-03-018 being issued. No party opposed the request. In view of the above, we affirm the ALJ’s ruling and find that CE Council has satisfied all the procedural requirements necessary to make its request for 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>6</sup>

With this guidance in mind, we turn to the claimed contributions CE Council made to the proceeding.

CE Council alleges that its involvement was extensive and included oral testimony at workshop, attending the PHC, and numerous rounds of comments and legal briefing. Although, according to CE Council, it was not successful on every argument presented, the decisions reflect the significant impacts of CE Council's advocacy.

CE Council identifies several areas of substantial contribution: natural gas sector issues, electricity sector issues, and legal issues. CE Council made a number of contributions in these areas.

In its comments on the proposed decision which contained a recommendation that ARB not include the natural gas sector in a cap-and-trade GHG regulatory framework, CE Council argued that the natural gas sector should be included in a cap-and-trade framework because it was likely that

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<sup>6</sup> D.98-04-059, 79 CPUC2d 628 at 653.

future developments in new emission mitigation measures, including solar hot water heating, would make it practical for entities in the natural gas sector to find multiple methods of meeting a GHG emissions cap. CE Council's argument contributed to us realizing that in the future it will be appropriate to add the natural gas sector to a multi-sector GHG emissions cap-and-trade system. The decision agreed with CE Council and other parties who argued that GHG emissions from natural gas infrastructure should be included in the natural gas sector for purposes of GHG emissions regulation.

With respect to electricity sector GHG regulation, the final decision reflected several of CE Council's positions. The decision agreed with CE Council and other parties that the deliverer was the appropriate point of regulation for the electricity sector and that design and implementation of a cap-and-trade system should not be delayed. The decision adopted the position of several environmental groups, including CE Council, that a goal of 33% of electricity generated by renewables by 2020 would contribute significantly to attainment of the emissions reductions required by AB 32, but left open consideration of the appropriate statutory percentage requirements and deadlines, pending further analysis.

With respect to legal issues, the decision concluded that a court would likely not find the proposed deliverer approach to cap-and-trade preempted by either the Federal Power Act or the dormant Commerce Clause of the United States Constitution, the same conclusions reached in CE Council's legal analyses.

The Commission has awarded full compensation even where the intervenor's positions were not adopted in full, especially in proceedings with a broad scope. (D.98-04-028, 79 CPUC2d 570, 573-574.) Here, CE Council achieved a high level of success on the issues it raised. In the areas where we did not

adopt CE Council's position in whole or in part, we benefited from CE Council's analysis and discussion of all of the issues which it raised.

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

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

We note that some amount of duplication is unavoidable on all sides of contentious issues in a proceeding with such a broad scope. However, by focusing its comments on issues to which it could present unique analysis or arguments and coordinating filings when possible, we find that CE Council took reasonable steps to avoid duplication to the extent possible, and to complement and assist work of other parties.

#### **5. Reasonableness of Requested Compensation**

CE Council requests \$43,312.25<sup>7</sup> for its participation in this proceeding leading to D.08-03-018, as follows:

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<sup>7</sup> In its Request, CE council miscalculates a number of the hours reported by Hunt (see, his timesheets, Attachment A to the Request). The correct total number of the hours spent on issues of the proceeding in 2007 is 96.75. The correct total number of hours spent on preparing the Request is 6.75. If based on the corrected hours, the total amount of the request for compensation should be \$39,654.75. Our calculations of the CE Council's award are based on the corrected number of hours and dollar amount.

**Work on Proceeding**

<b>Attorney/Staff</b>	<b>Year</b>	<b>Hours</b>	<b>Hourly Rate</b>	<b>Total</b>
Tamlyn Hunt				
Regular hours in 2007	2007	110.75	\$280	\$31,010.00
Travel hours in 2007	2007	15.00	\$140	\$ 2,100.00
Regular hours in 2008	2008	21.00	\$300	\$ 6,300.00
<b>Subtotal:</b>				<b>\$39,410.00</b>

**Preparation of NOI and Compensation Request**

<b>Attorney/Staff</b>	<b>Year</b>	<b>Hours</b>	<b>Hourly Rate</b>	<b>Total</b>
Tamlyn Hunt	2008	5.00	\$150	\$ 750.00
<b>Subtotal Hourly Compensation:</b>				<b>\$40,160.00</b>
<b>Expenses</b>				<b>\$ 3,152.25</b>
<b>Total Requested Compensation</b>				<b>\$43,312.25</b>

In general, the components of this request 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.

**5.1. Hours and Costs Related to and Necessary for 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.

CE Council documented its claimed hours by presenting a daily breakdown of the hours of its attorney, accompanied by a brief description of each activity. The hourly breakdown reasonably supports the claim for total hours.

## 5.2. Intervenor 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.

In D.07-07-012, the Commission approved an hourly rate for Hunt of \$210 for 2006. CE Council's Request includes work performed during 2007 and 2008 in support of D.08-03-018. CE Council proposes that Hunt's hourly rate for 2007 be set at \$280 to reflect the mid-point in the range of rates approved in D.07-01-009 for attorneys with 5 to 7 years of experience. The proposed rate for 2007 is consistent with the guidelines set forth in D.07-01-009, and is adopted here. CE Council seeks an hourly rate of \$300 for Hunt in 2008, an increase of 7%. We do not find this rate consistent with guidelines set forth in D.08-04-010. In that decision, we determined that attorneys representing intervenors were entitled to adjust their 2007 rate in 2008 by 3% to reflect a cost of living adjustment. Applying this adjustment to Hunt's 2007 hourly rate, we conclude that \$290/hour is reasonable for 2008 and adopt it here.

