

Decision \_\_\_\_\_

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

Order Instituting Rulemaking to Continue Implementation and Administration of California Renewables Portfolio Standard Program.	Rulemaking 11-05-005 (Filed May 5, 2011)
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**DECISION GRANTING COMPENSATION TO THE GREEN POWER  
INSTITUTE FOR SUBSTANTIAL CONTRIBUTION TO DECISIONS  
(D.) 11-12-020, 11-12-052, 12-05-035, and 12-06-038**

<b>Claimant: The Green Power Institute (GPI)</b>	<b>For contribution to Decisions (D.) 11-12-020, D.11-12-052, D.12-05-035, and D.12-06-038</b>
<b>Claimed (\$): \$92,419</b>	<b>Awarded (\$): 78,364 (15% reduction)</b>
<b>Assigned Commissioner: Mark J. Ferron</b>	<b>Assigned ALJs: Anne Simon, Regina DeAngelis</b>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief Description of Decision:</b>	D.11-12-020, D.11-12-052, and D.12-06-038 are all parts of the process of implementing the state's new renewables portfolio standard (RPS) law, Senate Bill (SB) 2 (1X). D.12-05-035 implements SB 32.
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**B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:**

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	June 13, 2011	Correct
2. Other Specified Date for NOI:		N/A
3. Date NOI Filed:	July 11, 2011	Correct
4. Was the NOI timely filed?		Yes

Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	Rulemaking (R.) 11-03-012	Correct
6. Date of ALJ ruling:	December 1, 2011	Correct
7. Based on another CPUC determination (specify):		N/A
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:	R.11-03-012	Correct
10. Date of ALJ ruling:	December 1, 2011	Correct
11. Based on another CPUC determination (specify):		N/A
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.12-06-038	Correct
14. Date of Issuance of Final Order or Decision:	June 27, 2012	Correct
15. File date of compensation request:	August 23, 2012	Correct
16. Was the request for compensation timely?		Yes

## PART II: SUBSTANTIAL CONTRIBUTION

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)

Contribution	Specific References to Claimant’s Presentations and to Decision	Showing Accepted by CPUC
<b>D.11-12-020, Procurement Quantity Requirements</b>	(Please note that Attachment 2 includes a list of all GPI Pleadings relevant to this Claim.)	
<p><b>Enforce on a Compliance-Period Basis, Requirement = Sum over Years of Compliance Period the Quantity, Target x Sales</b></p> <p>SB 2 [1X] creates three multiyear compliance periods to span the ten years until the annual mandate of 33% renewables is to be achieved and maintained. The legislation left most of the implementation details to the Commission.</p> <p>The GPI advocated for enforcement on a compliance-period basis only, with the compliance period obligation calculated as the</p>	<p>GPI’s <i>Comments on Targets and Compliance</i>, 8/30/11, at 2, 3, 7.</p> <p>GPI’s <i>Comments on the Proposed Decision</i>, 11/17/11, at 1 – 2.</p> <p>The Decision adopts the GPI’s recommendations for enforcing the new RPS program on the basis of the three statutorily-defined, multiyear-compliance periods, and uses the GPI’s formula for calculating the compliance obligation for each compliance period (D.11-12-020, at 7 – 12, 18).</p>	Yes

