

Decision 10-04-023 April 8, 2010

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U338E) for Authority to Institute a Rate Stabilization Plan with a Rate Increase and End of Rate Freeze Tariffs.

Application 00-11-038
(Filed November 16, 2000)

Emergency Application of Pacific Gas and Electric Company (U39E) to Adopt a Rate Stabilization Plan.

Application 00-11-056
(Filed November 22, 2000)

Petition of The Utility Reform Network for Modification of Resolution E-3527.

Application 00-10-028
(Filed October 17, 2000)

**DECISION AWARDING INTERVENOR COMPENSATION
(FEES AND COSTS INCURRED IN OBTAINING JUDICIAL REVIEW)**

TABLE OF CONTENTS

Title	Page
DECISION AWARDING INTERVENOR COMPENSATION (FEES AND COSTS INCURRED IN OBTAINING JUDICIAL REVIEW)	1
1. Summary	2
2. Background	2
3. Legal and Factual Issues Regarding Substantial Contribution	4
3.1. Legal Standard for Determining Substantial Contribution	4
3.2. TURN's Work to and Including the Application for Rehearing	5
3.3. TURN's Work in Obtaining Judicial Review: Hours Allocated to Specific Issues	6
3.4. TURN's Work in Obtaining Judicial Review: Hours not Allocated to Specific Issues	11
4. Compensation for Hours Devoted to TURN's February 2009 Compensation Request	14
5. Reasonableness; Productivity	15
6. Hourly Rates Related to TURN's February 2009 Request	17
7. Expenses	22
8. Award	22
9. Comments on Proposed Decision.....	25
10. Assignment of Proceeding	25
Findings of Fact.....	25
Conclusions of Law	28
ORDER	29

APPENDIX A – Section A. – D.05-04-049

APPENDIX B – Table of Disallowances and Adjustments

APPENDIX C – Compensation Decision Summary Information

**DECISION AWARDING INTERVENOR COMPENSATION
(FEES AND COSTS INCURRED IN OBTAINING JUDICIAL REVIEW)**

1. Summary

Today's decision resolves the remaining request for compensation by The Utility Reform Network (TURN) for its work in obtaining judicial review in these consolidated proceedings. On remand from the California Court of Appeal (Second Appellate District), and relying in part on a settlement between TURN and certain utilities, we earlier adopted hourly rates for the outside counsel firm used by TURN for this work. (See Decision 10-02-008.) From those rates and from rates previously approved by the Commission for TURN's in-house counsel, today's decision awards compensation for judicial review work performed during the period covered by the remaining request. The award reflects several disallowances, which result chiefly from hours found not to have made a "substantial contribution" as required by statute.

This proceeding, including all matters whose docket numbers appear in the caption, is closed.

2. Background

California's electricity crisis in 2000 prompted many proceedings before this Commission, and these in turn prompted much litigation before state and federal courts at all levels. The Utility Reform Network (TURN) participated vigorously here and in the courts. The compensation award we deal with today relates to some of that participation and to its aftermath. (For a fuller description of relevant events in federal and state courts, see Appendix A to today's decision, which excerpts the "Background" summarized in Decision (D.) 05-04-049.)

For present purposes, we need note only that the courts ultimately upheld the Commission's position against all but one of TURN's challenges. The sole exception concerned the hourly rates initially used by the Commission in

calculating the intervenor compensation to be awarded TURN for work performed by TURN's outside counsel in obtaining judicial review. In *The Utility Reform Network v. Public Utilities Commission* (2008) 166 Cal. App. 4th 522 (*hereafter, TURN v. PUC*), the California Court of Appeal (Second Appellate District) found that, in D.05-04-049, the Commission has failed to "account for the difference in services offered by outside counsel experienced in federal trial and appellate litigation and those offered by practitioners before the PUC." *Id.*, 166 Cal. App. 4th at 537. Responding to the court's remand, we modified (in D.10-02-008) the hourly rates for TURN's outside counsel and adjusted the award to TURN for outside counsel's work during the period covered by D.05-04-049.

The only remaining matter is to determine the intervenor compensation to which TURN is entitled for work in obtaining judicial review in these proceedings to the extent TURN's work occurred after the period covered by D.05-04-049. As in the earlier period, TURN used outside counsel (the same firm) for the bulk of the judicial review work. TURN sought compensation in a request filed in February 2009 for this later work. The request is unopposed.¹

¹ In D.05-04-049, we found that TURN had shown the requisite customer status and financial hardship to be eligible for an award of compensation. We do not repeat the findings or the underlying analysis here.

3. Legal and Factual Issues Regarding Substantial Contribution

The key issue in resolving this remaining request for compensation is substantial contribution. In *TURN v. PUC*, the court did not disturb the Commission's determinations (in response to TURN's June 2004 request) regarding TURN's substantial contribution to the decisions that the court was reviewing.² Therefore, we do not re-visit those determinations. In today's decision, we address TURN's later (February 2009) request, which concerns the extent of substantial contribution made by TURN's judicial review work occurring after the earlier request.

Regarding TURN's later request, we find that TURN made a substantial contribution only on the issue of hourly rates for outside counsel. As discussed below, our compensation award reflects disallowance of certain amounts claimed by TURN that do not relate to TURN's substantial contribution.

3.1. Legal Standard for Determining Substantial Contribution

An eligible intervenor is entitled to an award of compensation to the extent of the intervenor's reasonably incurred costs and fees related to its "substantial contribution." The Public Utilities Code (Section 1802(i)) defines the latter term as follows:

"Substantial contribution" means that, in the judgment of the commission, the customer's presentation has substantially assisted the commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer. Where the customer's participation has resulted in a substantial

² See *TURN v. PUC*, 166 Cal. App. 4th at 534-35.

contribution, even if the decision adopts that customer's contention or recommendations only in part, the commission may award the customer compensation for all reasonable advocate's fees, reasonable expert fees, and other reasonable costs incurred by the customer in preparing or presenting that contention or recommendation.³

We must apply this standard to the work covered by TURN's February 2009 compensation request, which includes work performed by TURN's counsel (both in-house and outside counsel) beginning in late 2004 and continuing intermittently in the intervening years up to January 2009. The activities covered by the request all relate to TURN's legal challenge to the compensation we awarded TURN in D.05-04-049. The activities include: TURN's work from its first compensation request up to D.05-04-049 (this work related to the Proposed and Alternate Decisions that preceded D.05-04-049); TURN's application for rehearing of D.05-04-049; its petition to the California Court of Appeal (which granted a writ of review but ultimately upheld the Commission except on the outside counsel issue); and its subsequent petition to the California Supreme Court (which denied the petition and thereby sustained the Court of Appeal's decision).

