

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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**INTERVENOR COMPENSATION CLAIM OF
THE UTILITY REFORM NETWORK
AND DECISION ON INTERVENOR COMPENSATION CLAIM OF
THE UTILITY REFORM NETWORK**

Claimant: The Utility Reform Network	For contribution to D.11-12-018
Claimed (\$): \$35,339	Awarded (\$):
Assigned Commissioner: Florio	Assigned ALJ: Pulsifer
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/
Date: 2/6/12	Printed Name: Robert Finkelstein

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

A. Brief Description of Decision:	In D.11-12-018, the Commission resolved issues designated as Phase III of this proceeding, relating to the rules and methodologies applicable to Direct Access and Departing Load electric service.
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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 (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	N/A	

2. Other Specified Date for NOI:	Within 30 days of issuance of OIR	
3. Date NOI Filed:	June 25, 2007	
4. Was the NOI timely filed?		
Showing of customer or customer-related status (§ 1802(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?		
Showing of "significant financial hardship" (§ 1802(g)):		
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?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.11-12-018	
14. Date of Issuance of Final Order or Decision:	12/7/11	
15. File date of compensation request:	2/6/12	
16. Was the request for compensation timely?		

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

#	Claimant	CPUC	Comment
	X		In D.10-09-041 the Commission awarded compensation to TURN for its substantial contributions to the decisions issued through mid-2010. Pursuant to Rule 17.2 of the Commission's Rules of Practice and Procedure, having been found eligible for an award of compensation in the earlier phase of this proceeding means TURN remains eligible in this later phase of the same proceeding.

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 the record.)

Contribution	Specific References to Claimant’s Presentations and to Decision	Showing Accepted by CPUC
<p>This is an unusual request for compensation. It is limited to the time that TURN devoted to participating in pre-testimony and pre-hearing workshop and working group activities conducted pursuant to several Assigned Commissioner Rulings. The workshops and working groups were intended to seek consensus or to narrow the differences among the parties over the contentious issues addressed in Phase III of this rulemaking. TURN was a very active participant in these workshops and working group efforts, and TURN submits that the result was a substantial contribution to the proceeding and, by extension, to D.11-10-018.</p> <p>However, due to highly unusual circumstances, TURN’s substantial contribution is not so evident on the face of the decision itself. In early 2011 Mike Florio, TURN’s attorney in this proceeding, was appointed to the Public Utilities Commission. The timing coincided with the end of the workshops and working group effort ended and the remaining issues were to be addressed in prepared testimony and hearings. While Mr. Florio gave TURN as much notice as possible under the circumstances, TURN was not able to fill his position until many months later.</p> <p>Unfortunately, TURN’s reduced staffing in the first half of 2011 and the demands of other Commission proceedings prevented TURN from maintaining its active role in this rulemaking. Therefore TURN did not sponsor testimony or participate in the hearings. As a result, there is little direct evidence of our work in the proceeding on the face of D.11-12-018.</p> <p>The Commission has previously awarded intervenor compensation even where unusual circumstances prevent the intervenor from</p>		

<p>demonstrating its substantial contribution to a final decision. For example, the Commission has awarded intervenor compensation in a number of cases where the proceeding ended without a decision on the merits, due to circumstances beyond the control of the intervenor seeking compensation.¹ Here the circumstances are different, but TURN submits that the same outcome is appropriate.</p> <p>The Commission should find that Mr. Florio's efforts in the working group and workshop settings served to help achieve joint recommendations on some issues and to further illuminate those issues that remained in dispute. In his role as a leading advocate (and for much of the period the sole advocate) on behalf of small bundled service customers, Mr. Florio played an essential role working with the relatively shared positions held by the IOUs on the one hand, and the ESPs and direct access customer representatives on the other. Such efforts constitute a substantial contribution to the later-adopted decision addressing those issues. Given the highly unusual circumstances that have resulted in our current position vis-à-vis this proceeding, the Commission should find that TURN's work covered in this request should be deemed to have made a substantial contribution to D.11-12-018.</p>		
<p>1. The <i>Assigned Commissioner and ALJ Ruling Clarifying Scope and Scheduling Further Proceedings</i> issued June 15, 2010 adopted a schedule for workshops and comments to resolve the remaining issues associated with Senate Bill (SB) 695 implementation. It set two days of technical workshops on issues including switching rules, ESP financial security requirements, transitional bundled service (TBS) rate update, and compliance with resource requirements, among other things.</p>	<p>ACR of June 15, 2010, pp. 3-9.</p>	

¹ See, for example, D.04-03-031 (in A.99-12-024, involving SCE's withdrawn proposal to divest hydroelectric generation facilities), and decisions cited therein.