<p>sum of the annual sales multiplied by the annual procurement target for each year of the compliance period.</p>		
<p><b>Use Public Process to Create New Reporting Template</b></p> <p>The proposed decision (PD) on Procurement Quantity Requirements directed the energy division to develop a reporting template incorporating the specifications and needs of the new RPS program.</p> <p>The GPI advocated for the use of a public process in the development of the reporting template, and argued for simplification compared to the spreadsheet that was used in the first phase (2003 – 2010) of the RPS program.</p>	<p>GPI’s <i>Comments on the Proposed Decision</i>, 11/17/11, at 2.</p> <p>GPI’s <i>Reply Comments on the Proposed Decision</i>, 11/22/11, at 3.</p> <p>The final text of the Decision adopts our recommendation, directing the Energy Division staff to develop the new reporting template “in consultation with the parties.” (D.11-12-020, at 19.)</p>	<p>Yes</p>
<p><b>D.11-12-052, Portfolio Content Categories</b></p>		
<p><b>Existing Contracts not Altered</b></p> <p>SB 2 [1X] eliminates the Delivery Requirement for renewable energy imported into California that was a part of the state’s RPS program from 2003 – 2011. PPAs that were signed when the requirement was in statute often included language referring to Delivery. The question was: how did the elimination of the statutory language on Delivery pertain to existing contracts?</p> <p>The GPI argued that “on the date that the new legislation becomes effective, all Delivery requirements be removed.”</p>	<p>GPI’s <i>Comments on Content Categories</i>, 8/8/11, at 3.</p> <p>The Decision adopts our approach, noting: “Other parties [GPI noted in footnote] assert that contracts approved by the Commission prior to December 10, 2011 should not be affected. The Decision concludes: “The statutory change, without more, does not alter a contract approved by the Commission.” (Both quotes from D.11-12-052, at 16).</p>	<p>Yes</p>
<p><b>Procurement Transaction Determines Product Category</b></p> <p>SB 2 [1X] creates three RPS procurement categories, which apply to “eligible renewable energy resource electricity products.” The challenge was to interpret this phrase.</p> <p>The GPI argued that the phrase above “means any electrical product produced by a California-eligible generator and sold (and sometimes resold) in the marketplace”</p>	<p>GPI’s <i>Comments on Content Categories</i>, 8/8/11, at 1.</p> <p>The Decision acknowledges our contribution in footnote 30 (at 17), and adopts our approach, noting “The ‘product’ is simply ‘that which meets the criteria for this category or subcategory.’” (D.11-12-052, at 18.)</p>	<p>Yes</p>

<p><b>Unbundled Renewable Energy Certificates (RECs) can be Category 1</b></p> <p>The previous version of the RPS program differentiated between bundled and unbundled RECs with respect to compliance requirements. SB 2 [1X] sets criteria for the new product categories that are not based on the old distinction of bundled vs. unbundled. This led to ambiguity for how to classify RECs generated in-state, but for electricity used behind the meter.</p> <p>The GPI argued that the old distinction between bundled and unbundled were no longer in effect, and that the new statute specifically allowed for behind-the-meter, in-state RECs to be classified as category 1.</p>	<p>GPI's <i>Comments on Content Categories</i>, 8/8/11, at 2.</p> <p>GPI's <i>Reply Comments on the PD</i>, 11/1/11, at 1.</p> <p>The Decision does not adopt our interpretation, instead classifying behind-the-meter, in-state RECs as category 3. Commission President Peevey, in his oral remarks on the Decision, lamented this part of the Decision, and declared that he would file a Concurrence. While our recommendation on this matter was not adopted, we made a substantial contribution by ensuring that a proper and convincing case for category 1 was in the record that was the basis for the Decision.</p>	Yes
<p><b>Scheduled without Substitution</b></p> <p>The statutory criteria for category 1 qualification state, among other things, that import energy must be scheduled into a CA balancing authority "without substituting electricity from another source." This phrase had to be interpreted in order to be implemented.</p> <p>The GPI pointed out the this qualification was more stringent than the old program's delivery requirement, and limited category 1 qualification to out-of-state energy that is scheduled into CA on a single e-tag, which is only a percentage of the energy that is delivered under typical firm and shaped contracts.</p>	<p>GPI's <i>Comments on Content Categories</i>, 8/8/11, at 1 – 2.</p> <p>The Decision acknowledges, on page 22, our insight regarding the stringency of the new requirement, and agrees with our analysis that only energy that originates with the qualified generator, and is scheduled straight through to a CA balancing authority, is eligible under category 1. (See D.11-12-052, at 22 – 27.)</p>	Yes
<p><b>Upfront Showing for Category 3 Energy</b></p> <p>Because SB 2 [1X] employs criteria that are absent in the previous version of the RPS program, the Commission will require new information from retail sellers regarding their procurement transactions.</p> <p>The GPI pointed out that RPS energy in category 3 is the least desirable kind of RPS energy, and that the least that the Commission could do for this category is to limit the upfront showing requirement to the bare minimum</p>	<p>GPI's <i>Comments on the PD</i>, 10/27/11, at 1 – 2.</p> <p>In response to our <i>Comments</i> the requirements for an upfront showing for category 3 energy were reduced and simplified from the text in the PD to the text in the final Decision (see D.11-12-052 at 56 – 57).</p>	Yes