3.2. TURN's Work to and Including the Application for Rehearing

Regarding TURN's work to and including its application for rehearing, we note that in D.07-03-017, we denied rehearing but extensively revised the reasoning articulated in D.05-04-049. TURN argues, and we agree, that it substantially contributed to D.07-03-017 by the force of some of its criticisms of D.05-04-049 in its application for rehearing. Even though we retained the

³ All statutory references in today's decision are to the Public Utilities Code.

award made in D.05-04-049, the analytical modifications that we adopted in D.07-03-017 responded in part to TURN's criticisms of D.05-04-049. Because the statute is satisfied by our adopting an intervenor's position only in part, we find that hours claimed by TURN to and including its application for rehearing are compensable.⁴

3.3. TURN's Work in Obtaining Judicial Review: Hours Allocated to Specific Issues

TURN challenged D.05-04-049 (as modified by D.07-03-017) before the California Court of Appeal, seeking reversal of the Commission's determinations regarding substantial contribution and hourly rates for outside counsel, and of its denial of a multiplier. When the lower court found in favor of TURN only on the hourly rates issue, TURN petitioned the California Supreme Court, which declined to grant any further review.⁵ We must now determine how much of this work in obtaining judicial review is compensable under the statute.

The Legislature authorized the Commission to compensate intervenors not only for their work in our own proceedings but also for "the fees and costs...of obtaining judicial review" following one of our decisions. See Section 1802(a), defining "compensation" as "payment for all or part, as determined by the

⁴ In round numbers, TURN's claim shows 110 hours to and including the application for rehearing. TURN attorney Finkelstein (50.5 hours) and outside counsel Strumwasser (56.5 hours) account for almost all of this time. These numbers reflect a correction filed by TURN on August 19, 2009. The correction removes 3.5 hours that resulted from double entries for some of attorney Finkelstein's work in 2007.

⁵ On November 10, 2008, the California Supreme Court denied TURN's petition for writ of review. We note, regarding this petition, that TURN had filed a Supplemental Notice of Intent, under our Rule 17.1(f), to alert us of its intent to claim compensation for the petition and any subsequent review before the Supreme Court. Also, TURN timely filed its request for compensation after the Supreme Court denied the petition.

commission, of reasonable advocate's fees...and other reasonable costs of preparation for and participation in a proceeding, and includes the fees and costs of obtaining an award under this article and of obtaining judicial review, if any." Bearing in mind this definition, the definition of "substantial contribution, and the guidance of the California Court of Appeal,⁶ we analyze the judicial review work that is the subject of TURN's later request for compensation.

The situation of an intervenor claiming compensation for its judicial review work is uncommon. Consequently, there are few Commission decisions in which we have interpreted the statute as it relates to such claims. The leading decision, in fact, is D.05-04-049 (as modified by D.07-03-017), the very decision whose determinations regarding substantial contribution were challenged by TURN but upheld successively by the California Court of Appeal and the California Supreme Court.

We will not try to summarize, much less quote *verbatim*, the lengthy discussions of "substantial compensation" and "judicial review" in D.05-04-049 (as modified by D.07-03-017), *SCE v. PUC*, or *TURN v. PUC*. However, the most recent court guidance, in *TURN v. PUC*, reviewing our leading decision, must be set forth in some detail:

TURN relies heavily on our statement in *SCE* that, "once a customer makes [the required substantial] contribution to a PUC proceeding, that customer may obtain compensation for the fees and costs of obtaining judicial review, regardless whether that judicial review work made a substantial contribution to the PUC proceeding." (*SCE, supra*, 117 Cal. App. 4th at pp. 1052-1053.) But

⁶ In addition to *TURN v. PUC*, the court construed these statutory provisions in relation to an earlier petition (by a utility) in this very proceeding. See *Southern California Edison Co. v. Public Utilities Commission et al.* (2004) 117 Cal. App. 4th 1039 (*hereafter, SCE v. PUC*).

this language must be read in the context of our discussion on that point. Neither the statutory language nor our interpretation of it gives entities like TURN *carte blanche* to do whatever they wish once they have made some sort of contribution to a PUC decision – at least not if they intend to seek to recover their fees. TURN’s proposed construction of the statute and SCE would require compensation for any and all later court work once an intervenor has made a contribution to any part of a proceeding, regardless of the value of the court work or whether intervening events have changed the original contribution. TURN’s interpretation would mean that the commission’s finding of a substantial contribution then would entitle an intervenor to pursue endless court challenges with guaranteed compensation from ratepayers, regardless of the subject matter, value, merits, or outcome of the court challenge. Indeed, if TURN’s position were adopted, it could have the unintended consequence of making the PUC reluctant to make substantial contribution determinations, especially where the PUC adopts an intervenor’s position only to a limited extent. The PUC then would have to award compensation if the intervenor chose to make a court challenge to the PUC’s decision, even if that court challenge were unsuccessful.

TURN v. PUC, 166 Cal. App. 4th at 534.

TURN at that time was arguing to the California Court of Appeal that the Commission erred in denying TURN compensation for TURN’s judicial challenge to a settlement the Commission had entered into with a utility. The court stated:

TURN was free to argue against the settlement in the PUC and in court. But it is not entitled, as a matter of law, to an award of compensation for pursuing a position that the PUC, two federal courts, and the California Supreme Court rejected. In short, there was no error in the PUC’s determination that the intervenor compensation provisions do not *require* it to award compensation for any and all judicial proceedings that ensue after an intervenor’s contribution in an earlier stage of a PUC proceeding. That construction of the statute “bear[s] a reasonable relation to

statutory purposes and language,” and we therefore will not disturb it. Nor can we disturb the PUC’s judgment that, in this case, TURN’s appellate litigation did not result in a substantial contribution to the PUC’s proceedings.

