

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's own motion to determine the impact on public benefits associated with the expiration of ratepayer charges pursuant to Public Utilities Code Section 399.8.

Rulemaking 11-10-003
(Filed October 6, 2011)

DECISION GRANTING COMPENSATION TO PACIFIC FOREST TRUST FOR SUBSTANTIAL CONTRIBUTION TO DECISIONS (D.) 12-05-037 AND D.11-12-035

Claimant: Pacific Forest Trust	For contribution to Decisions (D.) 12-05-037 and D.11-12-035
Claimed (\$): 9,387.50	Awarded (\$): 8,695
Assigned Commissioner: Michael R. Peevey	Assigned ALJs: David Gamson, Julie Fitch

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:

D.12-05-037 establishes a framework for Commission oversight of the Electric Program Investment Charge (EPIC) established by D.11-12-035 in Phase 1 of this proceeding. The funding is to provide public interest investments in applied research and development, technology demonstration and deployment (RD&D), market support, and market facilitation, of clean energy technologies and approaches for the benefit of electricity ratepayers of Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company. The decision establishes electricity ratepayer benefits as a mandatory guiding principle, adopts several other related and complementary principles designed to guide investment decisions and determines that EPIC funds will be administered 80% by the California Energy Commission and 20% by the three Investor Owned Utilities' under the oversight and control of the Commission.

B. Claimant must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	October 27, 2011	Correct
2. Other Specified Date for NOI:	NOI can be filed anytime after start of proceeding until 20 days after the time for filing responsive pleadings (Rule 17.1(a)(2)).	Correct
3. Date NOI Filed:	November 21, 2011	Correct
4. Was the NOI timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on Administrative Law Judge (ALJ) ruling issued in proceeding number:	Rulemaking (R.) 11-10-003	Correct
6. Date of ALJ ruling:	January 18, 2012	Correct
7. Based on another CPUC determination (specify):		
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.11-10-003	Correct
10. Date of ALJ ruling:	January 18, 2012	Correct
11. Based on another CPUC determination (specify):		
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.12-05-037	Correct
14. Date of Issuance of Final Order or Decision:	May 31, 2012	Correct
15. File date of compensation request:	July 31, 2012	Incorrect. Pacific Forest Trust filed their compensation request on July 30, 2012.
16. Was the request for compensation timely?		Yes

PART II: SUBSTANTIAL CONTRIBUTION**A. Claimant's contribution to the final decision:**

Contribution	Specific References to Claimant's Presentations and to Decision	Showing Accepted by CPUC
1. The Pacific Forest Trust advocated the continued funding for renewables and RD&D.	<p>“Failure to extend funding for renewables and RD&D threatens the continued feasibility of many renewable energy sources across the state, and would sacrifice the important public benefits they provide. Furthermore, these investments are critical if the Commission is to meet its statutory obligations of reducing societal costs of reliable electrical generation, maintain California’s competitive edge as a clean technology leader for the country, achieve all cost effective energy efficiency, meet California’s 33% Renewables Portfolio Standard (RPS) and achieve the greenhouse gas reductions required by AB 32 (Joint WRTC/PFT Oct. 20, 2011 Opening Comments, p. 2).”</p> <p>“ . . . however, we agree with Efficiency Council and other parties that it is important that we act in Phase 1 of this proceeding to continue to collect funds at current levels to avoid a curtailment or gap in funding that would put at risk the continued pipeline of new technologies and strategies required to support the state’s clean energy and climate goals (Decision 11-25-035, Dec. 15, 2011, p. 10).”</p>	Correct
2. The Pacific Forest Trust underscored the importance of bioenergy to California ratepayers.	<p>“There is strong justification for the creation of a new program under the renewables portion (Emerging Renewables, or a new program) dedicated to supporting energy generation from ecologically sustainable, community-scale woody biomass facilities that promote healthy, resilient forests, protect air and water quality, and provide benefits to rural communities. These public and ecological benefits from sustainable biomass utilization go well beyond those of traditional renewables, such as wind and solar (Joint WRTC/PFT Oct. 20, 2011 Opening Comments, p. 5).”</p>	Correct