<p>For each set of issues the ACR asked the parties to address a number of questions laid out in the ruling. TURN was an active participant in those workshops.</p> <p>At the conclusion of the workshops, the parties agreed to continue discussions of these topics in informal working groups, in an effort to narrow the issues in dispute. The three working groups met several times over the next few months. TURN continued to actively participate in the workshops.</p> <p>On November 15, 2010 the three IOUs submitted a Joint Compliance Filing setting forth a general description of the workshop and working group effort, and the resulting areas of consensus and non-consensus. The Summary of Working Groups 2 and 3 attached to the compliance filing indicate that the workshop and working group effort led to joint recommendations covering a number of the a number of the issues regarding resource requirements and process improvements.</p>	<p>Joint Compliance Filing of PG&E, SDG&E and SCE, November 15, 2010</p>	
<p>2. A prehearing conference was conducted on November 5, 2010. The resulting procedural plan for Phase III again began with technical workshops as a vehicle to achieve consensus or narrow disputed issues, with an emphasis on Departing Load power charge indifference amount (PCIA) issues but also including other Phase III issues.</p> <p>Workshops were scheduled for December 7, 14 and 15, 2010. An additional workshop was later added, and was conducted on January 4, 2011. Through the presence of Mr. Florio, TURN was an active participant in each of these workshops.</p>	<p>Assigned Commissioner's Ruling Adopting Amended Scoping Memo and Schedule, November 22, 2010, pp. 3-6.</p>	

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

	Claimant	CPUC Verified
a. Was the Division of Ratepayer Advocates (DRA) a party to the	Yes	

proceeding?		
b. Were there other parties to the proceeding with positions similar to yours?	Yes	
c. If so, provide name of other parties: PG&E, SCE and SDG&E (on some but not all issues).		
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:	<p>TURN avoided duplication of effort in the workshops and working group activities by presenting arguments and analysis that did not merely repeat the other parties' arguments (where we agreed with those parties), but rather provided additional analysis and insight from our relatively unique perspective. Through the years, Mr. Florio has had a well-earned respect for the ability to work with a diverse array of interests and find the approach that achieves an acceptable outcome for all of those interests.</p> <p>From TURN's review of the record, it appears that DRA was not an active participant in the workshops and working group activities that took place from June through at least the end of October 2010. In the later set of workshops, TURN met first with the DRA team in an effort to compare positions and coordinate our work.</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):

a. 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
<p>In a proceeding such as this one, it is not possible to establish a specific dollar amount of savings resulting from TURN's work (or any party's work, for that matter) because the issues are related to establishing the conditions and framework for future transactions. However, several of the issues had to do with ensuring that bundled service customers are not unduly saddled with costs that should be borne by direct access customers or by ESPs, and that ESPs meet their resource adequacy, renewable portfolio standards, and AB 32 requirements. TURN submits</p>	

<p>that the benefits of assisting the Commission to get these issues decided correctly more than outweighs the relatively small amount of participation costs that TURN seeks to recover in this request.</p>	
<p>b. Reasonableness of Hours Claimed.</p> <p>TURN's Request for Compensation includes only those hours directly attributable to Mr. Florio's participation in the working group and workshop activities in the latter half of 2011 and a single workshop in 2012. The hours are primarily for the actual attendance at the workshops or working group meetings, which occurred on ten days during this period. The other time entries cover relatively small amounts of time associated with preparation for the workshops or working group meetings, and attendance at a prehearing conference. The approximately 60 hours sought for compensation here is reasonable given that the figure covers preparing for and attending ten-plus days of events, many of which went all day.</p> <p>TURN's request also includes 4.5 hours devoted the preparation of this request for compensation. TURN has reduced the number of hours included for this effort to reflect the unusual circumstances of this case.</p>	
<p>c. Allocation of Hours by Issue</p> <p>TURN has not sought to allocate by issue the hours included in this request for compensation. This is the third phase of an ongoing rulemaking, with a relatively narrow range of issues covered in the phase. Furthermore, in the workshops and working group sessions covered by this request many sessions covered a number of issues in a manner that would have made allocation difficult. While TURN could have attempted an issue-specific allocation, it would have required devoting far more time to the preparation of this request for compensation in order to obtain and more closely review the detailed agenda for each of the workshop or working group meetings. Therefore TURN submits that it was reasonable to allocate the hours to Phase 3 without a further more specific issue by allocation. If the Commission believes that an attempt at issue-specific allocation is warranted here, TURN requests the opportunity to supplement this section of the request.</p>	

