

Decision \_\_\_\_\_

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

Rulemaking Regarding Whether, or Subject to What Conditions, the Suspension of Direct Access May Be Lifted Consistent with Assembly Bill 1X and Decision 01-09-060.	Rulemaking 07-05-025 (Filed May 24, 2007)
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**CLAIM AND DECISION ON REQUEST FOR INTERVENOR COMPENSATION**

<b>Claimant: The Utility Reform Network</b>	<b>For contribution to D.10-03-022 &amp; D.10-05-039</b>	
<b>Claimed (\$): \$ 35,854</b>	<b>Awarded (\$):</b>	
<b>Assigned Commissioner: Peevey</b>	<b>Assigned ALJ: Pulsifer</b>	
I hereby certify that the information I have set forth in Parts I, II, and III of this Claim is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this Claim has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).		
<b>Signature:</b>		/s/
<b>Date: July 16, 2010</b>	<b>Printed Name:</b>	Michel Peter Florio, Senior Attorney

**PART I: PROCEDURAL ISSUES** (to be completed by Claimant except where indicated)

**A. Brief Description of Decision:** D.10-03-022 adopted the initial rules needed to facilitate the limited reopening of Direct Access (DA) pursuant to Senate Bill (SB) 695. D.10-05-039 modified D.10-03-022 in response to a petition filed by TURN and other parties to eliminate an inadvertent timing problem.

**B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:**

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (§ 1804(a)):</b>		

1. Date of Prehearing Conference:	Not applicable	
2. Other Specified Date for NOI:	30 days after the OIR was issued.	
3. Date NOI Filed:	June 25, 2007	
4. Was the notice of intent timely filed?		
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	R.07-05-025, the instant proceeding	
6. Date of ALJ ruling:	August 17, 2007	
7. Based on another CPUC determination (specify):		
8. Has the claimant demonstrated customer or customer-related status?		
<b>Showing of "significant financial hardship" (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	R.07-05-025, the instant proceeding	
10. Date of ALJ ruling:	August 17, 2007	
11. Based on another CPUC determination (specify):		
12. Has the claimant demonstrated significant financial hardship?		
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision	D.10-05-039	
14. Date of Issuance of Final Decision:	May 21, 2010	
15. File date of compensation request:	July 16, 2010	
16. Was the request for compensation timely?		

**C. Additional Comments on Part I** (use line reference # as appropriate):

#	Claimant	CPUC	Comment
1	X		This is TURN's third request for compensation in this docket. TURN's prior requests were addressed by D.08-11-055 and D.09-07-050. None of the hours or expenses claimed in those earlier requests are included in this filing.

**PART II: SUBSTANTIAL CONTRIBUTION** (to be completed by Claimant except where indicated)

**A. In the fields below, describe in a concise manner Claimant’s contribution to the final decision** (see § 1802(i), § 1803(a) & D.98-04-059) (For each contribution, support with specific reference to final or record.)

Contribution	Citation to Decision or Record	Showing Accepted by CPUC
TURN’s procedural comments, filed 12/7/09, suggested that the IOUs be required to provide additional data (pp.1-2), and recommended a narrowing of the scope of this phase (pp.2-3).	The Assigned Commissioner ruling of 12/17/09 adopted TURN’s procedural recommendations at pages 2, 3 and 5.	
TURN stated its initial substantive positions in comments filed 1/5/10 and indicated an interest in working with other parties on consensus positions. Thereafter TURN joined with a broadly-based coalition of parties (the “Joint Parties”) to propose a comprehensive set of rules and policies in reply comments filed 2/1/10.	D.10-03-022 adopted the vast majority of the Joint Parties’ 2/1/10 recommendations (see pages 13, 17, 20-22), including TURN’s proposal to true-up annual Local Resource Adequacy obligations to reflect mid-year load migration resulting from the reopening of DA (pp.26-29).	
TURN’s separate reply comments, also filed 2/1/10, argued that SB 695 does not allow for additional residential DA.	D.10-03-022 adopted TURN’s position at page 23.	
The Joint Parties’ comments on the Proposed Decision, filed 3/1/10, suggested that each IOU maintain a “waiting list” to backfill any unused portion of the first-year allocation.	D.10-03-022 adopted the Joint Parties’ waiting list proposal at pages 17-18.	
After D.10-03-022 was issued, TURN and other Joint Parties noted that the adopted timeline did not allow sufficient time for the waiting list process to be effective. Accordingly, the Joint Parties promptly submitted a Petition for Modification on 3/25/10 proposing a modest change to the decision to correct that problem.	D.10-05-039 adopted the changes proposed in the Joint Petition for Modification.	

