

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's own motion to improve distribution level interconnection rules and regulations for certain classes of electric generators and electric storage resources.
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Rulemaking 11-09-011
(Filed September 22, 2011)

DECISION GRANTING COMPENSATION TO CLEAN COALITION FOR CONTRIBUTION TO DECISION 12-09-018

Claimant: Clean Coalition	For contribution to Decision (D.) 12-09-018
Claimed (\$): \$185,020.38 ¹	Awarded (\$): \$185,419.50
Assigned Commissioner: Florio	Assigned ALJ: DeAngelis

PART I: PROCEDURAL ISSUES**A. Brief Description of Decision:**

D.12-09-018 implemented the Phase I all-party settlement re Rule 21 reform.

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:	No PHC	PHC held on February 16, 2012; claimant incorrect.

¹ Due to mathematical errors on the part of Clean Coalition, the total amount claimed is not \$180,674.13, but is \$185,020.38. This information was verified via the timesheets Clean Coalition filed with its claim.

2. Other Specified Date for NOI:	Within 30 days of Scoping Memo	
3. Date NOI Filed:	Jan. 2, 2012	December 8, 2011
4. Was the notice of intent timely filed?		No, but accepted by ALJ.
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):	D.12-09-014 found the Clean Coalition to be an eligible customer.	Correct
8. Has the claimant demonstrated customer or customer-related status?		Yes
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:		
10. Date of ALJ ruling:		
11. Based on another CPUC determination (specify):	D.12-09-014 found the Clean Coalition had demonstrated significant financial hardship.	Correct
12. Has the claimant demonstrated significant financial hardship?		Yes

Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision	D.12-09-018	Correct
14. Date of Issuance of Final Decision:	Sept. 13, 2012	Correct
15. File date of compensation request:	Sept. 13, 2012	November 1, 2012; claimant incorrect
16. Was the request for compensation timely?		Yes

PART II: SUBSTANTIAL CONTRIBUTION

A. Claimant's claimed contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059)

Contribution	Citation to Decision or Record	Showing Accepted by CPUC
The Clean Coalition submitted numerous rounds of comments, redlines of tariffs and related documents, organized and joined conference calls, and attended working groups, workshops and negotiation sessions during the 12 months that led to the Phase 1 settlement and final decision. We also submitted opening comments on the Proposed Decision. The Clean Coalition joined in the settlement. Because the settlement process was confidential, we cannot directly cite our substantial contributions. However, we follow	The decision itself cites the Clean Coalition's involvement a number of times: p. 1 fn1: "The settlement parties include Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E) and Southern California Edison Company (SCE) (jointly, the IOUs), as well as Aloha Systems Incorporated, California Farm Bureau Federation, Center For Energy Efficiency And Renewable Technologies, Clean Coalition, Interstate Renewable Energy	Yes

<p>the guidance provided by D.08-12-18,² D.07-11-024 and other decisions in providing as much evidence as we can to show our substantial contributions.</p>	<p>Council Inc., Sierra Club, Solar Energy Industries Association, SunEdison, Sunlight Partners, Sustainable Conservation, and The Vote Solar Initiative (collectively, Joint Settlement Parties).”</p> <p>p. 21 fn 50: “Workshop comments were received from PG&E, SCE, a developer of mid-size solar generating facilities, the U.S. Department of the Navy, the Interstate Renewable Energy Council, and the Clean Coalition.</p> <p>p. 40, fn 113: “Joint Reply Comments on the Motion for Approval of Settlement Agreement Revising Distribution Level Interconnection Rules and Regulations (Rule 21) (May 1, 2012) (Joint Reply Comments). The Joint Reply Comments were filed by SCE on behalf of itself and PG&E, SDG&E, Aloha Systems, Clean Coalition, Interstate</p>	
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² This decision is most on point and states (p. 6):

Aglet alleges that its involvement was extensive and included participation in 20 Commission-sponsored mediation sessions, preparation of an energy auction proposal and comments on the proposed decision, and participation in a workshop. Normally we expect an intervenor to demonstrate a direct connection between the positions it took during a proceeding and either an ALJ’s proposed decision or the decision adopted by the Commission. In this case, Aglet failed to provide this direct connection because Aglet believed it was barred by Rule 12.6 which prohibits parties from disclosing the detail of negotiations that led to the adopted settlement. We agree with Aglet that given the unique circumstances of this request, we cannot expect Aglet to demonstrate a direct connection. However, we can conclude from Aglet’s request, it did substantially contribute to the settlement. Specifically, in its contribution request, Aglet identified 13 issues that were part of the settlement agreement upon which Aglet claims to have made a substantial contribution. None of the utilities, who will have to pay this contribution request if approved, have objected. Given the confidential nature of settlement discussions and no objections by participants in the settlement discussions to Aglet’s claim of substantial contribution, we conclude that Aglet made a substantial contribution to D.07-09-044 through its participation in settlement discussions.

