Agenda ID #____

Decision ____ _____ _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U338E) for Approval of its 2009-2011 Energy Efficiency Program Plans and Associated Public Goods Charge (PGC) and Procurement Funding Requests.	A08-07-021 (Filed July 21, 2008)
And Related Matters.	A08-07-022 A08-07-023 A08-07-031

CLAIM AND DECISION ON REQUEST FOR INTERVENOR COMPENSATION

Claimant: **Women's Energy Matters**			**For contribution to D. 11-09-020**
Claimed ($): 5,745.00			**Awarded ($):**
Assigned Commissioner: Mark Ferron			**Assigned ALJ: David Gamson**
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). **Signature:** **/s/Barbara George**			
Date:	**11-8-11**	**Printed Name:**	**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
Timely filing of notice of intent to claim compensation (§ 1804(a)):		
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?		
Showing of customer or customer-related status (§ 1802(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?		
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding numberD1		
10. Date of ALJ ruling:		
11. Based on another CPUC determination (specify): D1	D1107026	
12. Has the claimant demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
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	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
1. WEM's Application for Rehearing (AFR) objected to language in the decision that allowed utility administrators of energy efficiency (EE) to treat local governments (LGs) unfairly in regards to EE program funds. WEM opposed PG&E's efforts to interfere with Marin establishing a Community Choice program, by offering special deals on EE. We argued that LGs should be allowed to administer their own EE programs, as provided in the Community Choice law (AB117). Among other things, WEM's AFR questioned several subparagraphs of OP 39 of D0909047. WEM AFR, p. 11, p. 14. We specifically identified OP39 subpara 9, which granted utilities the ability to assess local government EE programs and modify or eliminate them. Ibid, pp. 23-24. We objected to this paragraph in part because it appeared to improperly grant utilities the authority to evaluate LG programs on their own, when evaluation, measurement & Verification (EM&V) is the province of Energy Div. We argued that utilities should not have the authority to eliminate LG programs and confiscate their funds. We discussed the utilities' Whole House program, which was being rolled in with other residential programs that	The decision made a significant change in D0909047, pursuant to the issues raised by WEM's Application for Rehearing (AFR): "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. The words, "or eliminate" were struck from the modified paragraph, and the phrase "as warranted" was changed to "as directed herein." This helps to rein in the power of utility administrators to deal as they please with local governments EE programs.	

would have federal stimulus funding, Since federal stimulus funds were given to Local Governments to administer themselves, WEM charged that the decision wrongly put utilities in a position to control funds that belonged to Local Governments. We noted that the Commission appeared intent on attributing all EE savings to utilities, even if they were achieved by LGs with federal funding. WEM AFR, pp. 26-31.		
2. Our AFR referenced WEM filings in the case where we discussed PG&E's letters and/or PG&E's 6-8-09 presentation to Novato city officials, which was based on the letters. WEM AFR, pp. 7-8, pp. 12-13; fn. 1, p. 12 and fn. 7, p. 13. We cited our comment on the PD, which included PG&E's 6-30-09 letter to Novato as an attachment. We discussed the fact that the offers included a broad scope of EE programs, included streetlight retrofits. Ibid, p. 25. The decision complained that WEM "did not offer any new or specific evidence." Decision, p. 4. WEM's understanding is that the AFR is supposed to be based on evidence already presented in the case. We presented a great deal of evidence of PG&E's misuse of EE funds throughout the case, including links to a video of the 6-8-09 meeting where specific offers were made to Novato that to our knowledge have not been made to other local governments who were not developing Community Choice programs. We asked the Commission to investigate these offers. We noted that the lack of information on the location where EE funds were spent allows for utilities to move funds	The decision stated: "We did not ignore these letters. However, the Commission already considered whether such letters evidence improper behavior.**4** While we agreed they raise some concerns, we did not find such letters establish wrongdoing." Ibid, p. 3. The passage referenced Resolution E-4250, dated April 18, 2010. Ibid, p. 3, footnotes 5 & 6. Resolution E-4250 came out of a different proceeding (Community Choice, R0310003). At the time WEM filed its AFR, there was only an early draft of this Resolution that was subsequently amended several times. It is possible that WEM's AFR helped the Commission to understand that the letters "raise concerns." The Commission has ruled that an intervenor may be compensated for contributing to the Commission's thinking, whether or not it ultimately adopts the intervenor's position.	

