

**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 Service 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)

**WOMEN'S ENERGY MATTERS
COMMENT ON PROPOSED DECISION ON COMPENSATION**

February 2, 2012

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**WOMEN'S ENERGY MATTERS
COMMENT ON PROPOSED DECISION ON COMPENSATION**

Women's Energy Matters (WEM) appreciates this opportunity to comment on the Proposed Decision (PD) Granting Request of January 13, 2012. The PD proposed to award WEM \$82,350.95, about 33% less than our request of \$122,575.09. We are happy that the Commission agreed that we made a substantial contribution to this proceeding. We request that the Commission restore most of the disallowed funds, for the reasons explained below.

We request a total of \$38,497.50 be restored/added (including time preparing this comment), for a total award of \$120,748.45. For more detail, see each item below, and a summary table, p. 8.

Part II: Substantial Contribution

Under "Showing accepted by CPUC" the PD states, "Since there is no reference to this specific issue in the settlement we are unable to verify WEM's claim" (PD, pp. 4-5) in regard to our entry "WEM recommended that PG&E provide specific information to assist renewable projects to interconnect to its distribution system."

There actually is the following reference in Section 4.3.16 of the decision, p. 14, which specifically stated that WEM's position includes: "recommended that PG&E provide specific information to assist renewable projects to interconnect to its distribution system; recommended procedures to better ensure attention to distribution system maintenance." As a result, Ordering Paragraph 30 denied PG&E's request for new balancing account treatment for renewable energy projects. This is reflected in the settlement agreement, p. 12, and in section 3.4, Energy Supply.

The PD accepted all of our other points about our substantial contribution, subject to certain disallowances and adjustments, which we discuss below.

Part III. C. CPUC's Comments, Disallowances & Adjustments

1. Opening Briefs.

The PD listed the parties who began settlement negotiations on August 4, 2010. PD, p. 12. *The list did not include WEM.* WEM did not join the settlement talks until late August — in part because we doubted that they would be fruitful.¹

¹ In addition, our attorney Mr. Homec felt legally constrained by an unrelated circumstance.

On Aug. 31, when we contacted the settlement parties' leader, James Weil, to discuss participation in the talks, he expressed the view that WEM and PG&E were so polarized that the company would not agree to anything we requested.²

Given this pessimistic assessment, we believed we would probably not be able to settle, and would still have to file a brief, so we kept working on it. Indeed, few of WEM's issues were incorporated in the settlement drafts until we began one-on-one negotiations with PG&E a month later, on October 4th.

By September 15th we were quite discouraged, and decided to ask ALJ Vieth to assist us with Alternate Dispute Resolution (ADR), as ALJ Fukutome had suggested. Instead, ALJ Vieth advised us to meet one-on-one with PG&E.

We were pleasantly surprised to find in one-on-one negotiations that we were less polarized than most people thought.³ For many of our positions, the problem was more that PG&E representatives didn't understand WEM's issues — often because they were novel, and had never been raised by other parties.

We request that the Commission grant compensation for all of our hours spent on the brief up to and including September 1st:

Restore 7.60 hrs. for Homec

Restore 25.25 hrs. for George

2. Costs Unsupported by the Record

Not disputed 1.00 hr. disallowed for Homec

3. Difficulties in Obtaining Access to the Application Materials.

Whether or not other parties have claimed compensation for similar problems — or have ever had similar problems — lack of access to PG&E's Testimony created serious problems for our representatives. These documents were not posted at a publicly available website, so we had to request them from PG&E representatives in order to get started with our review.

Otherwise we would have had to wait until PG&E completed a lengthy screening process for each one of us to be allowed access to the private website where case documents were posted.

² It was common knowledge in this proceeding that WEM was a leading advocate for Marin Clean Energy, the county's Community Choice Aggregation program, which had encountered concerted opposition by PG&E for several years.

³ It helped that by this time Marin Energy Authority was up and running, and Proposition 16 had been defeated. Thus the most polarizing issue — PG&E's efforts to stop Community Choice — had softened a bit.

Whether or not it was intentional, in response to our request PG&E gave us scanned versions of their NOI testimony (filed in summer, 2009), rather than the version filed with their Application (five months later). In other words, these were “image” files and we had to use Optical Character Recognition (OCR) software to convert them to text (which can be searched, or cut and pasted). It didn’t occur to us for some time that these were incorrect documents, and we could find documents online that weren’t scanned.

