

Decision \_\_\_\_\_

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

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Services Effective on January 1, 2011	Application 09-12-020 (Filed December 21, 2009)
Order Instituting Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Service, and Facilities of Pacific Gas and Electric Company	Investigation 10-07-027 (Filed July 29, 2010)

**CLAIM AND DECISION ON REQUEST FOR INTERVENOR COMPENSATION**

<b>Claimant: Consumer Federation of California</b>	<b>For contribution to D. 11-05-018</b>
<b>Claimed (\$): 214,007. 50</b>	<b>Awarded (\$):</b>
<b>Assigned Commissioner: Peevey</b>	<b>Assigned ALJ: David K. Fukutome</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: /s/ Nicole A. Blake</b>	
<b>Date: July 07, 2011</b>	<b>Printed Name: Nicole A. Blake</b>

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

**A. Brief Description of Decision:**

This Decision, D.11-05-018, adopts a settlement agreement with modifications and clarifications that resolves all but one issue in PG &E's test year 2011 general rate case (GRC). The remaining issue related to the ratemaking treatment for undepreciated plant balance associated with electric meters that are replaced by SmartMeters, that plant balance will be amortized over a six year period with the associated rate of return on the unamortized balance reduced to 6.3% to reflect the reduced

regulatory risk for the plant.

**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:	February 19, 2010	
2. Other Specified Date for NOI:	March 22, 2011	
3. Date NOI Filed:	March 22, 2010	
4. Was the notice of intent timely filed? Yes, Assigned Commissioner Peevey's Ruling and Scoping Memo issued on March 05, 2010 set a date of March 22, 2010 as the deadline for parties to the proceeding to file NOIs.		
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	N/A	
6. Date of ALJ ruling:	N/A	
7. Based on another CPUC determination (specify):	D. 11-04-028	
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:	08-12-009	
10. Date of ALJ ruling:	May 13, 2009	
11. Based on another CPUC determination (specify):	N/A	
12. Has the claimant demonstrated significant financial hardship?		
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision	D. 11-05-018	
14. Date of Issuance of Final Decision:	May 13, 2011	
15. File date of compensation request:	July 12, 2011	
16. Was the request for compensation timely? Yes		

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

#	Claimant	CPUC	Comment

**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
<p>1. <u>Quantifying cost savings</u>- From the the very beginning of the proceeding CFC recommended that PG&amp;E should take not only added costs in the base year but should also factor in cost savings resulting from programs. CFC argued through out the proceeding in hearing and in comments that the value of improvements to PG&amp;E’s services should be measured and used to offset the increased cost of improving service.</p>	<p>Order #37 in Decision 11- 05-018 at page; § 3.12(n) of Settlement Agreement:                      “In future general rate cases, Pacific Gas and Electric Company shall not add a new type of cost to the revenue requirement without estimating and including in the revenue requirement the cost savings to be achieved by the new type of cost or an explanation of the reasons there will be no cost savings”</p>	
<p>2. <u>Balancing accounts</u>: CFC argued tirelessly both in comments and in evidentiary hearings and testimony that balancing accounts for PG&amp;E rule 20A, major emergencies, healthcare, RD&amp;D, renewable generation are inappropriate as a the purpose of a balancing account is to show a certain cost is so substantial that it deprives the utility of an opportunity to earn a fair return. CFC argued that the costs PG&amp;E proposed for balancing account treatment do not satisfy the Commission’s standard and is against regulatory policy.</p>	<p>Order #30 in D. 11-05-018 at page:                      “Pacific Gas and Electric Company’s requests for new balancing accounts for health care costs; New Business/Work at the Request of Others/Rule 20A; renewable energy projects; uncollectibles; emergencies and catastrophic events; and research development and demonstration expenses are denied. Pacific Gas and Electric Company shall continue with current electric and gas sales mechanism balancing accounts (Distribution Revenue Adjustment Mechanism, Utility Generation</p>	