	Renewable Energy Council, Sierra Club; Solar Energy Industries Association, Sun Edison Sustainable Conservation, and The Vote Solar Initiative.”	
	<p>The Clean Coalition submitted numerous rounds of comments:</p> <ul style="list-style-type: none"> • DSIS Technical Framework Comments, Oct. 10, 2011 • Clean Coalition comments on interconnection cost responsibility, Oct. 28, 2011 • Clean Coalition recommendations on draft Rule 21 tariff, Nov. 29, 2011 • Clean Coalition recommendations on draft Rule 21, part 2, Nov. 30, 2011 • Clean Coalition redlined Reformed Rule 21, Nov. 29, 2011 • Clean Coalition’s revised Screen T proposal, Dec. 12, 2011 • Clean Coalition amendments to Dec. 6th draft Rule 21 tariff, Dec. 12, 2011 • Clean Coalition Redlined Rule 21 tariff, Jan. 17, 2012 • A number of documents shared with the “Joint Environmental and Power Producer” alliance, a group formed to reach common positions on the new Rule 21, Jan. 2012 • Clean Coalition comments on Jan. 20 draft tariff, Feb. 3, 2012 	Yes

	<ul style="list-style-type: none"> • Clean Coalition redlined Screen Q, Feb. 13, 2012 	
	<p>The Clean Coalition attended numerous conference calls and workshops during the settlement negotiations:</p> <ul style="list-style-type: none"> • The Rule 21 Working Groups (2011) • Regular participation in DSIS working group conference calls • Regular participation in all settlement workshops • Participation in final negotiation sessions: Feb. 14 and 15 in San Francisco and numerous rounds of comments 	Yes
	<p>The Clean Coalition submitted a number of documents formally in R.11-09-011:</p> <ul style="list-style-type: none"> • Clean Coalition comments on OIR, Oct. 25, 2011 • Clean Coalition Notice of Intent to Claim Intervenor Compensation, Dec. 8, 2011 • Late-filed Clean Coalition Notice of Intent to Claim Intervenor Compensation, Jan. 2, 2012 • Joint Reply Comments on the Motion for Approval of Settlement Agreement Revising Distribution Level Interconnection Rules and Regulations (Rule 21), May 1, 2012 • Clean Coalition comments on Interconnection Agreement, Independent Study Process and 	Yes

	Preapplication Report Request, June 8, 2012 <ul style="list-style-type: none"> Clean Coalition comments on Proposed Decision, Sept. 4, 2012 	
	The Settlement included numerous issues related to Rule 21 reform. We highlight here the main issues on which the Clean Coalition made a substantial contribution: <ol style="list-style-type: none"> Fast Track MW limits Pre-application Reports Reporting (queues, etc.) Screen Q Screen R Accountability Interconnection Agreements and PURPA language Interconnection Request standardization Interconnection study agreements standardization Phase II length Phase II scope 	Yes

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

	Claimant	CPUC Verified
a. Was ORA a party to the proceeding? ³ (Y/N)	Y	Yes
b. Were there other parties to the proceeding? (Y/N)	Y	Yes
c. If so, provide name of other parties: Comments were filed by numerous parties, including SCE, PG&E, SDG&E, DRA, SEIA, Sierra Club, Vote Solar Initiative, IREC, and various developer and private parties. There are also dozens of other parties to the		Yes

³ The Division of Ratepayer Advocates (DRA) has been changed to the Office of Ratepayer Advocates (ORA).

<p>proceeding that did not submit comments or otherwise take an active part in this proceeding.</p>	
<p>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> <p>The Clean Coalition attempted to collaborate with DRA and we had a number of promising conversations. Ultimately, however, DRA stopped responding without explaining why. We also collaborated actively with the Joint Environmental and Energy Parties (JEPP), an informal collaboration formed for this proceeding only. Last, we held many sidebar conversations and phone calls with the utilities, in order to bring our positions closer together during the course of the extended negotiations.</p> <p>The Clean Coalition’s compensation in this proceeding should not be reduced for any potential duplication of the showings of other parties. In a proceeding involving multiple participants (and there were many in this proceeding), it is virtually impossible for the Clean Coalition to completely avoid duplication of the work by other parties. Moreover, the Commission has noted that duplication may be practically unavoidable in a proceeding such as this where many stakeholder groups are encouraged to participate.</p> <p>In summary, any incidental duplication that may have occurred here should be found to be more than offset by the Clean Coalition’s unique contributions to the proceeding. Under these circumstances, no reduction to our compensation due to duplication is warranted.</p>	<p>Yes</p>