necessary.		
<b>D.12-05-035, Revising Feed-In Tariff Program</b>		
<p><b>Technology-Specific Pricing and setaside</b></p> <p>SB 32 bestows wide latitude for the Commission to use in setting pricing terms for the Feed-In Tariff (FIT) program. The GPI has been a long-time and consistent proponent of the use of technology-based pricing, including cost-based pricing, and of establishing technology setasides for purposes of rewarding special benefits associated with certain kinds of generating resources, and resource diversity.</p>	<p>GPI/Sustainable Conservation <i>Comments on the § 399.20 Ruling</i>, 7/21/11, at 2 – 10 generally, and particularly at 6-8.</p> <p>GPI/Sustainable Conservation <i>Comments on the Revised Staff FIT Proposal</i>, 11/2/11, at 6 – 11.</p> <p>GPI/Sustainable Conservation <i>Reply Comments on the Revised Staff FIT Proposal</i>, 11/14/11, at 3 – 5.</p> <p>Although not adopting our proposal directly, the Decision acknowledges our contribution, and adopts elements of our proposal in differentiating the FIT price into three product categories, including baseload (see D.12-05-035 at 80 – 82), and with separate pricing for each category (see D.12-05-035 at 24 – 27).</p>	Yes
<p><b>Increase Project Size to 3 megawatt (MW)</b></p> <p>SB 32 deals explicitly with renewables projects up to 3 MW in size. However, the Commission had yet to increase the FIT size limitation of 1.5 MW left over from Assembly Bill 1969. The question was posed as to whether to extend the FIT program to projects of 3 MW. The GPI has long been an advocate of increasing the size limit of the FIT program, and advocated for it in this track of the present proceeding.</p>	<p>GPI/Sustainable Conservation <i>Comments on the § 399.20 Ruling</i>, 7/21/11, at 11 – 12.</p> <p>The Decision acknowledges our contribution on page 63, and adopts our recommendation to extend the program to generators up to 3 MW in size (see D.12-05-035 at 62 – 66).</p>	Yes
<p><b>Ten-Day Reporting Requirement</b></p> <p>SB 32 amends § 399.20 by requiring a 10-day reporting period for applications to the FIT program. The GPI argued in favor of increased transparency in the program, and sought guidance with respect to when the 10-day reporting period commenced.</p>	<p>GPI/Sustainable Conservation <i>Comments on the § 399.20 Ruling</i>, 7/21/11, at 13 – 14.</p> <p>The Decision acknowledges our contribution at 89, and adopts the 10-day reporting requirement (see D.12-05-035 at 88 – 92).</p>	Yes
<p><b>Joint Parties' Motion</b></p> <p>GPI joined with a broad coalition of parties in crafting a Motion seeking further consideration of administratively-set FIT prices. We contended that the staff proposal unduly</p>	<p>CEERT, GPI, et al, <i>Joint Motion for a Ruling Directing the Consideration of an Administratively-Determined AC Methodology</i>, 12/19/11, entire document.</p>	Yes