	<p>The Biomass Working Group has identified more than 20 forest biomass projects that would provide energy and reduce fire risks to energy infrastructure.” [PFT and WRTC are both members of the Biomass Working Group] (EPIC Staff Proposal, Feb. 10, 2012, p. 22).</p> <p>“As evidenced by Executive Order S-06-06 and the ongoing work of the Bioenergy Interagency Working Group, there is substantial interest in expanding the role of bioenergy in meeting state energy demand. Despite substantial technical potential in the state, bioenergy resources remain challenged by a number of factors including relatively high costs relative to other technologies, and permitting and regulatory challenges, particularly impacting onsite power generation using biomass feedstocks in light of local air quality concerns, among other issues (EPIC Staff Proposal, Feb. 10, 2012, p. 22).”</p>	
<p>3. The Pacific Forest Trust urged specific ratepayer investment in bioenergy, and in particular emphasized the potential of developing community-scale forest biomass.</p>	<p>“We emphasize that the development of community-scale biomass energy presents a substantial opportunity to achieve many . . . environmental benefits, including ecosystem restoration, the reduction of wildfire risks to communities and transmission infrastructure, and the revitalization of rural economies. . . Given this, we would like to underscore the importance of the environmental benefits that community-scale biomass provides to the state broadly, and emphasize the importance of using this rationale to support ratepayer investment in energy research and development. (Joint WRTC/PFT March 7, 2011 Comments, p. 4-5).”</p> <p>“Given the substantial potential and interest in further developing the state’s bioenergy resources, staff believes at least 20% of the EPIC funds allocated to demonstration projects should be dedicated to projects specifically demonstrating pre-commercial technologies or new operational approaches that are closely related to the use of bioenergy feedstocks for electricity generation (EPIC Staff Proposal, Feb. 10, 2012, p. 22).”</p>	<p>Correct</p>

	<p>“While biomass, specifically at community-scale, has potential forestry and fire prevention benefits, dairy digesters and other anaerobic digesters offer other potential environmental benefits for cleaner water, decreased GHG emissions, and onsite electricity production. Biomethane production for pipeline injection and landfill gas electricity production also reduce GHG emissions. Given these varied potential benefits, we believe that setting aside 20% of the technology demonstration and deployment funding, during the three-year period of the first investment plan, to fund bioenergy projects is just and reasonable (Decision 12-05-037, May 15, 2012, p. 46).</p>	
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
<p>a. Was the Office of Ratepayer Advocates (ORA)¹ a party to the proceeding?</p>	Yes	Correct
<p>b. Were there other parties to the proceeding with positions similar to yours?</p>	Yes	Correct
<p>c. If so, provide name of other parties: The Watershed Research & Training Center</p>		Correct
<p>d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party: Pacific Forest Trust and the Watershed Research & Training Center collaborated to submit comments jointly and thereby avoid duplication.</p>		Correct. This collaboration is reflected in the timesheets submitted by Pacific Forest Trust.

¹ “The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budge Act of 2013: public resources), which was approved by the Governor on September 26, 2013.”

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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	CPUC Verified
<p>As noted above, Pacific Forest Trust was able to make a substantial contribution to highlighting the importance of continuing RD&D funding—especially with regard to the ratepayer benefits associated with bioenergy. The final decision in R.11-10-003 allocates a specific portion of this funding to supporting renewable energy generation technologies using biomass. Although the final decision decided to leave specifics of this allocation to the investment plan that will be drafted by the California Energy Commission, the importance of community-scale forest biomass was recognized in the final decision, and the substantial public benefits investment in this area would promote were cited as important rationale for the specific, 20% allocation of technology demonstration & deployment funds to investment in bioenergy (Decision 12-05-037, May 15, 2012, p. 46). In addition to promoting an important source of currently underutilized renewable energy in California, the \$9 million annual investment in bioenergy could have considerable positive impacts on forest health and the reduction of wildfire severities in northern California.</p>	<p>Pacific Forest Trust made a substantial contribution to D.12-05-037 and D.11-12-035. Its small request bears a reasonable relationship with the benefits realized in its contribution to the decision.</p>
<p>b. Reasonableness of Hours Claimed.</p> <p>Given that many of our constituents are rural forest landowners (and ratepayers) in the northern portion of the state, we feel that the relatively small expense our participation incurred paid substantial dividends in helping advance the interests of this group. While these constituents may have common interests as a whole, these interests are scattered among a wide variety of different individuals spanning much of the state—posing a classic collective action issues in representing their interests. Given this, we feel that our contribution was important in speaking for the interests of this diverse constituent group. In addition, we note these hours are generally commensurate or considerably less than those claimed by other similar groups party to this proceeding.</p>	<p>Correct</p>
<p>c. Allocation of Hours by Issue</p> <p>Phase I. 4 hours (7% of total)</p> <p>Phase II. 44.5 hours (74% of total)</p> <p>General. 7.5 hours (13% of total)</p> <p>Preparation. 4 hours (6% of total)</p> <p>Note: While we did dedicate a considerably greater amount of time to work on the Phase I portion of the proceeding, are hours on this work were aggregated with other work we were doing on biomass in California that was not directly related to</p>	<p>According to Pacific Forest Trust’s submitted time records, 25% of hours were spent on Issue A, 0% of time spent on Issue B, 31.7% spent on Issue C, 6.7% spent on Issue D, 0% spent on Issue E, 22.5% spent on Issue F, 0% spent on Issue G, 7.5% spent on Issue H, 0% spent on</p>