**B. Duplication of Effort (§§ 1801.3(f) & 1802.5):**

	Claimant	CPUC Verified
a. Was DRA a party to the proceeding? (Y/N)	Yes	
b. Were there other parties to the proceeding? (Y/N)	Yes, many	
c. If so, provide name of other parties: See service list for R.07-07-025 in attached certificate of service.		
d. Describe how you coordinated with DRA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party: TURN actively worked with a coalition of parties with diverse interests to develop a near-consensus set of proposals for SB 695 implementation. While TURN actively consulted with DRA during the course of the proceeding, DRA did not join the Joint Parties group.		

**C. Additional Comments on Part II (use line reference # or letter as appropriate):**

#	Claimant	CPUC	Comment

**PART III: REASONABLENESS OF REQUESTED COMPENSATION (to be completed by Claimant except where indicated)**

**A. General Claim of Reasonableness (§§ 1801 & 1806):**

Concise explanation as to how the cost of claimant's participation bears a reasonable relationship with benefits realized through participation (include references to record, where appropriate)	CPUC Verified
TURN achieved an extraordinary level of success in this proceeding and significantly assisted the Commission's effort to issue a timely decision on SB 695 implementation by helping to build broad party consensus under extreme time constraints. TURN's costs of participation in this proceeding were quite small in relation to its degree of success in the proceeding.	

**B. Specific Claim:**

CLAIMED						CPUC AWARD			
ATTORNEY AND ADVOCATE FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$

M. P. Florio	2009	4.00	\$535	D.08-07-043, p.8; Res. ALJ-235	\$ 2,140.00				
M.P. Florio	2010	61.50	\$535	Res. ALJ-247.	\$32,902.50				
<b>Subtotal:</b>					<b>\$ 35,042.50</b>	<b>Subtotal:</b>			
<b>EXPERT FEES</b>									
<b>Item</b>	<b>Year</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Basis for Rate*</b>	<b>Total \$</b>	<b>Year</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Total \$</b>
<b>Subtotal:</b>					<b>\$</b>	<b>Subtotal:</b>			
<b>OTHER FEES</b>									
Describe here what OTHER HOURLY FEES you are claiming (paralegal, travel, etc.):									
<b>Item</b>	<b>Year</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Basis for Rate*</b>	<b>Total \$</b>	<b>Year</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Total \$</b>
<b>Subtotal:</b>						<b>Subtotal:</b>			
<b>INTERVENOR COMPENSATION CLAIM PREPARATION **</b>									
<b>Item</b>	<b>Year</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Basis for Rate*</b>	<b>Total \$</b>	<b>Year</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Total \$</b>
M. P. Florio	2010	3.00	\$267.50	50% of 2010 rate	\$ 802.50				
<b>Subtotal:</b>					<b>\$ 802.50</b>	<b>Subtotal:</b>			
<b>COSTS</b>									
<b>#</b>	<b>Item</b>	<b>Detail</b>			<b>Amount</b>	<b>Amount</b>			
1	Photocopies	Copies of TURN's pleadings			\$ 7.60				
2	Postage	Mailing of TURN's pleadings			\$ 1.60				
<b>Subtotal:</b>					<b>\$ 9.20</b>	<b>Subtotal:</b>			
<b>TOTAL REQUEST \$:</b>					<b>\$ 35,854</b>	<b>TOTAL AWARD \$:</b>			
When entering items, type over bracketed text; add additional rows as necessary.									
*If hourly rate based on CPUC decision, provide decision number; otherwise, attach rationale.									
**Reasonable claim preparation time typically compensated at 1/2 of preparer's normal hourly rate.									