While our efforts to convert the scanned documents could be considered a “clerical matter,” most of our efforts to understand and then deal with the access problems could not have been delegated, since they related directly to our ability as individuals and as a team to work effectively and efficiently on the case.

Denying us compensation for these efforts would doubly penalize WEM for the wasted time and other problems *that PG&E caused, by withholding information about the private website, then by delaying access to it for more than a week, and finally by providing a disk with incorrect documents.* The Commission should not tolerate PG&E putting up such unforeseeable barriers to parties’ participation, and should compensate us for having to deal with them.

PU Code 1801.3(b) states:

The provisions of this article shall be administered in a manner that encourages the effective and efficient participation of all groups that have a stake in the public utility regulation process.

Restore 7 hrs. for George

Not disputed: Remaining disallowance of 7.63 hrs. for George

4. Work on Issue Outside the Scope of the Proceeding.

We do not specifically request restoration of these hours because the Commission appears to have a hard fast rule about this issue. However we believe these hours were appropriate in this particular case.

While we recognized that the Scoping Memo specifically excluded Philanthropy, one of the major issues that we pursued in the case *overlapped* with “Philanthropy” — i.e. the misuse of a whole variety of funding sources to interfere with Community Choice Aggregators (CCAs) (and municipalization). These included Customer Care, including energy efficiency and solar funds, “economic development and customer retention;”

Administrative and General Funds for advertising, customer events, public affairs, local government lobbying, law and regulatory affairs — as well as philanthropic “donations” to organizations.

We expected to demonstrate in the case that anti-CCA efforts included funds from all of these sources, some of which were supposedly “philanthropic,” and some of which were using above-the-line funds (e.g. energy efficiency) that should have been shareholder funds (i.e. should have been put in below-the-line categories, one of which might have been “philanthropy”). In our planning stages, e.g. 3/11, 3/14 George discussed these questions with team members and conducted research on them on 3/24.

We were able to successfully demonstrate in hearings that anti-CCA efforts drew from a multitude of funding sources; we soon found that we didn’t need to dwell on philanthropy since there were so many other types of funds that were being misused.

Not disputed: 5.25 hrs. for George

5. Clerical Work.

While it is not clear exactly which hours were removed from the request, the list in this section wrongly includes “assigning work” which is not a clerical task. As will be discussed further below, George’s hours spent “assigning work” were related to her role as team leader.⁴

Restore 6 of 19.45 hrs. for George

Not disputed: 13.45 hrs. for George

Not disputed: 0.5 hrs. for Davy

6. Travel Costs

We do not dispute the disallowance of 3 hrs. for Homec and \$273.84 in expenses.

§ II. Reasonableness Analysis

1. Discovery Preparation

The PD shows a misunderstanding of how WEM’s team organized its work. Especially in the early weeks, George relied on Davy and Homec’s initial review of the documents. George was able to be more efficient because she received digested information from them, which enable her to determine what she still needed to review. This was a collaborative effort. The

⁴ As the PD noted: “George’s time records indicate that she performed some internal coordination and case management work for the team, which required more communications with other [team] members.” PD, p. 16, footnote 14.

time George spent “assigning work” (see discussion of disallowance in §5. Clerical Work, above) one of was the ways she communicated and coordinated with the team.

Restore 17.25 hrs. for Davy

2. Document Review and Testimony Preparation.

See item 1 above. The differences between the hours spent by Homec v. George on document review and testimony preparation is due to a similar division of work as between George and Davy. See also, §3, below.

Restore 60.30 hrs. for Homec

3. Work Related to Brief Preparation.

The Community Choice Aggregation (CCA) issue had never before been addressed in the GRCs, and neither had the issue of misuse of energy efficiency funds to prevent CCAs from forming and operating. By contrast, most of the issues addressed by other parties were perennial features of GRC cases. Therefore, it took much more time and effort to figure out how to get traction for WEM’s issues, and that’s why we had to spend more time on testimony, preparation for hearings as well our brief.