B. Specific Claim:

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Michel P. Florio	2010	61.25	\$535	D.10-05-012, p. 4	\$32,769			

	Subtotal: \$32,769					Subtotal:		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
M. Florio Travel	2010	5.0	\$267.5	Half of approved hourly rate	\$1,337.5			
[Person 2]								
Subtotal:					\$1,338	Subtotal:		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Robert Finkelstein	2012	4.5	\$235	Half of approved hourly rate for 2011	\$1,057			
[Preparer 2]								
Subtotal:					\$1,057	Subtotal:		
COSTS								
#	Item	Detail			Amount	Amount		
2	Travel	Plane fare to and from meeting in Long Beach 10/18/10			\$175			
Subtotal:					\$175	Subtotal:		
TOTAL REQUEST \$:					\$35,339	TOTAL AWARD \$:		
<p>When entering items, type over bracketed text; add additional rows as necessary.</p> <p>*If hourly rate based on CPUC decision, provide decision number; otherwise, attach rationale.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate.</p>								

C. Attachments Documenting Specific Claim and Comments on Part III (Claimant completes; attachments not attached to final Decision):

Attachment or Comment #	Description/Comment
1	Certificate of Service
	<p>Reasonableness of Expenses: The Commission should find TURN's direct expenses reasonable. The expenses consist of photocopying and postage expenses for pleadings and other documents produced specifically for this proceeding; and travel-related expenses for TURN's consultant attending workshops in this proceeding (airfare, ground transport and parking, and hotel). As explained in comment 1 above with regard to the reasonableness of the travel-related hours included in this request, the travel-related expenses are reasonable. TURN's consultant kept the travel expenses to a minimum by only appearing in person for two of the multitude of events related to this proceeding during the 2010-2011 period.</p>

D. CPUC Disallowances, Adjustments, and Comments (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?	
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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(2)(6))?	
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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 requested hourly rates for Claimant’s representatives [,as adjusted herein,] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses [,as adjusted herein,] are reasonable and commensurate with the work performed.
4. 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. [for multiple utilities: “Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay Claimant their respective shares of the award, based on their California-jurisdictional [industry type, for example, electric] revenues for the ^ calendar year, to reflect the year in which the proceeding was primarily litigated.”] 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 decision is effective today.

Dated _____, at San Francisco, California.

Date	Atty	Task	Description	Time Spent
Attorney: MF				
7/8/10	MF	695-2	Conf call w/ IOUs re: bond requirement	0.75
7/12/10	MF	695-2	Workshop at PUC	6.00
7/13/10	MF	695-2	Workshop at PUC	3.00
8/30/10	MF	695-2	Working group meeting @ PG&E	7.25
8/31/10	MF	695-2	Working group meeting @ Opera Plaza	5.00
9/14/10	MF	695-2	Party call re: equal requirements	0.50
9/20/10	MF	695-2	Call in to workshop in Long Beach	5.00
10/18/10	MF	695-2	Working group meeting in Long Beach	6.00
11/4/10	MF	Ph3	Prep for PHC	0.25
11/5/10	MF	Ph3	Attend PHC	1.25
11/22/10	MF	695-2	Review compliance filings	0.50
11/24/10	MF	695-2	Review revised scoping memo	0.25
11/30/10	MF	695-2	Review party filings on WS topics	0.50
12/2/10	MF	695-2	Discuss WS issues w/ DRA team	1.00
12/7/10	MF	695-2	Attend workshop	7.00
12/14/10	MF	695-2	Attend workshop	7.00
12/15/10	MF	695-2	Attend workshop	3.00
1/3/11	MF	695-2	Prep for workshop	0.50
1/4/11	MF	695-2	Attend workshop on PCIA	5.50
Total: MF				61.25
10/18/10	MF	Travel	Travel to and from meeting in Long Beach	0.00
Grand Total				66.25