to jurisdictions which are attempting to create CCAs, which compete with utilities. Ibid, p. 12-13.		
Throughout WEM's AFR, we discussed the process by which local governments become CCAs, in competition with utilities. We argued that AB117 gave CCAs the right to administer their own EE programs separately from utilities. See, for example, pp. 16-17, 19-20. We discussed anti-trust laws, which outlaw unfair competition, p. 21-22.	The decision referred to earlier proceedings that dealt with CCAs, and EE under CCAs, but stated that the law did not require consideration of independent administration in "proceedings such as this" and pointed out that no party "applied to independently administer any programs." Ibid, pp. 7-8. In Sept.-Oct. 2010, Marin's CCA and other local governments who are forming CCAs participated in a workshop held in D0911014, and requested a *process to apply* to independently administer EE. When none was forthcoming, they took the issue to the legislature and passed SB790, which gives CCA the right to *elect* to become administrators of EE programs. WEM's positions on CCAs in its AFR and in the proceeding informed the Commission of issues that have demonstrated strong support by the public and the California legislature in the years since the AFR.	
WEM's AFR questioned the decision putting utilities in charge of implementing the Strategic Plan, in part because it incorporates entities that are outside utility territories. We discussed how, in the EE Rulemaking, R060410, WEM raised similar objections to the utilities *drafting* the Strategic Plan, which ultimately led the Commission to take charge of completing the Plan. We quoted the Commission's pledge to take the lead in implementing the Plan. We also discussed the role of local governments in the Strategic Plan, and their capability to independently	The Decision did not directly address the question of utilities being put in charge of implementing the Strategic Plan. Regarding utilities improperly controlling functions of local governments, it stated that implementation of the Strategic Plan was "statewide," and therefore was not a "'municipal affair' within the exclusive control of local governments." Ibid, p. 5. It stated: "Developing strategies to achieve program goals is not	

administer EE programs. AFR, pp. 13-14. We charged that OP 39, subpara. 3 "put utilities in charge of picking which aspects of the Strategic Plan Local governments are allowed to participate in." Ibid, p. 14.	synonymous with choosing programs the local governments can participate in." Ibid, pp. 5-6. We note that the decision misconstrued WEM's phrase utilities "picking aspects of the Strategic Plan" as utilities "choosing programs." In any case, many parties including WEM have continued to contest excessive utility control of local govt EE programs (including for CCAs) in the two years since WEM filed its AFR. Although D1109020 made no changes in this aspect of D0909047, the Commission's thinking on the role of local governments in EE is continuing to evolve in the direction that WEM advocated in the proceeding and sought to defend in the AFR. The 10-25-11 Scoping Ruling in the current EE Rulemaking 0911014 signaled the intent to "[Increase] Use of Local Government and Third Party Programs." It stated that they "administer programs separately from the utilities." p. 8.	
	It is clear that the Commission adopted specific recommendations in WEM's AFR in this decision, and that the issues we raised in this AFR made a significant contribution to the evolution of the Commission's thinking in other ways as well. WEM should be compensated in full for our significant contributions in this AFR.	

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

	Claimant	CPUC Verified
a. Was DRA a party to the proceeding? (Y/N)	**Y**	
b. Were there other parties to the proceeding? (Y/N)	**Y**	

c. If so, provide name of other parties: TURN, NRDC, CCSF, LGSEC	
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: **WEM pursued its AFR separately, without involving other parties. We did discuss our plans to file an AFR with TURN and DRA.**	

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

#	Claimant	CPUC	Comment
1.	Issues		Time allocated to various issues addressed in this Request were approximately divided as follows: Local Governments, Community Choice Aggregators and rights thereof to independently administer EE and participate in the Strategic Plan 60%; EM&V & "attribution" issues 20%; Whole House and Federal Stimulus 20%.