Our conclusion does not mean that an intervenor who does not prevail in judicial review proceedings challenging the PUC is never entitled to compensation for those efforts. We are not prescient, nor is the PUC, and the question whether an intervenor’s participation “has resulted in a substantial contribution” requires a case-by-case analysis. Unsuccessful appellate litigation efforts challenging the PUC might be found, under some circumstances, to have made a substantial contribution to proceeding of the PUC. [...] In the end, the critical factor is not whether the intervenor’s position is for or against the PUC’s position; it is whether the intervenor has assisted the PUC in carrying out its statutory mandate to regulate public utilities in the public interest. In this case, we only confirm that a substantial contribution to a PUC decision, for which an intervenor has been compensated, does not automatically entitle that intervenor to compensation for all ensuing judicial proceedings without regard to changed circumstances or results achieved.

TURN v. PUC, 166 Cal. App. 4th at 535 (emphasis in original).

We are in the odd position of now applying the guidance of *TURN v. PUC* to TURN’s work (1) leading up to *TURN v. PUC*, and (2) petitioning the California Supreme Court to review *TURN v. PUC*. We will discuss TURN’s work in that order.

Regarding the issue of “hourly rates for outside counsel,” TURN is plainly entitled to compensation on this issue. As a direct result of TURN’s petition to the California Court of Appeal, this point of law was clarified, and in D.10-02-008 the Commission followed the court’s remand to reconsider these hourly rates. TURN’s work on this issue leading up to *TURN v. PUC* made a substantial contribution by assisting us to carry out our statutory mandate.

Regarding the issue of “substantial contribution,” we find TURN is not entitled to compensation on this issue. It is true that the court in *TURN v. PUC* explained how the earlier precedent of *SCE v. PUC* would apply to facts not expressly considered in the earlier precedent. However, the court’s explanation is fully consistent with arguments presented by the Commission, and the court expressly rejects arguments presented by TURN. The court did not adopt TURN’s position in whole or in part. TURN’s work did not assist us to carry out our statutory mandate, and accordingly that work is not compensable under the statute.

Regarding our denial of a “multiplier,” TURN made no substantial contribution. In denying TURN’s application for rehearing, we merely noted settled law on this issue and did not modify D.05-04-049. *See* D.07-03-017 at 21-23. The court affirmed our denial, stating merely, “Applying the standards of Section 1757, we find no error.” *TURN v. PUC*, 166 Cal. App. 4th at 537. Nothing about TURN’s work on this issue assisted us to carry out our statutory mandate. We therefore deny compensation on this issue.

We now take up TURN’s petition to the California Supreme Court, in which TURN sought review of *TURN v. PUC*. The Court denied the petition and thereby affirmed *TURN v. PUC*. We find there is no aspect of TURN’s work in petitioning the California Supreme Court that is compensable. We did not appeal *TURN v. PUC*, so no aspect of TURN’s work on the petition could be considered necessary to defend its success on the “hourly rates” issue. Moreover, the California Supreme Court evidently saw no reason to further elucidate the treatment of the “substantial contribution” or “multiplier” issue by the lower court. In sum, TURN’s petition to the California Supreme Court did not assist us to carry out our statutory mandate.

3.4. TURN's Work in Obtaining Judicial Review: Hours not Allocated to Specific Issues

In the immediately preceding section of today's decision, we determined the compensability of those hours that TURN has allocated to the three specific issues for which it sought judicial review. Such hours account for only 167.2 hours out of the more than 600 hours claimed by TURN. About 70% of the total hours appear in the category TURN labels "General."⁷

TURN describes the "General" category (to which all of TURN's staff attorney time is allocated) as follows:

"General" includes items such as communications with opposing counsel, preparation of pleadings not related to specific issues (such as TURN's successful opposition to the Commission's motion seeking to change venue), and preparation of the portions of pleadings that were not issue-specific (such as the statement of facts in the petition for writ of review).

TURN argues that it should receive full compensation for all hours in the "General" category:

The Commission should recognize that for the entries that TURN has categorized as "general" the amount of time devoted to the underlying activity would likely not have varied with the number of issues for which judicial review was sought. For example, the response to the Commission's motion seeking to change venue, or the preparation of the statements of facts required for the successful petition for writ of review would have required the same number of hours had TURN sought judicial review on the single issue of the correct hourly rates, rather than the three categories of entitlement to compensation, hourly rates and

⁷ TURN includes one more work category, namely, hours spent on the February 2009 compensation request. These amount to 19.6 hours (13.5 hours by TURN staff and 6.1 hours by outside counsel). We analyze this work category later in today's decision.

multiplier. If the Commission were to determine that it should compensate TURN for something less than the full amount of hours requested, it should still compensate the full amount of hours designated “General” (to recognize the largely fixed nature of those hours) plus all of the hours designated “Hourly Rates.”

We find, as we discuss below, that TURN has not established the full compensability of the over 400 “General” hours. We have two basic reasons for rejecting TURN’s arguments regarding this work category.

First, we distinguish TURN’s judicial review work from intervenor work in formal proceedings before the Commission, such as rulemakings and utility applications. In formal proceedings, we recognize that an intervenor often must do considerable preparatory work, and other non-issue specific work, including (but not limited to) review of filings that initiate the proceeding, basic subject matter research, and consultation with other parties (especially customer representatives). Such work, which is typically recorded in the “General” category, is needed to spotlight potential issues, develop the intervenor’s positions, and avoid unnecessary duplication of other parties’ work. For these reasons, once we have established that an intervenor has made a “substantial contribution” to a decision, we typically allow full compensation for a reasonable amount of “General” (i.e., non-issue specific) work.

The situation is different where, as here, the intervenor is obtaining judicial review of a Commission decision. TURN itself initiated the judicial process by petitioning for a writ of review. As the initiating party, TURN itself selected the issues, and it did so after developing the record and refining its positions through its application for rehearing at the Commission, before petitioning the court. Consequently, there is far less justification here for the amount of preparation or other non-issue specific work that would be appropriate where TURN is responding in a Commission proceeding started by

someone else, or even where TURN is responding in a judicial review process started by someone else.

Second, the examples TURN gives of non-issue specific work in pursuing this judicial review are not persuasive. As one example of such work, TURN cites the statement of facts in its petition for writ of review. We disagree that a statement of facts lacks issue specificity. A statement of facts in a petition or other pleading is very far from a dry, objective recitation. Instead, writ attorneys carefully craft the statement of facts to highlight the issues to which they direct the court's attention and to suggest, as the only logical outcome, the disposition of those issues for which they contend.⁸

We have also reviewed other activities that TURN lists under "General" but does not mention as examples of that category. We find that many of these activities (such as review of briefs filed by the Commission and preparation for oral argument) are inherently issue-specific. Although the activities may combine two or more issues, it would have been more accurate to allocate the hours spent on these activities among the issues that they covered, rather than do as TURN did and claim all the hours as "General."