restricted the context of the debate, and that alternative pricing proposals deserved further consideration.	Although not adopted, the Decision acknowledges our contribution in producing a full record on page 104 (see D.12-05-035 at 104 – 105).	
<b>D.12-06-038, RPS Compliance Rules</b>		
<p><b>Transition from Phase 1 to Phase 3 of the California RPS Program</b></p> <p>SB 2 [1X] makes major changes to the state’s RPS statutes, but the legislation says very little about how to transition from the previous phase of the RPS program to the new phase of the program. This left the Commission with the job of determining how to close-out the previous phase of the program and make any necessary adjustments in transition, as well as creating new rules for the new phase of the program.</p> <p>The GPI made a series of substantial contributions concerning the transition from phase 1 to phase 2 of the state’s RPS program. Some of our recommendations were adopted in the Decision while others were not, but in all cases we believe that we made a strong and reasoned case for our position, so that the record upon which the Commission made its determinations was thereby enriched.</p> <p>The major positions that we took on the transition from phase 1 to phase 3 of the RPS program included:</p> <ul style="list-style-type: none"> <li>• SB 2 [1X] does not negate the first phase of the program (2003 – 2010)</li> <li>• Phase 1 program obligations should be fulfilled</li> <li>• New sections 399.15(a) &amp; 399.15(b)(9) are not in conflict</li> <li>• Old contracts are not subject to product categories</li> <li>• The safe harbor is a limited provision</li> <li>• The methodology in the PD for calculating prior deficits is sound</li> </ul>	<p>GPI’s <i>Comments on Targets and Compliance</i>, 8/30/11, at 3 – 4.</p> <p>GPI’s <i>Reply Comments on Targets and Compliance</i>, 9/12/11, at 1, 3 – 4.</p> <p>GPI’s <i>Reply Comments on the PD</i>, 11/1/11, at 2.</p> <p>GPI’s <i>Supplemental Comments on Reporting and Compliance</i>, 2/13/12, at 4.</p> <p>GPI’s <i>Supplemental Reply Comments on Reporting and Compliance</i>, 2/21/12, at 3.</p> <p>GPI’s <i>Comments on the PD of ALJ Simon</i>, 5/14/12, at 3 – 6, 7 – 10.</p> <p>GPI’s <i>Reply Comments on the PD of ALJ Simon</i>, 5/21/12, at 1 – 2.</p> <p>The Decision acknowledges our Contribution in determining that §§ 399.15(a) &amp; 399.15(b)(9) are not in conflict (see D.12-06-038 at 11). Footnote 31 on pg. 17 of the Decision acknowledges our Contribution to confirming that the proposed method for determining prior deficits was consistent with old program rules (see D.12-06-038 at 15 – 21). The Decision adopts most of our proposal for how to satisfy prior deficits (see D.12-06-038 at 25 – 28). The Decision confirms our interpretation of § 399.16(d) (see D.12-06-038 at 30).</p>	Yes
<p><b>Dimensions of Compliance</b></p> <p>SB 2 [1X] sets overall program goals for the</p>	GPI’s <i>Supplemental Comments on Reporting and Compliance</i> , 2/13/12, at 4.	Yes

<p>RPS program, culminating in the state reaching and maintaining a minimum 33% renewables content in the state’s electricity supply by 2020. The legislation also creates three product categories for qualified RPS energy, and sets parameters for their contributions to a retail seller’s procurement obligation. This led to a discussion as to whether compliance could be achieved on the basis of meeting the overall compliance-period targets alone, or whether compliance also required conformance with the product-category specifications.</p> <p>The GPI argued that full program compliance requires conformance with all of the statutory requirements, but that enforcement of the product-category requirements could certainly be different, probably less severe, than enforcement of the overall program targets.</p>	<p><i>GPI’s Supplemental Reply Comments on Reporting and Compliance, 2/21/12, at 2 – 3.</i></p> <p>Although the Decision defers a determination on enforcement actions for later in this Proceeding, it acknowledges our Contribution with several citations in discussing the issue as it stands at this point in time, and adopts our recommendation that some form of enforcement must be applied for failure to reach content-category requirements in order to make these requirements meaningful (see D.12-06-038 at 55 - 60).</p>	
<p><b>Annual Reporting</b></p> <p>SB 2 [1X] changes the RPS reporting requirements for retail sellers. In the new phase of the program, reporting is to be done on an annual basis, rather than the previous biannual reporting on procurement plus an annual project development status report.</p> <p>The GPI argued in favor of simplified and timely annual filing, and that what was previously a separate filing, the annual project development status report, should be included in the new annual compliance report.</p>	<p><i>GPI’s Supplemental Comments on Reporting and Compliance, 2/13/12, at 1 – 3.</i></p> <p><i>GPI’s Supplemental Reply Comments on Reporting and Compliance, 2/21/12, at 1 – 2.</i></p> <p><i>GPI’s Reply Comments on the PD of ALJ Simon, 5/21/12, at 3.</i></p> <p>The Decision acknowledges our Contribution in pushing for simplified reporting on page 76, and concludes: “The Commission concurs that simplicity in reporting is a desirable goal (at 77).” The Decision adopts our recommendation to include the project development status report in the annual compliance reports on page 78. (see D.12-06-038 at 75 – 78.)</p>	<p>Yes</p>