<p>CFC (and Aglet) also argued that balancing accounts would inappropriately shelter costs from GRC-level scrutiny.</p> <p>The Commission adopted CFC's recommendation to deny new balancing accounts for the abovementioned costs.</p>	<p>Balancing Account, Core Fixed Cost Account, and Noncore Distribution Fixed Cost Account) through 2013.”</p> <p>Ex. CFC-1, pp. 27-33.</p>	
<p>3. <u>Transferring PG&amp;E corporation employess to the Utility:</u></p> <p>CFC argued against the transfer of 183 employees using the Commission's affiliate transaction rules stating that “A utility, its parent holding company, and its affiliates shall be separate corporate.” CFC further argued against PG&amp; E receiving funding for the transfer of PG&amp;E corporation employees to the Utility.</p>	<p>D.11-05-018 at 12.; Tr. Vol. 22, 2691:20-22, CFC/Wodtke.; Settlement Agreement § 3.6.2(d)</p> <p>Order #27/Settlement Agreement at page 1-13: “During the term of this 2011 test year general rate case cycle, Pacific Gas and Electric Company shall not accept a permanent transfer of an employee from an affiliate (including Pacific Gas and Electric Company Corporation) unless A.09-12-020, I.10-07-027 COM/MP1/hkr/oma Pacific Gas and Electric Company is able to demonstrate that there was a need for that employee, that the employee was fully qualified for the position compared to other persons (including non-employees) that may be reasonably available to Pacific Gas and Electric Company, and that the compensation to be paid the employee is within market range. Prior to any such transfer, Pacific Gas and Electric Company shall memorialize its assessment of need and qualifications, including whether Pacific Gas and Electric Company interviewed other candidates to fill the position. To the extent that costs associated with such transfer of employees are sought in the next general rate case, Pacific Gas and Electric Company shall make its assessments available to interested parties in the next general rate case.</p>	

	<p>“Given the positions taken by intervenors, the resolution of these issues as described above is supported by the record. Specifically, the Agreement balances CFC’s concerns about employee transfers from PG&amp;E Corporation to the Utility, with PG&amp;E’s management discretion to adjust its organizational structure without undue and costly procedural hurdles. In light of the various compromises set forth in the Agreement, the resolution of these issues as described above is reasonable and in the public interest.”  Motion to Adopt Settlement Agreement at 68.</p>	
<p>4. <u>DIMP</u>  CFC argued that PG&amp;E should have included estimated cost savings in its adjustment to offset PG&amp;E’s forecasted DIMP expenditures.  The Commission incorporated CFC’s recommendation through the Settlement Agreement.</p>	<p>1. CFC-1, p. 16, line 20 to p. 17, line 7; Ex. CFC-29, p. 16 line 11 to p. 17, line 5.</p> <p>2. Settlement agreement at 1-6 § 3.3.2.</p> <p>3. Motion to adopt Settlement Agreement at 39:  “Section 3.3 of the Agreement requires that PG&amp;E create a MWC for its DIMP, with a one-way balancing account mechanism set at \$60 million for DIMP costs for the term of the GRC cycle (2011-2013). Any net unspent DIMP funds at the end of this GRC cycle would be returned to customers in the next GRC. The types of work this funding would cover include development and improvements in the following areas: DIMP program, preventive maintenance, leak surveys, operator qualifications, training and programs such as cross-bored sewer, marker ball</p>	

	<p>installation, and Aldyl-A. Given PG&amp;E's, DRA's, TURN's and CFC's recommendations in this area, this provision is supported by the record. In light of the various compromises set forth in the Agreement, this provision is reasonable and in the public interest." Motion to adopt settlement agreement at 39.</p>	
<p><u>5. Reducing Smart Meter and Smart Grid Funding</u></p> <p>CFC argued (along with DRA &amp;TURN) that PG&amp;E's should reduce spending on Smart Meter and Smart Grid within this GRC, particularly because PG&amp;E did not adequately quantify these benefits in the form of cost savings that may be achieved with Smart Grid or SmartMeters.</p>	<p>Tr. Vol. 14, 1504-1517:CFC/Wodtke.</p>	
<p><u>6. Translating SAP forecasted dollars into FERC accounts</u></p> <p>CFC argued that PG&amp;E current method of accounting whereby PG&amp;E keeps track of expenses using a SAP system and the expenses are then translated into FERC dollars is unreliable and results in double-billing to ratepayers. CFC demonstrated that PG&amp;E's SAP accounting process is contrary to the Commission's expectations of transparency. CFC argued that it is the Commission's expectation in SAP accounting to make the accounting matters "thoroughly transparent." However, CFC argued that SAP accounting is not transparent with PG&amp;E stating that "they do not have a manual for translating SAP forecasted dollars in FERC accounts.</p>	<p>Ex. CFC-1, p. 23, lines 21-29;p.34 lines 1-26, p. 25, lines 1-27; p.26, lines 1-30;p.27, lines 1-28.</p>	
<p><u>7. New Business/WRO (Section 3.2.1(a))</u></p> <p>CFC commented on PG&amp;E's New Business forecast, testifying that the net cost of extensions of service is</p>	<p>1. Ex. CFC-1, p. 21, lines 3-11 and p. 34, lines 3-4; Ex. CFC-29, p. 20, lines 21-26 and p. 21, lines 1-2</p> <p>2. Section 3.2.1 (a) of Settlement Agreement at page 1-4</p>	