For these reasons, we find that TURN's claim for "General" hours is inadequately supported. Also, considering that "General" hours constitute about 70% of the total hours in TURN's request, we find that the claim for "General" hours is excessive. Accordingly, some of the "General" hours should be disallowed.

⁸ TURN's other examples of "General" work (communicating with opposing counsel, opposing the Commission's motion for change of venue) are more plausibly non-issue specific, but they cannot reasonably account for more than a small fraction of the hundreds of hours TURN claims under the "General" category.

As we noted above, many of the activities listed under “General” are at least issue-specific. Moreover, these activities appear to be by far the most time-intensive in the “General” category. We therefore refer to our earlier disallowance of issue-specific hours for guidance in determining a reasonable number of “General” hours.

The issues on which we denied compensation (TURN’s arguments in support of a “multiplier” and of the compensability of certain judicial review work) account for about 82% of TURN’s issue-specific work. If we were to treat all of the claimed “General” hours as in fact issue-specific, then we would compensate only 18% of those hours, corresponding to the time TURN devoted to hourly rates for outside counsel. But such treatment would be too harsh because a substantial part of the claimed hours may fairly be classified as “General” within the meaning of that term here. As a compromise, we will compensate TURN for 60% of its hours claimed under the “General” category.

4. Compensation for Hours Devoted to TURN’s February 2009 Compensation Request

TURN claims 19.6 hours for preparing its February 2009 compensation request. That request covers work performed over parts of six years by several representatives. In these circumstances, assembling the requisite documentation and writing the request in less than 20 hours seems commendably efficient.

However, TURN also claims 9.8 hours that its outside counsel devoted to counsel’s part in preparing TURN’s earlier (June 2004) compensation request in this proceeding. This claim is troubling because we expect all time spent preparing a compensation request to be part of that request. TURN explains the omission as attributable to TURN’s receipt of the relevant invoice from outside counsel some time after TURN filed the request. Considering the long pendency of the request, we do not understand why TURN did not simply file a

supplement requesting the additional hours. We therefore reject this untimely claim.

Another question regarding the “Request Preparation” category concerns whether we should conform to our long-established practice of compensating these hours at only 50% of the representative’s approved hourly rate. The rationale for this practice is that request preparation is mostly a matter of bookkeeping, not requiring the representative’s legal or other expertise. TURN argues that the rationale does not apply to this proceeding, where TURN had to use its own and outside counsel’s legal expertise to the fullest, precisely to defend its claim for compensation before the Commission and ultimately before the California Court of Appeal.

We reject TURN’s argument, which does not hold for the hours initially spent preparing its compensation request (13.5 hours by TURN staff and 6.1 hours by outside counsel regarding the 2009 request). The initial preparation of this request was little removed from the effort involved in most requests for compensation, so in today’s decision, we compensate these hours at 50% of the approved hourly rates.

5. Reasonableness; Productivity

After we determine that an eligible intervenor has made a substantial contribution to a Commission decision or order, we analyze the hours worked by the intervenor to determine their reasonableness and productivity. These are similar but distinct concepts.

Reasonableness concerns the relation between the number of hours and the tasks (doing research, preparing testimony, writing briefs, etc.) that the intervenor performed. If an intervenor made a substantial contribution but consumed an inordinate amount of hours in doing so, the Commission will

compensate the intervenor only for that number of hours which is reasonable for the tasks performed. Our disallowance (in section 3.4 above) of 40% of TURN's hours in the "General" category was prompted in part by our finding that the hours in this category were excessive. In all other respects, TURN has well documented and justified its hours in terms of the task performed, the date, and the person performing the task. Except as noted, we find that TURN's hours, in relation to the tasks performed, were reasonable.

Productivity concerns the relation between the number of hours and the benefits ratepayers derive from the intervenor's substantial contribution. If the benefits are slight in comparison with the hours expended to achieve them, the Commission may disallow hours to the extent they are found to be unproductive. Sometimes, this comparison is fairly simple, as when the intervenor's substantial contribution results in lower rates or conservation of resources. The comparison is more difficult where, as here, the benefits are intangible. In such situations, we consider the policy goals that the intervenor furthered through its substantial contribution.

Here, the statutory intent is to encourage vigorous intervention in our proceedings by diverse consumer groups. See, e.g., Section 1801.3(b). TURN, through its substantial contribution, has clarified how the Commission should determine hourly rates if the intervenor uses outside counsel in obtaining judicial review. This clarification promotes intervention under the statutory program by reducing the risk that the intervenor's work will not be compensated reasonably. The benefit of this clarification accrues, not only to intervenors, but also to the Commission, and ultimately to ratepayers, in that intervenors contribute to the Commission's factual and legal determinations. In short, we find that TURN's substantial contribution was beneficial, and that the time it expended was productive.

6. Hourly Rates Related to TURN's February 2009 Request

As the litigation in this proceeding before the Commission and before the courts illustrates, hourly rates for the representatives of intervenors is a key input in calculating an award of compensation. Section 1806 provides legislative guidance:

The computation of compensation...shall take into consideration the market rate paid to persons of comparable training and experience who offer similar services. The compensation awarded may not, in any case, exceed the comparable market rate for services paid by the commission or the public utility, whichever is greater, to persons of comparable training and experience who are offering similar services.

We have previously approved hourly rates for TURN's staff involved in the February 2009 request. These rates are not affected by *TURN v. PUC*, and we use them today. For attorney Finkelstein, the rates are \$395 for work performed in 2005, \$435 for work performed in 2007, and \$470 for work performed in 2008 and 2009. For attorney Florio, the rate is \$470 for work performed in 2006.

In D.10-02-008 we resolved issues regarding hourly rates for TURN's outside counsel from the firm of Strumwasser & Woocher for work covered by TURN's June 2004 request for compensation. As noted in D.10-02-008, our approval of the settlement (between TURN and certain utilities) regarding hourly rates for outside counsel is not precedential. However, the question remains about what effect to give the settlement within this proceeding. TURN's February 2009 request for compensation is for work performed by the same outside counsel firm in the same judicial review process but after the period covered by the original award in D.05-04-049. The February 2009 request also reflects occasional increases to the hourly rates of TURN's outside counsel.