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

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>a. Was the Division of Ratepayer Advocates (DRA) a party to the proceeding?</b>	Yes	Verified
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes	Verified
<b>c. If so, provide name of other parties:</b> San Diego Gas & Electric Company, Pacific Gas and Electric Company, Southern California	Yes	Verified

<p>Edison Company, DRA, Sustainable Conservation, The Utility Reform Network, Union of Concerned Scientists, Natural Resources Defense Council, CA Farm Bureau, Center for Energy Efficiency and Renewable Technologies, Independent Energy Producers' Association.</p>		
<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>This proceeding covered a wide variety of topics related to California’s RPS program. The Green Power Institute has been an active participant in the Commission’s RPS proceedings since the inception of the program, and is continuing these efforts in the present proceeding (R.11-05-005). We regularly collaborate and coordinate with other parties, and join with others on filings when it makes sense to do so.</p> <p>The GPI coordinated its efforts in this proceeding with other parties in order to avoid duplication of effort, and thereby added significantly to the outcome of the Commission’s deliberations. In particular, we worked with and filed jointly with Sustainable Conservation, and with other parties, in developing our Comments on the SB 32 track of the proceeding. Some amount of duplication has occurred in this proceeding on all sides of contentious issues, but Green Power avoided duplication to the extent possible, and tried to minimize it where it was unavoidable.</p>		<p>Verified</p> <p>No reduction for duplication required or made</p>

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

<p><b>a. Concise explanation as to how the cost of Claimant’s participation bears a reasonable relationship with benefits realized through participation:</b></p> <p>The GPI is providing, in Attachment 2, a listing of all of the pleadings we provided in this Proceeding, R.11-05-005, and in the Predecessor RPS proceeding (R.08-08-009)) that are relevant to matters covered by this Claim, and a detailed breakdown of GPI staff time spent for work performed that was directly related to our substantial contributions to D.11-12-020, D.11-12-052, D.12-05-035, and D.12-06-038.</p> <p>The hours claimed herein in support of D.11-12-020, D.11-12-052, D.12-05-035, and D.12-06-038 are reasonable given the scope of the Proceeding, and the strong participation by the GPI. Dr. Gregg Morris (Morris) acted in this Proceeding as both witness and participating party. We were also assisted by our capable Associates, Logan Winston (Winston) and Vennessia Whiddon (Whiddon). GPI staff maintained detailed contemporaneous time records indicating the number of hours devoted to this case. In preparing Attachment 2, Morris reviewed all of the recorded hours devoted to this proceeding, and included only those that were reasonable and contributory to the underlying tasks. Contemporaneous hours that have been expended in this proceeding on matters that are still pending before the Commission are not included in this Claim. As a result, the GPI submits that all of the hours included in the attachment are reasonable, and should be</p>	<p><b>CPUC Verified</b></p> <p>Yes</p>
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<p>compensated in full.</p> <p>Morris is a renewable energy analyst and consultant with more than twenty-five years of diversified experience and accomplishments in the energy and environmental fields. He is a nationally recognized expert on biomass and renewable energy, climate change and greenhouse-gas emissions analysis, integrated resources planning, and analysis of the environmental impacts of electric power generation. Morris holds a BA in Natural Science from the University of Pennsylvania, an MSc in Biochemistry from the University of Toronto, and a PhD in Energy and Resources from the University of California, Berkeley.</p> <p>Morris has been actively involved in electric utility restructuring in California throughout the past two decades. He served as editor and facilitator for the Renewables Working Group to the California Public Utilities Commission in 1996 during the original restructuring effort, consultant to the California Energy Commission Renewables Program Committee, consultant to the Governor’s Office of Planning and Research on renewable energy policy during the energy crisis years, and has provided expert testimony in a variety of regulatory and legislative proceedings, as well as in civil litigation.</p> <p>Winston and Whiddon are highly capable professionals who are in the early stages of their careers. Winston has a Masters from the University of Michigan, and Whiddon has a Masters from Towson University. Both are working in the renewable energy field. Winston worked for Horizon Wind, a developer active in California, for 3 years, and is currently working for a solar developer. Whiddon worked for 5 years for Washington Counsel/Ernst and Young, a Washington, D.C. based consulting and lobbying firm, and is now working on her own, including as an associate of the Green Power Institute.</p>													
<p><b>b. Reasonableness of Hours Claimed.</b></p> <p>The GPI made Significant Contributions to D.11-12-020, D.11-12-052, D.12-05-035, and D.12-06-038 by providing a series of Commission filings on the various topics that were under consideration in the Proceeding, and are covered by this Claim. A good deal of the work that we did was highly technical in nature, including developing and applying sophisticated models in the course of analyzing and documenting the performance of the RPS program in California. Attachment 2 provides a detailed breakdown of the hours that were expended in making our Contributions. The hourly rates and costs claimed are reasonable and consistent with awards to other intervenors with comparable experience and expertise. The Commission should grant the GPI’s claim in its entirety.</p>	<p>Claimant provided valuable contributions to the listed decisions. However, some hours claimed in relation to R.08-08-009 are not reasonably applied to the four decisions for which compensation is claimed. See Section D, below.</p>												
<p><b>c. Allocation of Hours by Issue</b></p> <table border="0"> <tr> <td>1. General Programmatic, RPS Compliance Monitoring &amp; Analysis</td> <td>30%</td> </tr> <tr> <td>2. Set Procurement Targets</td> <td>21%</td> </tr> <tr> <td>3. Portfolio Content Categories</td> <td>14%</td> </tr> <tr> <td>4. RPS Compliance Rules</td> <td>19%</td> </tr> <tr> <td>5. RPS Reporting Rules</td> <td>4%</td> </tr> <tr> <td>6. FIT Tariff Revisions</td> <td>12%</td> </tr> </table>	1. General Programmatic, RPS Compliance Monitoring & Analysis	30%	2. Set Procurement Targets	21%	3. Portfolio Content Categories	14%	4. RPS Compliance Rules	19%	5. RPS Reporting Rules	4%	6. FIT Tariff Revisions	12%	
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6. FIT Tariff Revisions	12%												