unknown. As a result of CFC's (and DRA's) recommendations, Section 3.2.1(a) of the Agreement provides that PG&E shall remove \$8 million in forecast New Business/WRO from PG&E's requested GRC revenue requirements.	"Section 3.2.1(a) of the Agreement provides that PG&E shall remove \$8 million in forecast New Business/WRO from PG&E's requested GRC revenue requirements. Given DRA's and CFC's recommendations in this area, this provision is supported by the record. In light of the various compromises set forth in the Agreement, this provision is reasonable and in the public interest." Page 31 of the Motion to Adopt Settlement.	
8. <u>Attrition adjustments</u> CFC argued that, in light of the economy, PG&E should not be entitled to any attrition adjustment.	Ex. CFC-1, pp. 13-14.	
9. Base year that reflects current economic condition. CFC recommended that Commission postpone consideration of PG &E's rate application until PG&E evaluates, and adjusts 2009 recorded data	CFC exhibit 1 page 8-11.	

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

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>a. Was DRA a party to the proceeding? (Y/N)</b>	<b>Yes</b>	
<b>b. Were there other parties to the proceeding? (Y/N)</b>	<b>Yes</b>	
<b>c. If so, provide name of other parties:</b> Alget; California City-County Street Light Association (CAL-SLA); California Farm Bureau Federation (CFBF); Coalition of California Utility Employees (CCUE); Direct Access Customer Coalition (DACC); Disability Rights Advocates (DisabRA); Energy Producers and Users Coalition (EPUC); Engineers and Scientists of California, Local 20 (ESC); Merced Irrigation District (Merced ID); Modesto Irrigation District (Modesto ID); South San Francisco Joaquin Irrigation District (SSJID) Western Power Trading Forum (WPTF); Women's Energy Matters (WEM); Greenlining Institute (Greenlining); City and County of San Francisco (CCSF); Southern California Edison.		
<b>d. Describe how you coordinated with DRA and other parties to avoid</b>		

**duplication or how your participation supplemented, complemented, or contributed to that of another party:**

CFC did not duplicate the work of other parties. Although parties took a position that focused on PG&E decreasing its spending, CFC took unique positions when it came to issues such as postponing charging costs of new programs that are not essential or well-developed; using a different base year than 2008 for application that reflects the economic downturn, elimination of funding for DIMP, Technical training or LED streetlight replacement, elimination of balancing accounts for Rule 20A, major emergencies, RD &D , renewable generation; and an audit by regarding PG&E’s Proposition 16 spending.

Particularly, CFC took the lead in arguing that Affiliate Employee transfers during the proceeding which led to PG&E agreeing to PG&E shall not accept a permanent transfer of an employee from an affiliate (including PG&E Corporation) unless there is a need for the employee, the employee is fully qualified when compared to other employees and non-employees, and the compensation to be paid the employee is within market range.

Also, CFC took the lead in the argument revolving PG&E forecasting cost savings that may likely accompany cost increases in the GRC.

In conclusion, there is always some confluence of opinion when more than one consumer group participates, but each group seems to have a particular take on the subject and makes an original contribution.

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

#	Claimant	CPUC	Comment
1-10	Nicole A. Blake		<p>CFC argued on many specific cost issues during the course of this proceeding. CFC agreed to participate in the settlement agreement because CFC believes that it advanced the public interest of providing safe and reliable utility service. It is the nature of a settlement agreement that parties agree to compromise on certain issues, often settling on portions of their position. The Commission commended the Settling Parties for reaching an agreement that significantly reduced time and expense associated with the Commission’s deliberation of a fully litigated case. The Commission also recognized that the Settling Parties devoted a substantial amount of time and effort in achieving the settlement agreement. As a result of the settlement, the Commission stated in this D.11-05-018 that although “the Settling Parties resolved a number of specific issues in reaching agreement on these revenue requirement increase amount and levels...many costs raised during this proceeding is considered subsumed in overall settled revenue requirements for various segments of PG&amp;E’s operations such as electric distribution, gas distribution, energy, supply, customer care, A&amp;G expenses, shared services, depreciation, and capital-costs.” D. 11-05-018 at 16.</p> <p>CFC feels that settling on aspects of its position in the interest of a “just, speedy, and inexpensive determination of the issues presented” should not</p>