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

<p>Concise explanation as to how the cost of claimant’s participation bears a reasonable relationship with benefits realized through participation:</p>	<p>CPUC Verified</p>
<p>The Clean Coalition has long advocated for more effective interconnection procedures and we were involved in the current Rule 21 reform effort from the outset. The CPUC, Governor and Legislature have all come around to focus on Wholesale Distributed</p>	<p>Verified.</p>

<p>Generation (WDG) in recent years as the most promising market segment for meeting the state’s ambitious renewable energy and climate mitigation goals. However, interconnection procedures for WDG in particular have been broken for some time in California, with projects waiting literally years to interconnect and having almost no certainty regarding the likely costs of interconnection until they are well into the process. This ends up costing ratepayers because developers must charge higher prices for their product due to the uncertainty and high costs of interconnection. This proceeding is designed to reduce costs and uncertainty of interconnection and all of our efforts have been aimed at achieving these same goals. We have consistently advocated for cutting edge solutions to improve interconnection procedures and will continue to do so in Phase II of this proceeding. Specifically, we advocated for low cost Pre-Application Report (\$300) be made available to developers seeking early information about their location without having to go through an entire interconnection process. The Settlement included this feature. We also advocated for improving cost certainty early in the interconnection process and will continue to do so in Phase II. We cannot provide further detail, unfortunately, about our activities without breaking the confidentiality of this proceeding.</p> <p>In terms of allocation of time between issues in this proceeding, we were always careful in terms of using the most appropriate personnel for each task. Sahm White was the lead on most Rule 21 matters, with attorney Tam Hunt assisting substantially on most issues and often taking the lead on drafting documents. Associate Executive Director Ted Ko provided close support and guidance on policy decisions. Attorney Becky Davis provided legal assistance where required. Executive Director Craig Lewis provided review of filed documents and policy positions, as well as weekly discussions, as appropriate. Dyana Delfin-Polk assisted with the comp request.</p> <p>In terms of allocation of time between issues in this proceeding, we cannot provide any detail without breaking confidentiality, but we are happy to provide this detail off the record.</p>	
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B. Specific Claim*:

CLAIMED	CPUC AWARD
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ATTORNEY AND ADVOCATE FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Hunt	2011	114.5	\$330	D.12-09-014 and D.08-04-010	\$37,785	2011	114.5	\$330	\$37,785.00
Hunt	2012	113.5	\$330	D.12-09-014 and D.08-04-010	\$37,455	2012	113.5	\$340	\$38,590.00
Rebecca Davis	2011	28.9	\$205	D.08-04-010	\$5,924.5	2011	28.9	\$205	\$5,924.50
Rebecca Davis	2012	1.9	\$205	D.08-04-010	\$389.5	2012	1.9	\$210	\$399.00
Chase Adams	2012	6	\$205	D.08-04-010	\$1,230	2012	6	\$210	\$1,260.00
Subtotal:					\$82,784.00				\$83,958.50
EXPERT FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Craig Lewis	2011	21.75	\$180	D.12-09-014 and D.08-04-010	\$3,915	2011	21.75	\$180	\$3,915.00
Craig Lewis	2012	14.25	\$189	D.12-09-014 and D.08-04-010	\$2,693.25	2012	14.25	\$185	\$2,636.25
Ted Ko	2011	29.5	\$155	D.12-09-014 and D.08-04-010	\$4,572.5	2011	29.5	\$155	\$4,572.50
Ted Ko	2012	53.75	\$163	D.12-09-014 and D.08-04-010	\$8,761.25 ⁴	2012	53.75	\$160	\$8,600.00
Sahm White	2011	227.75	\$185	D.12-09-014 and D.08-04-010	\$42,133.75	2011	227.75	\$185	\$42,133.75
Sahm White	2012	162	\$194	D.12-09-014 and D.08-04-010	\$31,428	2012	162	\$190	\$30,780.00
Subtotal:					\$93,504.00				\$92,637.50
OTHER FEES									
Describe here what OTHER HOURLY FEES you are claiming (paralegal, travel, etc.):									

⁴ In the original claim, Clean Coalition specified that the total amount claimed by Ted Ko in 2012 was \$3,952.75. This mathematical error has been corrected moving forward.

Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$	
Travel to DSIS negotiations for Tam Hunt	2012	4.5 hours	\$165	Half the normal rate	\$742.50	2012	4.5	\$170	\$765.00	
Travel to Rule 21 working group workshops ⁵	2011	14.25	\$92.5	Half the normal rate	\$1,318.13	2011	14.25	\$92.50	\$1,318.00	
Travel to DSIS settlement meetings for Sahm White	2011	32 hours	\$92.5	Half the normal rate	\$2,960.00	2011	32	\$92.50	\$2,960.00	
Travel to DSIS negotiations for Sahm White	2012	8 hours	\$97	Half the normal rate	\$776.00	2012	8	\$95.00	\$760.00	
<i>Subtotal:</i>					\$5,796.63	<i>Subtotal:</i> \$5,803.00				
INTERVENOR COMPENSATION CLAIM PREPARATION **										
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$	
Hunt	2012	10	\$165	D.12-09-014 and D.08-04-010	\$1,650.00	2012	10	\$170	\$1,700.00	
Dyana Delfin-Polk	2012	13.9	\$92.5	D.08-04-010	\$1,285.75 ⁶	2012	13.9	\$95	\$1,320.50	
<i>Subtotal:</i>					\$2,935.75	<i>Subtotal:</i> \$3,020.50				
COSTS										
#	Item	Detail			Amount	Amount				
<i>Subtotal:</i>						<i>Subtotal:</i>				
TOTAL REQUEST \$:					\$185,020.38	TOTAL AWARD \$: \$185,419.50				
<p>*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p>										

⁵ This travel cost is for Sahm White. This information was obtained by reviewing clean coalition's submitted timesheets.

⁶ In the original claim, Clean Coalition specified that the total amount claimed by Dyana Delfin-Polk in 2012 was \$1,748.25. This mathematical error has been corrected moving forward.

**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate		
Attorney	Date Admitted to CA BAR	Member Number
Tamlyn (Tam) Hunt	January 29, 2002	218673
Rebecca (Becky) Davis	December 1, 2010	271662

C. Clean Coalition's Comments and Attachments on Part III:

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Time record
3	Staff resumes

D. CPUC Disallowances & Adjustments:

#	Reason
1. Increase in 2012 hourly rates.	Abiding by Resolution ALJ-281 2012 hourly rates have been raised to reflect the 2.2% Cost-of-Living Adjustment adopted by the resolution.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the claim (Y/N)?

No

B. Comment Period: Was the 30-day comment period waived (*see* Rule 14.6(2)(6)) (Y/N)?

Yes

FINDINGS OF FACT

1. Clean Coalition has made a substantial contribution to Decision (D.) 12-09-018.

2. The claimed fees and costs 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 \$185,419.50.

CONCLUSION OF LAW

1. The claim, with any adjustment set forth above satisfies all requirements of Public Utilities Code §§ 1801-1812.

ORDER

1. Clean Coalition is awarded \$185,419.50.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company shall pay Clean Coalition their respective shares of the award based on their California-jurisdictional electric and gas revenues for the 2012 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 non-financial commercial paper as reported in the Federal Reserve Statistical Release H.15, beginning January 19, 2013, the 75th day after the filing of Clean Coalition's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. This proceeding remains open.
5. This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1209018		
Proceeding(s):	R1109011		
Author:	ALJ Regina DeAngelis		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Clean Coalition	11/1/12	\$185,020.38	\$185,419.50	No	Resolution ALJ-281

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Tam	Hunt	Attorney	Clean Coalition	\$330	2011	\$330
Tam	Hunt	Attorney	Clean Coalition	\$330	2012	\$340
Rebecca	Davis	Attorney	Clean Coalition	\$205	2011	\$205
Rebecca	Davis	Attorney	Clean Coalition	\$205	2012	\$210
Chase	Adams	Attorney	Clean Coalition	\$205	2012	\$210
Craig	Lewis	Expert	Clean Coalition	\$180	2011	\$180
Craig	Lewis	Expert	Clean Coalition	\$189	2012	\$185
Ted	Ko	Expert	Clean Coalition	\$155	2011	\$155
Ted	Ko	Expert	Clean Coalition	\$163	2012	\$160
Sahm	White	Expert	Clean Coalition	\$185	2011	\$185
Sahm	White	Expert	Clean Coalition	\$194	2012	\$190
Dyana	Delfin-Polk	Expert	Clean Coalition	\$92.50/\$185	2012	\$95/\$190

(END OF APPENDIX)