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate	Total \$	Hours	Rate	Total \$
G. Morris	2011	286.0 <sup>1</sup>	\$240	D.11-07-025	\$68,640	225.75 <sup>2</sup>	\$240	\$54,180
G. Morris	2012	73.0	\$240	draft Res. ALJ-281	\$17,520	73.0	\$245 <sup>3</sup>	\$17,885
L. Winston	2011	20.0	\$70	D.11-09-013	\$1,400	20.0	\$70	\$1,400
V. Whiddon	2011	26.0	\$70	See comment #1 <sup>4</sup>	\$1,820	26.0	\$70	\$1,820
V. Whiddon	2012	15.0	\$70	draft Res. ALJ-281 <sup>5</sup>	\$1,050	15.0	\$70	\$1,050
<b>Subtotal:</b>					\$90,430	<b>Subtotal:</b>		\$76,335
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate	Total \$	Hours	Rate	Total \$
G. Morris	2012	16	\$120	½ rate adopted here	\$1,920	16	\$122.50 <sup>6</sup>	\$1,960
<b>Subtotal:</b>					\$1,920	<b>Subtotal:</b>		\$1,960
COSTS								
#	Item	Detail			Amount	Amount		
	Postage	See Attachment 2			\$69			\$69
<b>Subtotal:</b>					\$69	<b>Subtotal:</b>		\$69
<b>TOTAL REQUEST \$:</b>					\$92,419	<b>TOTAL AWARD \$:</b>		\$78,364
<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> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate</p>								

<sup>1</sup> This figure is incorrect. The number of hours shown on the detailed listing of hours claimed is 287.5. We use the corrected figure in this decision.

<sup>2</sup> See justification for reduction in Section D, below.

<sup>3</sup> Adjusted per Res. ALJ-281, which allowed 2.2% cost of living increase for 2012.

<sup>4</sup> Rate approved in D.13-05-009.

<sup>5</sup> Rate approved in D.13-05-009.

<sup>6</sup> Per increase authorized in Res. ALJ-281.