			mean a compromise in CFC’s compensation award. CFC worked tirelessly to deconstruct costs and PG&E’s potential overspending. It is because of CFC’s work as well as other parties that we were able to achieve an overall reduction of PG&E’s revenue requirement that will benefit utility customers. Consequently, CFC asks for an award of the full amount requested.
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**PART III: REASONABLENESS OF REQUESTED COMPENSATION** (to be completed by Claimant except where indicated)

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

<b>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)</b>	<b>CPUC Verified</b>
<p>The settlement and other provisions of D.11-05-018 will result in a \$615 million reduction of PG&amp;E’s proposed revenue requirement in PG&amp;E’s request. This will translate into direct ratepayer savings.</p> <p>As for CFC’s effort, the Settlement Agreement removes \$8 million in forecast New Business/WRO from PG&amp;E’s requested GRC revenue requirement.</p> <p>As for DIMP expenditures, the Settlement Agreement required that PG&amp;E create a MWC for its DIMP, with a one-way balancing account mechanism set at \$60 million for DIMP costs for the term of the next GRC cycle, with any unspent funds at the end of the cycle to be returned to customers in the next GRC.</p> <p>Section 3.6.2 (d) of the Settlement Agreement provides that, during the term of this 2011 test year GRC cycle, PG&amp;E shall not accept a permanent transfer of an employee from an affiliate (including PG&amp;E Corporation) unless there is a need for the employee, the employee is fully qualified when compared to the other employees and non-employees, and compensation to be paid within market range. It is unknown the exact monetary benefits ratepayers will realize from this adoption however, PG&amp;E will have to account for reasons why this transfer is necessary in the future.</p> <p>Because of CFC’s efforts PG&amp;E’s proposal for new balancing accounts will not be adopted. This adoption lessens the possibility of sheltering costs from GRC-level scrutiny.</p> <p>The Settling Agreement adopts the recommendation proposed by CFC regarding including cost savings in its forecast. Specifically, it provides that in future GRCs, PG&amp;E will not add a new type of cost to the revenue</p>	

requirement without estimating and including in the revenue requirement the savings to be achieved by the new type of cost or an explanation of the reasons there will be no cost savings. Ratepayers will benefit in the form of added Commission scrutiny over PG&E revenue requirement.

**B. Specific Claim:**

CLAIMED						CPUC AWARD			
<b>ATTORNEY AND ADVOCATE FEES</b>									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Alexis Wodtke	2010	608.8	\$350	D. 11-04-028	\$213,080				
N/A									
<i>Subtotal:</i>						<i>Subtotal:</i>			
<b>EXPERT FEES</b>									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
N/A									
N/A									
<i>Subtotal:</i>					\$213,080	<i>Subtotal:</i>			
<b>OTHER FEES</b>									
Describe here what OTHER HOURLY FEES you are claiming (paralegal, travel, etc.):									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
N/A									
<i>Subtotal:</i>						<i>Subtotal:</i>			
<b>INTERVENOR COMPENSATION CLAIM PREPARATION **</b>									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Alexis Wodtke	2010	1.5	\$175.00	D. 11-04-028	\$262.50				
Nicole A. Blake	2011	12	\$87.50	See Attachment 1	\$1,050				
<i>Subtotal:</i>					1,312.50	<i>Subtotal:</i>			
<b>COSTS</b>									
#	Item	Detail			Amount	Amount			
<i>Subtotal:</i>						<i>Subtotal:</i>			
<b>TOTAL REQUEST \$:</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 ½ 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
1	Basis for Rate Explanation
2	Certificate of Service
3	Hours/Issue Record

**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(c)(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:**

**Basis for Rate**

Resolution ALJ-267 adopted Intervenor rates for year 2011. Ms. Blake is a staff attorney at Consumer Federation of California with 1 ½ years of attorney experience. The rate range for 0-2 years adopted by the Commission in Resolution ALJ-267 is \$150-205. CFC feels that based on Nicole Blake's experience an hourly rate of \$175 is appropriate. CFC divided this hourly rate in half for Intervenor Compensation preparation.

**Attachment 2:  
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:

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