Given that we have just found reasonable, at least for purposes of this proceeding, the former hourly rates of TURN's outside counsel firm, we can also find the subsequent rates of those attorneys reasonable, provided that the percentage increases over time are proportionate when compared to an appropriate standard. We have such a standard, namely, the periodic increases that we have applied to our own hourly rate ranges for intervenor representatives.

The comparison is somewhat inexact, in that our increases were annual, while outside counsel's increases were apparently biennial. But the overall escalation in the hourly rates of TURN's outside counsel is close to what would have resulted under our rate ranges. For example, TURN's outside counsel, Strumwasser & Woocher, billed the named partners' work in this proceeding at \$550/hour in 2004, \$575/hour in 2005 and 2006, and \$625/hour in 2007 and 2008. These rates reasonably approximate the result using a 3% annual escalation factor, which has been our general practice.⁹

In sum, we approve the subsequent hourly rates for outside counsel whose former rates are reflected in the award under the settlement approved in D.10-02-008.

A different issue concerns the hourly rates of the four representatives (three attorneys, one non-attorney) from that firm who did not participate in this proceeding until after the earlier (June 2004) request for compensation. For

⁹ In light of the current recession and other factors, however, we decided not to approve any increase in our rate ranges for 2009. See Resolution ALJ-235 (March 12, 2009).

three of these representatives, today's decision is the first time that we have addressed their hourly rates.¹⁰

One of the representatives, attorney Beverly Palmer, performed over 230 hours of work (71.6 hours in 2005, 66.3 hours in 2006, and 95.2 hours in 2007). In fact, her work, along with that of attorney Strumwasser, accounts for over 90% of the hours booked by outside counsel in TURN's February 2009 request. Palmer graduated from Williams College and received her J.D. from Yale Law School in 2004. Among her other professional credentials, she served as law clerk to the Honorable Dorothy W. Nelson of the United States Court of Appeals for the Ninth Circuit. For Palmer's work, TURN requests hourly rates of \$375 in 2005 and 2006, and \$410 in 2007.

Aparna Sridhar worked 18.9 hours in 2008. Sridhar graduated with honors from Harvard and received her J.D. in 2006 from Stanford, where she was elected to the Order of the Coif. While in law school, she clerked at the NOW Legal Defense and Education Fund and at the Supreme Court of India. After law school, she served as law clerk to the Honorable M. Margaret McKeown of the United States Court of Appeals for the Ninth Circuit. For Sridhar's work, all in 2008, TURN requests an hourly rate of \$410.

Zahirah Washington worked 21.4 hours in 2008. Washington graduated from Vassar College and received her J.D. with honors from Tulane Law School in 2002. Before law school, she was a member of AmeriCorps. During and after law school she interned or clerked for various environmental organizations,

¹⁰ In a different proceeding, we set an hourly rate for the fourth representative, attorney Zahirah Washington, in D.06-06-008. That decision preceded *TURN v. PUC*. The rate we establish for attorney Washington in today's decision will follow the court's guidance.

including the Natural Resources Defense Council and the United States Environmental Protection Agency. For Washington's work, all in 2008, TURN requests an hourly rate of \$410.

We approve the requested hourly rates for Palmer, Sridhar, and Washington. However, we do so with strong reservations, which we discuss below.

In approving hourly rates for the Strumwasser & Woocher firm, we are implicitly accepting an hourly rate premium over the hourly rate ranges we have adopted for the work of intervenors in our own proceedings. The premium is substantial.

For example, considering first the named partners, both Strumwasser and Woocher have been practicing law since the 1970's, much of that time as appellate litigators. At all relevant times in this proceeding, they were qualified by training and experience to be compensated at the top of the senior attorney level, as we found in D.05-04-049. As a result of *TURN v. PUC*, we approve yet higher hourly rates for the named partners, based on data specific to their judicial appellate practice. For example, the table below compares the highest hourly rate we have approved for attorneys in Commission proceedings to our rates for Strumwasser and Woocher in the years 2004 and 2008.

	2004	Premium	2008	Premium
Strumwasse	\$490/\$550	12.2%	\$535/\$625	16.8%
Woocher	\$490/\$550	12.2%	\$535/\$625	16.8%

The next table makes a similar comparison for two other attorneys from this firm, namely, Aparna Sridhar and Zahirah Washington, who worked on this proceeding only in 2008. The table compares the highest hourly rate for attorneys at their respective experience levels (two years for Sridhar, six years for

Washington) to the rate we are approving for Sridhar and Washington in the year 2008.

	2008	Premium
Sridhar	\$205/\$410	100%
Washington	\$300/\$410	36.7%

These two tables illustrate that the hourly rate “premium” for this firm’s specialized practice is much greater, on both a percentage and an absolute dollar basis, for the firm’s junior attorneys (with two to six years of experience) than it is for the named partners (with over 25 years of experience). This relationship in hourly rates seems counter-intuitive. Considered in the abstract, we would have expected that the premium commanded by a specialized practice would be smallest in an attorney’s earliest years in the practice and would steadily increase (or at least not decrease) as the attorney gained experience.

Nevertheless, we approve the requested rates for the three attorney representatives, namely, Palmer, Sridhar, and Washington. We do so for two reasons. First, we find the same anomaly (if it is an anomaly) in the rates requested and approved in D.10-02-008 for this firm’s personnel with regard to TURN’s earlier (June 2004) request. Thus, the firm’s fee structure is consistent over the two requests. Second, the statements filed by the three settling utilities appear to validate this fee structure. (See D.10-02-008.)

We repeat, however, that today’s decision is limited strictly to its facts. We gave various reasons for this caution in discussing the settlement in D.10-02-008. The results we just reached on hourly rates (including \$410 per hour for an attorney in her second year of practice) reinforce this caution.

Lastly, Peter Foley, a non-attorney with a B.S. in Social Science and Engineering and Applied Science from the California Institute of Technology,

did a modest amount of work (2.6 hours total) in 2007-2008. We do not question Foley's scientific qualifications. Rather, we find that the work he performed (grouping exhibits, Bates stamping, and the like) was of the nature of clerical support and did not involve his professional expertise. We consider clerical support to be subsumed in the hourly rates we award to attorneys and experts. Accordingly, we do not separately compensate clerical support, and on that basis we disallow Foley's hours. We do not set an hourly rate for Foley because the issue is moot.

