

Decision \_\_\_\_\_

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

[Proceeding Name] Application of SCE et al. for Approval of 2009-2011 EE Program Plans	[Proceeding Number] A0807021, A0807022, A0807023, A0807031
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**CLAIM AND DECISION ON REQUEST FOR INTERVENOR COMPENSATION**

<b>Claimant:</b> WEM	<b>For contribution to D.</b>	
<b>Claimed (\$):</b> 6030	<b>Awarded (\$):</b>	
<b>Assigned Commissioner:</b> Ferron	<b>Assigned ALJ:</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/Barbara George		
<b>Date:</b> 11-8-11	<b>Printed Name:</b>	Barbara George

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

**A. Brief Description of Decision:** The decision modified decision D0909047, and denied rehearing, as modified.

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

	Claimant	CPUC Verified
<b>Timely filing of notice of intent to claim compensation (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	3-16-09	
2. Other Specified Date for NOI:	N/A	

3. Date NOI Filed:	4-15-09	
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:		
6. Date of ALJ ruling:		
7. Based on another CPUC determination (specify):	D1107026	
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:		
10. Date of ALJ ruling:		
11. Based on another CPUC determination (specify):	D1107026	
12. Has the claimant demonstrated significant financial hardship?		
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision	D1109020	
14. Date of Issuance of Final Decision:	9-9-11	
15. File date of compensation request:	11-8-11	
16. Was the request for compensation timely?		

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

#	Claimant	CPU C	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
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		<b>by CPUC</b>
<p>1. Among other things, WEM’s AFR questioned OP 39 of the decision, which granted utilities the ability to assess local government EE programs and modify <u>or eliminate</u> them.</p> <p>WEM was concerned that the utilities would be able to dish out retribution for local governments that pursue Community Choice or municipalization.</p>	<p>“The decision modified Ordering Paragraph Number (“OP”) 39 of D.09-09-047, to more closely conform the language in this OP with the text of the Decision.” D1109020, p. 2.</p> <p>The words, “or eliminate” were struck from the modified paragraph, and the phrase “as warranted” was changed to “as directed herein.” This reined in the power of utilities to deal unfairly with local govt EE programs.</p>	
2.		

**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>	Y	
<b>b. Were there other parties to the proceeding? (Y/N)</b>	Y	
<b>c. If so, provide name of other parties: TURN, NRDC, CCSEF, LGSEC</b>		
<p><b>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:</b></p> <p>WEM pursued its AFR separately, without involving other parties.</p>		

**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):**

<b>Concise explanation as to how the cost of claimant’s participation bears a reasonable relationship with benefits realized through</b>	<b>CPUC Verified</b>
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<b>participation (include references to record, where appropriate)</b>	
WEM's efforts to bring EE misuse to the attention of the Commission, and to prevent such misuse by filing this AFR, among other things, was successful in reducing the misuse of funds and reining in the power of IOU administrators. The modifications in this decision put utilities on notice that there are limitations to what they can do to local government's EE programs, to prevent such misuse. The Commission was aware of PG&E's efforts to prevent formation of CCAs, including documented instances of manipulating EE funds and programs. If PG&E had been successful in preventing Marin Energy Authority from becoming a CCA, ratepayers would have been unable to purchase 27% renewable energy (as opposed to 17% by PG&E). The increased GHG emissions reductions of MEA are worth considerable funds to MEA cities and the county, although the exact amounts cannot be quantified at this time.	

**B. Specific Claim:**

CLAIMED						CPUC AWARD			
<b>ATTORNEY AND ADVOCATE FEES</b>									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
[Atty 1]			\$180	D0906016	6030				
[Atty 2]									
<i>Subtotal:</i>						<i>Subtotal:</i>			
<b>EXPERT FEES</b>									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
[Expert 1]									
[Expert 2]									
<i>Subtotal:</i>						<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 \$
[Person 1]									
[Person 2]									
<i>Subtotal:</i>						<i>Subtotal:</i>			
<b>INTERVENOR COMPENSATION CLAIM PREPARATION **</b>									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
[Preparer 1]									
[Preparer 2]									

	<b>Subtotal:</b>			<b>Subtotal:</b>	
<b>COSTS</b>					
<b>#</b>	<b>Item</b>	<b>Detail</b>	<b>Amount</b>	<b>Amount</b>	
<b>Subtotal:</b>				<b>Subtotal:</b>	
<b>TOTAL REQUEST \$:</b>				<b>TOTAL AWARD \$:</b>	
<p>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.</p>					

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

<b>Attachment or Comment #</b>	<b>Description/Comment</b>
1	Certificate of Service

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

<b>#</b>	<b>Reason</b>

**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)?**

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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)?**

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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:  
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:

[Insert names and addresses from official Service List]

Executed this [day] day of [month], 200\_, at [city], California.

[Signature]

[Printed name and address]