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
1. For many months in this proceeding, WEM sought to bring to the attention of the Commission PG&E's misuse of EE funds in service of its opposition to Community Choice efforts in Marin, San Francisco, and elsewhere. Through this AFR we sought to increase the Commission's awareness of the seriousness of the problem, rein in the power of IOUs in their role as monopoly administrators of EE in order to reduce the misuse of funds, and to uphold independent administration of EE as the CCA law allows. The modifications in this decision put utilities on notice that there are limitations to what they can do to interfere with local governments' EE programs. The uncertainty caused by the long-delay in the decision on this AFR may have helped increase concern both inside and outside these proceedings, over whether EE should continue to be monopolized by utilities when local governments are ready, eager, and authorized by law to administer their own programs. During the two years that this AFR was being mulled over, the Commission took action to counter PG&E's efforts to prevent formation of CCAs, including passing Resolution E-4250, which went into greater detail than D0909047 in recognizing the manipulating of EE funds and programs. Meanwhile, Marin's success in	

forming a CCA and providing 27% renewable energy in the first year, despite PG&E's massive opposition and dirty tricks, changed the landscape in California and at the Commission. In the past month Novato and three smaller towns in Marin finally joined the CCA program, which now encompasses the whole county. The Commission has pledged to *increase local government and third party EE programs, administered "separately" from utilities.* WEM's efforts to defend the rights of Local Governments and CCAs to administer EE programs and participate in the Strategic Plan free of utility interference will likely lead to increased energy savings, which will reduce ratepayer bills. WEM's productivity in this AFR can also be seen as one of the reasons why PG&E's anti-CCA behavior was curtailed. Since PG&E was unsuccessful in preventing Marin Energy Authority from becoming a CCA, Marin ratepayers can now purchase 27.5% renewable energy (as opposed to 17% from PG&E), at comparable rates. MEA's increased GHG emissions reductions will enable MEA cities and the county to meet AB32 targets sooner and for less money, although the exact amounts cannot be quantified at this time. MEA's success has changed the perception statewide of how much renewable energy is reasonable to expect, which in turn could lead to GHG reductions for other ratepayers as well.	
2. REASONABLENESS OF RATE WEM requests $5 more for Barbara George's hourly rate in 2011, for a rate of $180. This would be the first increase in Ms. George's rate since 2009, and it is a bit less than 3%, which CPUC has awarded other intervenors. The increase is certainly justified based on her two additional years of experience in multiple CPUC proceedings. Time spent on compensation issues would be billed at ½ of this rate, i.e. $90.00.	

B. Specific Claim:

CLAIMED						CPUC AWARD			
ATTORNEY AND ADVOCATE FEES									
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Year**	**Hours**	**Rate $**	**Total $**
Barbara George	2009	30	$175.	D1005049	5,250.00				
Barbara George	2011	0.5	$180	See PART IIIA, Section 2	90.00				
				Subtotal:	***$5,340***			***Subtotal:***	
EXPERT FEES									
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Year**	**Hours**	**Rate $**	**Total $**
[Expert 1]									
[Expert 2]									
				Subtotal:				***Subtotal:***	

OTHER FEES 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]									
				Subtotal:				***Subtotal:***	
INTERVENOR COMPENSATION CLAIM PREPARATION **									
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Year**	**Hours**	**Rate $**	**Total $**
Barbara George	2011	4.5	90	See Part IIIA, Section 2	$405.00				
[Preparer 2]									
				Subtotal:	405.00			***Subtotal:***	
COSTS									
#	**Item**	**Detail**			**Amount**	**Amount**			
				Subtotal:		***Subtotal:***			
				TOTAL REQUEST $:	**$5,745.00**	**TOTAL AWARD $:**			

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	Certificate of Service
2	WEM Time sheets

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 75th 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.