7. Expenses

TURN seeks reimbursement of \$4,886.85 in expenses, of which more than \$4,300 of the expenses are court filing fees (\$1,245.00), computer research (\$1,117.06), and photocopies (\$1,947.60). We have found that TURN's petition to the California Supreme Court for review of the Court of Appeal's decision did not make a substantial contribution. We therefore disallow the expenses associated with that petition. These expenses consist of filing fees (\$590), computer research (\$427.59), photocopies (\$350.60), overnight mail (\$115.06), and postage (\$17.01). The total disallowance equals \$1,500.26. Except for this disallowance, we find TURN's expenses to be fully compensable, and we include them in the award.

8. Award

As set forth in the table below, we approve an award to TURN in the total amount of \$127,952.79.

February 2009 Request¹¹ (Fees and Costs associated with obtaining the fee award issued in D.05-04-049 and associated judicial review)				
Attorney/Staff	Year	Hours	Hourly Rate	Total
Michael Strumwasser	2004	28.80	\$550.00	\$15,840.00
Michael Strumwasser	2005	32.50	\$575.00	\$18,687.50
Michael Strumwasser	2006	2.50	\$575.00	\$1,437.50
Michael Strumwasser	2007	99.40	\$625.00	\$62,125.00
Michael Strumwasser	2008	62.80	\$625.00	\$39,250.00
Frederic Woocher	2005	2.00	\$575.00	\$1,150.00
Frederic Woocher	2008	8.90	\$625.00	\$5,562.50
Beverly Grossman-Palmer	2005	71.60	\$375.00	\$26,850.00
Beverly Grossman-Palmer	2006	66.30	\$375.00	\$24,862.50
Beverly Grossman-Palmer	2007	95.20	\$410.00	\$39,032.00
Aparna Sridhar	2008	18.90	\$410.00	\$7,749.00
Becky Monroe	2004	.60	\$225.00	\$135.00
Zahirah Washington	2008	21.40	\$410.00	\$8,774.00
Peter Foley	2007	1.40	\$145.00	\$203.00
Peter Foley	2008	1.20	\$145.00	\$174.00
Robert Finkelstein	2005	47.50	\$395.00	\$18,762.50
Robert Finkelstein	2007	17.50	\$435.00	\$7,612.50
Robert Finkelstein	2008	19.50	\$470.00	\$9,165.00
Michel Florio	2005	.75	\$470.00	\$352.50
Total of Professional Hours:				\$287,724.50
Preparation of NOI and Compensation Request				
Attorney/Staff	Year	Hours	Hourly Rate	Total
Michael Strumwasser	2004	9.80	\$275.00	\$2,695.00
Michael Strumwasser	2009	6.10	\$312.50	\$1,906.25
Robert Finkelstein	2009	13.50	\$235.00	\$3,172.50
NOI and Compensation Request Total:				\$7,773.75

¹¹ We adjust TURN's calculations slightly to correct minor errors acknowledged by TURN and use these corrected amounts for consideration in this award.

CALCULATION OF FINAL AWARD	
Total Compensation for Professional Hours	\$287,724.50
NOI and Compensation Request Preparation Total	\$7,773.75
Expense Total	\$5,183.00
Total Requested Award	\$300,681.25
Disallowances and Adjustments	-\$172,728.46 12
TOTAL AWARD	\$127,952.79

The award in today's decision pertains to TURN's February 2009 compensation request and is not affected by the settlement of TURN's June 2004 request. Accordingly, consistent with our prior decisions, we order that interest be paid on this award. However, the date of filing used for the interest calculation should not be from February 9, 2009 (when TURN submitted its request) but July 6, 2009 (when TURN submitted its allocation of hours by issue, as required by Rule 17.4(b)(3)). The interest is to be computed at the rate paid on prime, three-month commercial paper (as reported in Federal Reserve Statistical Release H.15), commencing on September 19, 2009 (the 75th day after TURN filed its allocation of hours by issue) and continuing until full payment of today's award is made. The awards are to be paid by SCE as the regulated utility directly involved in the judicial litigation from which the award derives.

We remind all intervenors that Commission staff may audit their records related to an award, and that intervenors must make and retain adequate accounting and other documentation to support their claims. Records pertaining to an award of compensation must be retained for at least three years from the date of the final decision making the award.

¹² The calculation of these disallowances are detailed in Appendix B.

9. Comments on Proposed Decision

The proposed decision in this matter was mailed to the parties in accordance with Public Utilities Code Section 311, and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. No comments were received.

10. Assignment of Proceeding

The consolidated proceedings, Application (A.) 00-11-038, A.00-11-056, and A.00-10-028, are assigned to Commissioner Michael R. Peevey and ALJ Steven Kotz.

Findings of Fact

1. TURN has satisfied the various prerequisites for eligibility to receive an award for the work covered in the two requests for compensation that are resolved in today's decision.
2. Representation in judicial appellate proceedings constitutes a distinct market for legal services, distinguishable from representation in administrative proceedings such as those at this Commission.
3. The hourly rate ranges that the Commission has approved are specific to intervenors' work at the Commission. Those ranges apply to both in-house and outside counsel.
4. The hourly rates approved today for TURN's outside counsel are specific to judicial appellate proceedings. These rates have no application to work performed in Commission proceedings.
5. The hourly rates approved today for TURN's outside counsel rely on the rates approved in D.10-02-008.
6. The rates for outside counsel in TURN's February 2009 compensation request are for work performed after the period covered in TURN's

June 2004 request. A comparison of these rates to the rates under the settlement approved in D.10-02-008 shows that the more recent rates are higher, but the overall escalation is close to the escalation that the Commission has approved for its own hourly rate ranges for intervenor representatives.

7. TURN made a substantial contribution to D.10-02-008 on the hourly rates for outside counsel used in obtaining judicial review. TURN made no substantial contribution on compensability of an intervenor's work in obtaining judicial review or on entitlement to an hourly rate "multiplier."

8. TURN is not entitled to compensation for its work in petitioning the California Supreme Court to review *TURN v. PUC*. The Supreme Court's summary denial of the petition added nothing to the analysis provided by the California Court of Appeal.

9. Hours included in the "General" category are typically those spent in initial preparation for a Commission proceeding and other non-issue specific work.

10. The over 400 "General" hours claimed by TURN are excessive in the context of judicial writ litigation that TURN initiated. These hours are also for the most part issue-related. It is reasonable to disallow 40% of "General" hours.

11. Initial preparation and justification of an intervenor's compensation request is compensated by the Commission at half of the authorized hourly rate of the representative preparing the request. It is reasonable to apply this rule to TURN's hours devoted to initial preparation.