**C. Attachments or Comments Documenting Specific Claim** (Claimant completes; attachments not attached to final Decision):

Attachment or Comment #	Description/Comment
Comment 1	TURN typically includes in its compensation requests an allocation of time among the issues that it addressed. In this case TURN's participation addressed a multitude of discrete issues within a constrained time period, often via discussion with other parties that covered numerous different topics. Especially given TURN's high degree of success in this phase, TURN submits that compensation is merited for the full amount of time that TURN's attorney devoted to the proceeding.
Attachment 1	<b>Detailed Time Reports for TURN's Attorney</b>

Attachment 2	Detail of TURN's Expenses
Attachment 3	Certificate of Service

**D. CPUC Disallowances & Adjustments (CPUC completes):**

#	Reason

**PART IV: OPPOSITIONS AND COMMENTS**  
 Within 30 days after service of this claim, Commission Staff  
 or any other party may file a response to the claim (see § 1804(c))

(CPUC completes the remainder of this form)

**A. Opposition: Did any party oppose the claim (Y/N)?**

If so:

Party	Reason for Opposition	CPUC Disposition

**B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(2)(6)) (Y/N)?**

If not:

Party	Comment	CPUC Disposition

**FINDINGS OF FACT**

1. Claimant [has/has not] made a substantial contribution to Decision (D.) \_\_\_\_\_.
2. The claimed fees and costs [, as adjusted herein,] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.

3. The total of reasonable contribution is \$ \_\_\_\_\_.

**CONCLUSION OF LAW**

1. The claim, with any adjustment set forth above, [satisfies/fails to satisfy] all requirements of Public Utilities Code §§ 1801-1812.

**ORDER**

1. Claimant is awarded \$ \_\_\_\_\_.
2. Within 30 days of the effective date of this decision, \_\_\_\_\_ shall pay claimant the total award. 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 \_\_\_\_\_, 200\_\_, the 75<sup>th</sup> day after the filing of claimant's request, and continuing until full payment is made.
3. The comment period for today's decision [is/is not] waived.
4. [This/these] proceeding[s] [is/are] closed.
5. This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