As explained above, PG&E representatives simply weren’t familiar with the types of issues we raised — especially the combination of misuse of energy efficiency funds to oppose (or “market against”) CCAs. Other parties had the same problem during the settlement talks, and so did the ALJ in the hearings. Therefore, the fact that our brief was time-consuming was not at all unreasonable.

Restore 15 hrs for Homec (prior to 8/4)

Restore 7.6 hrs. for Homec (between 8/4-9/1)

Restore 26.75 hrs. for George (between 8/4-9/1)

4. Settlement.

The PD states:

We consider participation of more than one representative in the same event inefficient. While the case management decisions are solely the intervenor’s, the ratepayers, who, eventually, pay the intervenor compensation awards through the utility’s rates, should not be burdened with unnecessary costs. Absent a justification for the involvement of two representatives in one event, we reduce each participant’s hours...” PD, p. 15.

It was definitely necessary for both of us to participate in Settlement talks with PG&E, as we had complementary expertise and were able to explain things in different ways in our attempts

to make difficult, unfamiliar issues understood. We also noticed and remembered different things, and were therefore better able to decipher what we heard from others and to create more effective strategies. For the same reasons, it was also good to have both of us involved in some of the phone settlement talks.

For all of these reasons, we were much more effective advocates for ratepayers as a team than we would have been alone. We note that PG&E had three or four representatives at each one-on-one settlement talk with WEM, though some of them said very little. Ratepayers pay for every hour that PG&E lawyers work, and the Commission has no process to review whether they are productive or reasonable.

Restore 8.70 hrs. for Homec

Restore 8.70 hrs. for George

Internal Communications

As described more fully above, we worked together as a team. Since we all work in different cities, we primarily communicate by phone and are able to track these hours. In our past experience, people who work in the same office are able to share information with each other in brief but frequent encounters in the course of the day, which are typically not tracked but are instead included with hours spent on particular issues.

Restore 7 hrs. for Homec

Restore 6 hrs. for George

Restore 7.5 hrs. for Davy

6. Inefficient Efforts

We believe WEM's team was very efficient, and a certain amount of internal duplication of efforts was inevitable. However, we will not dispute these disallowances.

7. Intervenor Compensation

We will also not dispute the Intervenor Compensation disallowances. However, we have no idea how other intervenors can knock off these requests in such a hurry. We doubt that most of them have faced anything like the opposition that WEM has regularly endured from utilities in these proceedings, which have disputed nearly every single one of our requests. It takes more time to write requests that can stand up to such opposition.

Not disputed: Homec 6.5 hrs

Not disputed: George 1.4 hrs. 2010, 6 hrs. 2011, 0.25 hrs. 2011

We will, however, add the following hours that we had to spend researching and writing this Comment on the PD:

Add .5 hrs for Homec (1/2 rate)

Add 6 hrs. for George (1/2 rate)

Summary of disallowances not disputed

We found that the remaining disallowed hours and expenses that we did not dispute appears to be greater than the difference between the original request and the total requested in these comments. We have no way to check the variances between our figures and the Commission's, but we trust that they will be resolved. To aid in that effort, we have listed the hours and expenses that we do not dispute, as well as those we ask to be restored or added.

Summary of restored/added hours requested

Regular Hours (2011)	Homec	George	Davy	Total all
	7.6	25.25	17.25	
	60.30	7	7.5	
	15	6		
	7.6	26.75		
	8.7	8.7		
	7	6		
Total regular hrs. restored	106.20	79.70	24.75	210.65
Rate	\$185	\$175	\$175	
Subtotal Amt Restored-reg. hrs.	\$19,647.00	\$13,947.50	\$4,331.25	\$37,925.75
Total Compensation Hrs. added	0.5	6.0		6.5
Rate	\$92.50	\$87.50		
Subtotal Compens. Hrs. added	\$46.25	\$525.00		\$571.25
Grand Total Restored/Added	\$19,693.25	\$14,472.50	\$4,331.25	\$38,497.50

Conclusion

We appreciated the opportunity to make a substantial contribution to this proceeding. Our efforts provided a great deal of value for ratepayers, far more than our compensation. We ask that the Commission restore the hours requested herein, and add the hours spent on this comment — for a total award of \$122,431.45.

Dated: February 2, 2012

Respectfully Submitted,

/s/ Barbara George

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