12. Regarding the hourly rates for TURN's staff, the previously approved rates are appropriate for these individuals and the years in which their hours were recorded.

13. For attorney representatives from TURN's outside firm who worked on the judicial appellate review during periods not covered by the settlement approved on D.10-02-008, some of the requested hourly rates appear anomalous.

Specifically, some of these rates greatly exceed the rates approved for intervenor representatives appearing before this Commission, and the size of this premium is much higher, on both a percentage and an absolute dollar basis, than the premium inherent in the rates approved for the outside firm's senior named partners. However, this apparent anomaly occurs also with respect to the hourly rates underlying the settlement.

14. Peter Foley, a non-attorney working for TURN's outside counsel, provided what was essentially clerical support that did not involve his scientific expertise. Clerical support is not separately compensated but is subsumed in the hourly rates that the Commission approves for attorneys and experts. Thus, Foley's hours are not compensable.

15. Filing fees and other expenses that TURN incurred with respect to its petition to the California Supreme Court are unrelated to TURN's substantial contributions and should be disallowed.

16. Except as noted in the above findings, TURN's fees and costs that we address in today's decision are reasonable and productive as those terms are used in the intervenor compensation statute.

17. Regarding TURN's February 2009 compensation request, TURN is entitled to an award of \$127,952.79, as calculated in Section 8 of today's decision. Interest on this award accrues beginning on September 19, 2009 (the 75th day after July 6, 2009, when TURN filed its allocation of hours by issue), and continuing until full payment is made of both awards in today's decision.

18. The award set forth in Finding of Fact 17 should be paid by SCE as the regulated utility directly involved in the judicial litigation from which the awards derive.

Conclusions of Law

1. Today's decision should not affect the hourly rate ranges that the Commission has approved for intervenor's work (whether performed by in-house staff or outside representatives) in Commission proceedings.

2. TURN's work regarding the hourly rate "multiplier" and the compensability of an intervenor's work in obtaining judicial review did not make a substantial contribution because that work did not assist the Commission to carry out its statutory mandate.

3. When an intervenor has made a substantial contribution to some but not all of the issues on which the intervenor participated, or when the intervenor's position on an issue is adopted in part, the intervenor is entitled to compensation for its work related to those issues where it contributed, to the extent that the intervenor's claimed fees and costs are reasonable and the work is productive.

4. Except for the disallowances described in the foregoing Opinion and Findings of Fact, TURN is entitled to compensation, as calculated in Section 8 of the foregoing Opinion.

5. SCE should pay the awards ordered in today's decision.

6. TURN is entitled to interest on the award pursuant to TURN's February 2009 request for compensation in this proceeding. Interest should be calculated as set forth in Finding of Fact 17.

7. Today's decision resolves all outstanding issues regarding TURN's February 2009 request for compensation. No other matters in this proceeding remain to be resolved, so the proceeding should be closed.

8. To ensure that payment of the award in today's decision occurs without further delay, today's decision should be made effective immediately.

O R D E R

IT IS ORDERED that:

1. The Utility Reform Network is awarded \$127,952.79 as compensation for its substantial contributions to Decision 10-02-008.
2. Southern California Edison Company must pay the full amount of the award within 30 days of the effective date of this decision.
3. Southern California Edison Company must also pay interest on the award beginning on September 19, 2009, at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, and continuing until payment of the full amount of the award.
4. Application 00-11-038, Application 00-11-056, and Application 00-10-028 are closed.

This order is effective today.

Dated April 8, 2010, at San Francisco, California.

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
TIMOTHY ALAN SIMON
NANCY E. RYAN
Commissioners

APPENDIX A

Section A. – D.05-04-049

Background

These consolidated proceedings include the Post-Transition Ratemaking dockets (Application (A.) 99-01-016 *et al.*) in which we addressed post-rate freeze recovery of rate freeze costs, and the Rate Stabilization Plan dockets (A.00-11-038 *et al.*) in which we addressed Pacific Gas and Electric Company's (PG&E) and Edison's applications for emergency relief from the skyrocketing wholesale electricity prices in 2000. In the Post-Transition Ratemaking dockets, we determined that Pub. Util. Code § 368 bars utilities from recovering, through post-rate freeze rates, costs incurred during the rate freeze. (Decision (D.) 99-10-057, as modified by D.00-03-058.) (Subsequent statutory references are to the Public Utilities Code unless otherwise indicated.) In the Rate Stabilization Plan dockets, however, we ultimately authorized and implemented a rate increase of four cents/kWh in recognition of Edison's and PG&E's increased costs due to the extraordinary circumstances in California's wholesale power markets. (D.01-03-082.)

In November 2000, Edison and PG&E filed separate federal court actions challenging the Commission's jurisdiction to limit the utilities' recovery of their increased wholesale procurement costs.¹ The Utility Reform Network (TURN) intervened in those actions.

¹ *Edison v. Lynch et al.*, Case No. 00-12056-RSWL (Mcx), United States District Court for the Central District of California (Western Division) (filed November 13, 2000), and *PG&E v. Lynch, et al.*, Case No. CV 00-4128 (SBA), United States District Court for the Northern District of California (filed November 8, 2000).

The two federal lawsuits followed different procedural paths. PG&E filed for bankruptcy in April 2001, and the Commission entered into a settlement of the bankruptcy in December 2003. (See D.03-12-035.) Pursuant to the terms of the bankruptcy settlement, PG&E's federal court action will be dismissed.²

The Commission and Edison entered into a Joint Stipulation in settlement of Edison's federal lawsuit on October 2, 2001. TURN appealed the District Court's judgment affirming the settlement to the Ninth Circuit Court of Appeals. On September 23, 2002, the Ninth Circuit affirmed the District Court's judgment in part and certified several questions to the California Supreme Court regarding whether the agreement violated state law.³ On August 21, 2003, the Supreme Court answered the Ninth Circuit, concluding that the Stipulated Judgment did not violate state law.⁴

As these events were unfolding, TURN in July 2001 filed a request for compensation for the costs, among others, of the first six months of its participation in Edison's and PG&E's federal court actions. The Commission granted TURN's request 11 months later in D.02-06-070, finding that TURN had made a substantial contribution to the various

² *PG&E v. Lynch* remains an open docket, pending resolution of an appeal of the Commission's decision approving the settlement (D.03-12-035) and of the confirmation order approving the settlement in bankruptcy court (*In re Pacific Gas and Electric Company*, Debtor, United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 01-30923 DM, Confirmation Order, dated December 22, 2003).