**C. Comments Documenting Specific Claim and Comments on Part III:**

Comment #	Description/Comment
Comment #1	<p><b>Hourly Rate for Vennessia Whiddon in 2011:</b></p> <p>Whiddon is a renewable energy regulatory consultant focused on advancing the development of small-scale and utility-scale renewable energy projects. She has a master's degree from Towson University, and more than five years of experience working for Washington Counsel/Ernst &amp; Young, a Washington, DC, based consulting and lobbying organization, performing a variety of duties in the renewable energy regulatory area. The Commission has previously approved a rate of \$70 per hour for GPI Associate Winston, who has an equivalent level of education and slightly less experience than Whiddon, and we ask for the same rate of \$70 per hour for Whiddon. Please note that we made the identical case for Whiddon's hourly rate in a Compensation Claim filed on June 18, 2012, in R.10-05-006.</p>

**D. CPUC Disallowances & Adjustments:**

#	Reason
1. Disallowance for unproductive hours not related to substantial contributions	<p>GPI requests compensation for 85.5 hours of Morris' 2011 hours expended on matters related to the prior RPS proceeding, R.08-08-009. Of these, 17.5 hours were spent on tasks identified as related to the RPS project viability calculator, which is not part of any of the decisions for which compensation is claimed. These 17.5 hours are therefore disallowed as unproductive.</p> <p>Compensation is also requested for 68.0 hours for Morris in 2011 for analyzing and commenting on RPS compliance reports for the 2010 compliance year. Of those, 47.5 are claimed for analyzing compliance reports; 20.5 hours are claimed for writing comments on the 2010 compliance reports. These tasks are not part of R.11-05-005, the current RPS proceeding in which the decisions for which compensation is claimed were issued. However, GPI made a substantial and unique contribution to D.12-06-038 on the issues of the transition from the old to the new RPS program, and its implications for compliance requirements and reporting. Therefore, only half of the hours claimed for analyzing compliance reports for 2010 (i.e., 23.75 hours) will be disallowed as unproductive in relation to the decisions for which compensation is claimed. All of the 20.5 hours related to writing and submitting comments on the 2010 compliance reports, however, are disallowed, since the comments themselves are not productive for the decisions for which compensation is claimed.</p>
2. Increase in 2012 hourly rates	In accordance with 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**

<b>A. Opposition: Did any party oppose the Claim?</b>	No
<b>B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(2)(6))?</b>	Yes

**FINDINGS OF FACT**

1. The Green Power Institute has made a substantial contribution to D.11-12-020, D.11-12-052, D.12-05-035, and D.12-06-038.
2. The requested hourly rates for the Green Power Institute's representatives 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 are reasonable and commensurate with the work performed.
4. The total of reasonable contribution is \$78,364.00.

**CONCLUSION OF LAW**

The Claim, with any adjustment set forth above satisfies all requirements of Pub. Util. Code §§ 1801-1812.

**ORDER**

1. The Green Power Institute is awarded \$78,364.00.
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 Claimant their respective shares of the award, based on their California-jurisdictional electric revenues for the 2011 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning October 6, 2013, 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 waived.

This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

**APPENDIX****Compensation Decision Summary Information**

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	<b>No</b>
<b>Contribution Decision(s):</b>	D1112020, D1112052, D1205035, D1206038		
<b>Proceeding(s):</b>	R1105005		
<b>Author:</b>	ALJs Anne E. Simon and Regina DeAngelis		
<b>Payer(s):</b>	Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company		

**Intervenor Information**

<b>Intervenor</b>	<b>Claim Date</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
Green Power Institute	8/23/12	\$92,419	\$78,364	No	Unproductive hours

**Advocate Information**

<b>First Name</b>	<b>Last Name</b>	<b>Type</b>	<b>Intervenor</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Gregg	Morris	Expert	Green Power Institute	\$240	2011	\$240
Gregg	Morris	Expert	Green Power Institute	\$240	2012	\$245
Logan	Winston	Analyst	Green Power Institute	\$70	2011	\$70
Venessia	Whiddon	Analyst	Green Power Institute	\$70	2011	\$70
Venessia	Whiddon	Analyst	Green Power Institute	\$70	2012	\$70

**(END OF APPENDIX)**