this proceeding. As a result, it is not possible to parse the hours solely dedicated to our work on r.11-10-003, and therefore we are not seeking compensation for this portion of our work on the proceeding.	Issue I, and 6.7% on General work.
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B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Anton Chiono, Policy Analyst	2012	44	\$155	Res. ALJ-267, p. 5.	6,820	44	\$145	\$6,380
Paul Mason, VP Policy & Incentives	2012	9	\$225	Res. ALJ-267, p. 5.	2,025	9	\$225	\$2,025
Subtotal:					8,845	Subtotal:		\$8,405
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 \$
Anton Chiono, Policy Analyst	2012	3	\$77.50	Half rate, Res. ALJ-267, p. 5.	232.50	0	\$77.50	0.00
Subtotal:					232.50	Subtotal:		0.00
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Anton Chiono, Policy Analyst	2012	4	\$77.50	Half rate, Res. ALJ-267, p. 5.	310	4	\$72.50	\$290
Subtotal:					310	Subtotal:		\$290
TOTAL REQUEST \$:					9,387.50	TOTAL AWARD \$:		\$8,695

*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.

**Travel and Reasonable Claim preparation time is typically compensated at ½ of preparer's normal hourly rate.

C. CPUC Disallowances, Adjustments, and Comments:

#	Reason
Anton Chiono Hourly Rate 2012	The Pacific Forest Trust requests an hourly rate of \$155 for the work of Anton Chiono for his 2012 work in R.11-10-003. Mr. Chiono is a policy analyst and advocate with approximately four years of experience. Mr. Chiono has experience as a research assistant and technician in the areas of biological research and policy research. This is Mr. Chiono's first time appearing before the Commission and most of his experience is not directly related to Commission issues. We find guidance to determine Mr. Chiono's hourly rate in Resolution ALJ-281 for intervenors with zero to six years of experience. We adopt a 2012 hourly rate for Mr. Chiono of \$145.
Paul Mason Hourly Rate 2012	The Pacific Forest Trust requests an hourly rate of \$225 for the 2012 work of Paul Mason in R.11-10-003. Mr. Mason is vice president of policy at Pacific Forest Trust and an advocate with approximately seventeen years of experience. Mr. Mason has a background in forest resource and climate policy. This is Mr. Mason's first request for intervenor compensation before the Commission. We find guidance to determine Mr. Mason's hourly rate in Resolution ALJ-281 for intervenors with over thirteen years of experience. We adopt a 2012 hourly rate for Mr. Mason of \$225.
Disallowance for Travel time Anton Chiono	The Pacific Forest Trust requests compensation for Anton Chiono's time spent traveling to a Biomass Working Group meeting on EPIC in Sacramento. A one way trip between the Pacific Forest Trust office in San Francisco and Sacramento is approximately 90 miles. The Commission considers travel within the radius of approximately 120 miles (one way) to and from San Francisco as routine and not compensable. ² We disallow, as routine, Chiono's travel time, at the half hourly rate. We deduct the three hours requested for this travel from Pacific Forest Trust's compensation claim.

² D.09-12-040.

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))

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

FINDINGS OF FACT

1. Pacific Forest Trust has made a substantial contribution to Decision 12-05-037.
2. The requested hourly rates for Pacific Forest Trust'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 \$8,695.

CONCLUSION OF LAW

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

ORDER

1. Claimant is awarded \$8,695.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company shall pay Pacific Forest Trust 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 13, 2012, the 75th day after the filing of Pacific Forest Trust's request for intervenor compensation, and continuing until full payment is made.

3. The comment period for today's decision is waived.

4. This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision? No
Contribution Decision(s):	D1205037	
Proceeding(s):	R1110003	
Author:	ALJs David Gamson, Julie Fitch	
Payer(s):	Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier	Reason Change/Disallowance
Pacific Forest Trust	7/30/2012	\$9,387.50	\$8,695	No	Adopted hourly rate for Anton Chiono lower than requested rate, adopted rate for Paul Mason, and disallowance for travel time

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Anton	Chiono	Advocate	Pacific Forest Trust	\$155	2012	\$145
Paul	Mason	Advocate	Pacific Forest Trust	\$225	2012	\$225