## 5.3. Direct Expenses

The itemized direct expenses submitted by CE Council include the following:

<b>Litigation Support/Research</b>	\$1,859.60
<b>Travel</b>	\$1,292.65
<b>Total Expenses</b>	\$3,152.25

The cost breakdown included with the request shows the miscellaneous expenses to be commensurate with the work performed. We find these costs reasonable.

## **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.

(D.98-04-059, pp. 34-35.) The costs of a customer's participation should bear a reasonable relationship to the benefits realized through its participation. This showing assists us in determining the overall reasonableness of the request.

CE Council's emphasis in this portion of Phase 2 of the proceeding has been in areas where it has expertise: legal issues (Commerce Clause, Federal Power Act, etc.) and natural gas issues as they relate to climate change. It concedes it cannot identify precise monetary benefits to ratepayers. However, CE Council claims, its contributions have greatly aided the Commission in adopting recommendations that, if implemented by ARB, will result in real reductions in GHGs. We agree to the extent that these policies reduce GHGs and aide in achieving the goals of AB 32, ratepayers benefit monetarily. We also agree that our policy recommendations to ARB, improved through CE Council's participation, have other social benefits which, though hard to quantify, are substantial. Thus, we find that CE Council's efforts have been productive.

## **7. Award**

As set forth in the table below, we award CE Council \$39,411.00:

**Work on Proceeding**

<b>Attorney/Staff</b>	<b>Year</b>	<b>Hours</b>	<b>Hourly Rate</b>	<b>Total</b>
Tamlyn Hunt	2007	96.75	\$280	\$27,090.00
	2008	21.00	\$290	\$ 6,090.00
Travel	2007	15.00	\$140	\$ 2,100.00
<b>Work on Proceeding Total:</b>				<b>\$35,250.00</b>

**Preparation of NOI and Compensation Request**

<b>Attorney/Staff</b>	<b>Year</b>	<b>Hours</b>	<b>Hourly Rate</b>	<b>Total</b>
Tamlyn Hunt	2008	6.75	\$145	\$ 978.25
<b>NOI and Compensation Request Total:</b>				<b>\$ 978.25</b>

**CALCULATION OF FINAL AWARD**

Work on Proceeding	\$35,250.00
NOI and Compensation Request Preparation	\$ 978.25
Expenses	\$ 3,152.25
<b>TOTAL AWARD</b>	<b>\$39,411.00</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 on July 2, 2008, the 75<sup>th</sup> day after CE Council filed its compensation request, and continuing until full payment of the award is made.

This rulemaking proceeding affected a broad array of utilities and others in the energy field. As such, we find it appropriate to authorize payment of today's awards from the Commission's intervenor compensation program fund, as described in D.00-01-020.

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. CE Council's records should identify specific issues for which it requested compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants, and any other costs for which compensation was claimed.

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

This is an intervenor compensation matter. Accordingly, as provided by Rule 14.6(c)(6), 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 Charlotte F. TerKeurst and Jonathan Lakritz are the assigned ALJs in Phase 2 of this proceeding.

### **Findings of Fact**

1. CE Council has satisfied all the procedural requirements necessary to claim compensation in this proceeding
2. CE Council made a substantial contribution to D.08-03-018 as described herein.
3. CE Council 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.
4. CE Council requested related expenses that are reasonable and commensurate with the work performed.
5. The total of the reasonable compensation is \$39,411.00.
6. The appendix to this decision summarizes today's award.

**Conclusions of Law**

1. CE Council has fulfilled the requirements of §§ 1801-1812, which govern awards of intervenor compensation, and is entitled to intervenor compensation for its claimed expenses, as adjusted herein, incurred in making substantial contributions to D.08-03-018.

2. CE Council should be awarded \$39,411.00 for its contribution to D.08-03-018.

3. This order should be effective today so that CE Council may be compensated without further delay.

**O R D E R**

**IT IS ORDERED** that:

1. Community Environmental Council (CE Council) is awarded \$39,411.00 as compensation for its substantial contributions to Decision 08-03-018.

2. Within 30 days of the effective date of this decision, CE Council's award shall be paid from the intervenor compensation program fund, as described in Decision 00-01-020. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning July 2, 2008, the 75<sup>th</sup> day after the filing date of CE Council's request for compensation, and continuing until full payment is made.

3. Rulemaking 06-04-009 remains open.

This order is effective today.

Dated January 29, 2009, 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>	D0901033	<b>Modifies Decision?</b> N
<b>Contribution Decision(s):</b>	D0803018	
<b>Proceeding(s):</b>	R0604009	
<b>Author:</b>	ALJs TerKeurst/Lakritz	
<b>Payer(s):</b>	Commission	

**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>
Community Environmental Council	4/18/08	\$43,312.25	\$39,411.00	No	Adjusted hourly rate and corrected hours for Hunt

**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>
Tamlyn	Hunt	Attorney	Community Environmental Council	\$280	2007	\$280
Tamlyn	Hunt	Attorney	Community Environmental Council	\$300	2008	\$290

**(END OF APPENDIX)**