**Attachment 1:**

**Detailed Time Reports for TURN's Attorney  
In SB 695 Implementation Phase of R.07-05-025**



Date	Attorney	Activity	Description	Time Spent
<b>Attorney: MF</b>				
10/23/2009	MF	SB 695	Meeting with ESPs re: implementation	1.25
12/6/2009	MF	SB 695	Draft comments on scope and schedule	1.50
12/8/2009	MF	SB 695	Review comments of other parties	0.50
12/11/2009	MF	SB 695	Review data and discuss w/ DRA	0.75
<b>Total: 2009</b>				<b>4.00</b>
1/4/2010	MF	SB 695	Draft comments	3.75
1/5/2010	MF	SB 695	Review party comments	1.75
1/6/2010	MF	SB 695	Review data per CLECA email	0.75
1/11/2010	MF	SB 695	Attend workshop and discuss w/ parties	5.25
1/15/2010	MF	SB 695	TC w/ DRA & CLECA	0.75
1/20/2010	MF	SB 695	TC w/ AReM and SCE	0.50
1/22/2010	MF	SB 695	TC w/ AReM and SCE; draft Local RA proposal	2.25
1/25/2010	MF	SB 695	Prep for & participate in TC re: enrollment issues	2.00
1/26/2010	MF	SB 695	TC- SCE and revise Local RA proposal	1.00
1/27/2010	MF	SB 695	Review AReM proposal for joint filing	1.75
1/27/2010	MF	SB 695	TC - SCE re: local migration proposal	0.50
1/28/2010	MF	SB 695	Conference call w/ AReM & SCE; rewrite Local RA	3.75
1/29/2010	MF	SB 695	Emails re: joint comments	0.50
1/30/2010	MF	SB 695	Edit joint comments	1.25
1/31/2010	MF	SB 695	Review emails re: joint comments	0.75
2/1/2010	MF	SB 695	Review party comments	1.25
2/1/2010	MF	SB 695	Conference call w/ Joint Parties re: comments	2.00
2/1/2010	MF	SB 695	Draft TURN's Separate reply comments	1.00
2/9/2010	MF	SB 695	Review PD and memo to Joint Parties	1.50
2/16/2010	MF	SB 695	Review emails and decision for comments	1.25
2/17/2010	MF	SB 695	TC w/ SCE and AReM	1.50
2/22/2010	MF	SB 695	Conference call w/ SCE & AReM	1.25
2/23/2010	MF	SB 695	Review & comment on draft of joint PD comments	0.75
2/24/2010	MF	SB 695	TCs and review comments on draft PDCs	2.50
2/25/2010	MF	SB 695	Draft comments on RA Appendix 3	0.75
2/26/2010	MF	SB 695	TCs & Emails re: joint comments	0.50
2/28/2010	MF	SB 695	Review and comment on draft PDCs	1.75
3/1/2010	MF	SB 695	Finish comments and review others'	1.50
3/2/2010	MF	SB 695	Review issues for possible reply	1.25
3/4/2010	MF	SB 695	TC w/ Joint parties re: reply	0.75
3/5/2010	MF	SB 695	Review and comment on draft reply	1.00
3/9/2010	MF	SB 695	Review reply comments	0.50
3/10/2010	MF	SB 695	Review revised PD and follow-up	4.75
3/10/2010	MF	SB 695	Meeting w/ C Brown & Shea	1.00
3/11/2010	MF	SB 695	TCs and emails re: decision	0.50
3/15/2010	MF	SB 695	TC w/ Energy Division	0.50
3/15/2010	MF	SB 695	Review decision	0.50
3/16/2010	MF	SB 695	TC w/ DA parties re: modification	0.50
3/18/2010	MF	SB 695	TC w/ SDG&E & ESPs	0.50
3/19/2010	MF	SB 695	Email and TCs re: modification	0.50
3/24/2010	MF	SB 695	Edit draft petition for modification	0.75
3/25/2010	MF	SB 695	Review and edit pet mod	0.75
4/2/2010	MF	SB 695	Review SCE advice letter	0.50
4/14/2010	MF	SB 695	Review and edit response to SDG&E comments	0.75
4/15/2010	MF	SB 695	Final review of Pet Mod response	0.25
5/3/2010	MF	SB 695	E.D. workshop on load migration forecasts	2.25

Date	Attorney	Activity	Description	Time Spent
7/6/2010	MF	Comp3	Prep for comp request	1.25
7/15/2010	MF	Comp3	Draft comp request	1.75
Total: 2010				64.50
Total: MF				68.50
Grand Total				68.50

**Attachment 2:**

**Detail of TURN's Expenses  
In SB 695 Implementation Phase of R.07-05-025**

Date	Activity	Description	Billed
<u>Activity: \$Copies</u>			
12/7/2009	Photocopies	Procedural Comments on SB 695 Implementation Issues. 2cc x 5pp	\$2.00
1/5/2010	Photocopies	Substantive Comments on SB 695 Implementation Issues. 10pp x 2cc	\$4.00
2/2/2010	Photocopies	Separate Reply Comments on SB 695 Implementation Issues. 4pp x 2cc	\$1.60
Total: \$Copies			\$7.60
<u>Activity: \$Postage</u>			
2/2/2010	Postage	Separate Reply Comments on SB 695 Implementation Issues.	\$1.60
Total: \$Postage			\$1.60
Grand Total			\$9.20

**Attachment 3:**

**Certificate of Service by Customer**

I hereby certify that I have this day served a copy of the foregoing **CLAIM AND ORDER ON REQUEST FOR INTERVENOR COMPENSATION** by (check as appropriate):

- hand delivery;
- first-class mail; and/or
- electronic mail

to the following persons appearing on the official Service List for R.07-05-025:

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