³ *Edison v. Lynch*, 308 F.3d 794 (9th Cir. 2002).

⁴ *Edison v. Peevey* (2003) 31 Cal. 4th 781. The Ninth Circuit entered final judgment in *Edison v. Lynch* on December 19, 2003, bringing Edison's federal lawsuit to a close. (See 353 F.3d 648.)

decisions affecting the utilities' ability to recover their costs of wholesale power during the energy crisis. Because the federal lawsuits sought to challenge the Commission's authority to make those decisions, the Commission found that the costs of TURN's federal court work were reasonably incurred in order to make its substantial contribution to the adopted decisions.

Edison and PG&E each applied for rehearing of D.02-06-070 on the issue of compensation for TURN's federal district court work. We denied rehearing of our order, as modified. (See D.03-04-034.) Edison petitioned the Second Appellate District of the California Court of Appeal for writ of review of those orders. On October 8, 2003, the court issued the writ granting review. The court ultimately rejected Edison's appeal on April 19, 2004.⁵ Sixty days after the court's decision upholding D.02-06-070 and D.03-04-034,⁶ TURN filed this request for compensation. Edison opposes TURN's request only insofar as TURN seeks an award

⁵ *Edison v. CPUC* (2004) 117 Cal. App. 4th 1039.

⁶ On November 22, 2002, TURN filed a request for intervenor compensation for its work in the federal lawsuits from mid-2001 through September 2002. The Commission denied the request without prejudice because the Commission

Footnote continued on next page

enhancement, full compensation for time spent preparing this request, and compensation for time spent on media and outside lobbying. TURN has replied to Edison's opposition.

(END OF APPENDIX A)

wanted to await final determinations on the federal lawsuits before evaluating it. (See D.03-12-044.)

APPENDIX B

Table of Disallowances and Adjustments	
Disallowances	Justification
2006-Palmer (58.2 hrs) 2007-Palmer (37.6 hrs) 2008-Woocher (.1 hr) 2006-Strumwasser (.2 hrs) 2007-Strumwasser (40.5 hrs) 2008-Strumwasser (1.3 hrs)	We disallow all compensation for TURN's work on issues other than hourly rates for outside counsel. TURN made no substantial contribution on these other issues. <i>See</i> section 3.3 (reduced \$63,543.50).
2008-Strumwasser (19.8 hrs) 2008-Sridhar (18.9 hrs)	We disallow all hours related to TURN's work in petitioning the California Supreme Court. TURN's petition to the California Supreme Court did not assist us in carrying out our statutory mandate, and as such, is non-compensable. <i>See</i> section 3.3 (reduced \$20,124).
2007-Foley (1.4 hrs) 2008-Foley (1.2 hrs)	We disallow all of Foley's hours as being clerical in nature. We consider clerical support to be subsumed in the hourly rates we award to attorneys and experts and as such are non-compensable. <i>See</i> section 6 (reduced \$377.00).
2005-Finkelstein (19.0 hrs) 2007-Finkelstein (5.4 hrs) 2008-Finkelstein (7.8 hrs) 2005-Florio (.30 hrs) 2005-Palmer (27.6 hrs) 2006-Palmer (.92 hrs) 2007-Palmer (20.16 hrs) 2004-Monroe (.24 hrs) 2005-Woocher (.80 hrs) 2008-Woocher (3.4 hrs) 2004-Strumwasser (15.44 hrs) 2005-Strumwasser (13.0 hrs) 2006-Strumwasser (.92 hrs) 2007-Strumwasser (21.08 hrs) 2008-Strumwasser (21.64 hrs) 2008-Washington (8.56 hrs)	40% disallowance to the hours TURN claimed under the "General" category. <i>See</i> section 3.4 (reduced \$82,966.20).

2007-Finkelstein (3.5 hrs)	Disallowed to correct double entry by TURN's admission (reduced \$1,522.50).
2004-Strumwasser (9.8 hrs)	Untimely request. <i>See</i> section 4 (reduced \$2,695).
Costs	Disallow filing fees, computer research, photocopies, overnight mail and postage expenses related to TURN's petition to the California Supreme Court for lack of substantial contribution. <i>See</i> section 7 (reduced \$1,500.26).

(END OF APPENDIX B)

APPENDIX C

Compensation Decision Summary Information

Compensation Decision:	D1004023	Modifies Decision? No
Contribution Decision(s):	D0703017 D1002008	
Proceeding(s):	A0011038, A0011056, A0010028	
Author:	ALJ Kotz	
Payer(s):	Southern California Edison Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change / Disallowance
The Utility Reform Network	2/9/2009	\$300,681.25	\$127,952.79	No	Lack of substantial contribution, excessive hours

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Amended or Adopted hourly fees
Michael	Strumwasser	Attorney	The Utility Reform Network	\$550	2004	\$550
Michael	Strumwasser	Attorney	The Utility Reform Network	\$575	2005	\$575
Michael	Strumwasser	Attorney	The Utility Reform Network	\$575	2006	\$575
Michael	Strumwasser	Attorney	The Utility Reform Network	\$625	2007	\$625
Michael	Strumwasser	Attorney	The Utility Reform Network	\$626	2008	\$625
Frederic	Woocher	Attorney	The Utility Reform Network	\$575	2005	\$575
Frederic	Woocher	Attorney	The Utility Reform Network	\$625	2008	\$625
Beverly	Grossman-Palmer	Attorney	The Utility Reform Network	\$375	2005	\$375
Beverly	Grossman-Palmer	Attorney	The Utility Reform Network	\$375	2006	\$375
Beverly	Grossman-Palmer	Attorney	The Utility Reform Network	\$410	2007	\$410
Aparna	Sridhar	Attorney	The Utility Reform Network	\$410	2008	\$410
Becky	Monroe	Attorney	The Utility Reform Network	\$225	2004	\$225
Zariah	Washington	Attorney	The Utility Reform Network	\$410	2008	\$410
Robert	Finkelstein	Attorney	The Utility Reform Network	\$395	2005	\$395
Robert	Finkelstein	Attorney	The Utility Reform Network	\$435	2007	\$435
Robert	Finkelstein	Attorney	The Utility Reform Network	\$470	2008	\$470
Michel	Florio	Attorney	The Utility Reform Network	\$470	2005	\$470

(END OF APPENDIX C)