Customer Information				
Traveler:	Michel Florio	Email:	mflorio@turn.org	Phone: 5105683565
Booking Number:	5524116	Booked On:	Sun, Oct 10, 2010	
Trip Summary				
For any changes to the itinerary call us 24/7 Toll Free: 866-794-6049				
Flight Summary				
From: Oakland, US (OAK)	Depart: Mon, Oct 18, 2010 7:00 am - 8:19 am (Nonstop)	Reservation ID: FXTWAO		
To: Long Beach, US (LGB)	Return: Mon, Oct 18, 2010 5:25 pm - 6:40 pm (Nonstop)			
Traveler Name	Ticket #	Seat Request	Meal Preference	Special Request
Florio, Michel (Adult)	2797927479107 E-Ticket	Any seat	Any meal	—
Flight Booking Details				
Booking Number:	5524116	Reservation ID:	FXTWAO	
Departing Flight - Monday, Oct 18, 2010				
jetBlue	From Oakland (OAK) 07:00am -Oct 18, Mon	To Long Beach (LGB) 08:19am -Oct 18, Mon	Nonstop Coach	
JetBlue Airways Flight 241 Airbus Industries A320 Jet				
Request Seat				
Airline confirmation: KJUXZU				
Flight Duration: 1hr 19min		Total Trip Time: 1hr 19min		
Return Flight - Monday, Oct 18, 2010				
jetBlue	From Long Beach (LGB) 05:25pm -Oct 18, Mon	To Oakland (OAK) 06:40pm -Oct 18, Mon	Nonstop Coach	
JetBlue Airways Flight 250 Airbus Industries A320 Jet				
Request Seat				
Airline confirmation: KJUXZU				
Flight Duration: 1hr 15min		Total Trip Time: 1hr 15min		
Please note: As Airlines have frequent schedule changes, please call the Airline 24 hours before departure to reconfirm your flight details. Airline Phone Numbers				
Price Details (USD)				
Traveler Type	Ticket Price	Tax & Fee Breakdown		Total

KJUXZU

Flight Price Details			
1 Adult/s	\$ 133.00	\$ 47.40	\$ 180.40
		Insurance Fee:	\$ 0
		Promo Discount:	\$ -5.00
Credit Card: 4388**72		Subtotal:	\$ 175.40
Total Booking Amount:			\$180.40
Total Discount (Savings):			-\$5.00
Total Cost:			\$175.40

Please Note: Your credit card may be billed in multiple charges totaling the above amount.

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Health Documents: Select countries require health documents prior to entry. Please check with each country you are visiting or traveling through to ensure you have the proper vaccinations and any required health documents prior to departure.

Please visit these website for further information:

U.S. Passport Applications, Travel Health/Immunizations, Travel Tips <http://www.travel.state.gov/>

U.S. Travel and Transportation Regulations/ Restrictions www.dhs.gov/

Entry/Documentation Requirements for Foreign Travel,

List of Embassies <http://www.usembassy.gov/>

* **Print the 3-1-1 for Carry Ons** as required by the TSA [Transportation Security Administration] - [click here](#).

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When the reservation information remains the same the ticket will be issued. At the time of ticketing you are bound by the rules, regulations and restrictions of the purchased ticket(s). Your credit card will be billed and is non-refundable.

Most airlines require electronic tickets. In some cases electronic tickets cannot be issued per the reservation or airline; at this time a paper ticket will be issued and a shipping fee will be charged.

Changes: All tickets are non refundable and non changeable. Some tickets where Changes may be permitted are subject to penalties and fare differential based on whether the change will be for dates and/or routing. In order to determine the total applicable fees, you must provide us with new dates and/or routing. There may be fare differential as well as Airlines' and our fees that apply in order to process changes to your itinerary. For assistance you may contact us at our 24/7 toll free call center- 1 866 883 0908. We do not guarantee final processing of any changes as they are subject to many factors beyond our control such as fare and seat availability and other factors. Most tickets have restrictions and may not be changeable even with a fee.

Travel Insurance: If you selected to add **Trip Insurance** to your flight ticket purchase, the payment of your insurance policy will be processed immediately upon the submission of your order thereof. Please [Click here](#), to review the detailed description of your insurance coverage. For questions about your coverage, or to file a claim, or inquire about the status of an existing claim (only if you purchased insurance on or after January 16, 2009) contact Seven Corners at (877) 444-5013 use Plan Code - NWT200901. This number is valid for insurance related questions only.

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After a ticket(s) is issued all OneTravel service fees are non-refundable.

Charge Authorization, Your Electronic Signature Copy

I, Michel P Florio, have read the Terms and Conditions and I understand that this fare is non-refundable. I agree to pay a total amount of USD **175.40** (Credit Card Number:4388**72) for this purchase. This will serve as my Electronic Signature.

Thank you for using "One Travel".

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