

Decision \_\_\_\_\_

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

Application of Pacific Gas and Electric Company (U39E) for Approval of Amended Purchase and Sale Agreement Between Pacific Gas And Electric Company and Contra Costa Generating Station LLC and for Adoption of Cost Recovery and Ratemaking Mechanisms.

Application 12-03-026  
(Filed March 30, 2012)

**DECISION GRANTING COMPENSATION TO CALIFORNIANS FOR  
RENEWABLE ENERGY FOR SUBSTANTIAL CONTRIBUTION TO DECISION  
12-12-035 AND DECISION 13-04-032**

<b>Claimant: Californians Renewable Energy (CARE)</b>	For contribution to Decision (D.) 12-12-035 and D. 13-04-032
<b>Claimed (\$):</b> \$15,551.15	<b>Awarded (\$):</b> \$16,070.30
<b>Assigned Commissioner:</b> Michael Peevey	<b>Assigned ALJ:</b> Hallie Yacknin

**PART I: PROCEDURAL ISSUES**

<b>A. Brief Description of Decision:</b>	D.12-12-035 approves Pacific Gas and Electric Company's (PG&E) application for approval of its amended purchase and sale agreement with Contra Costa Generating Station LLC for the Oakley Generating Station. D.13-04-032 modified D.12-12-035, denied rehearing of the decision as modified, and closed the proceeding.
--	---

**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 (PHC):	5-22-12	Verified
2. Other Specified Date for NOI:		
3. Date NOI Filed:	6-21-12	See comment in Part I.C.
4. Was the NOI timely filed?		Yes
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on Administrative Law Judge (ALJ) ruling issued in proceeding number:	Application (A.) 12-03-026	A.05-06-028
6. Date of ALJ ruling:		October 21, 2005
7. Based on another CPUC determination (specify):		
8. Has the Claimant demonstrated customer or customer-related status?		Yes
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	A.12-03-026	Verified
10. Date of ALJ ruling:	8-15-12	See comment in Part I.C.
11. Based on another CPUC determination (specify):		
12. Has the Claimant demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.13-04-032	Correct and D.12-12-035
14. Date of Issuance of Final Order or Decision:	4-18-13	See comment in Part I.C.
15. File date of compensation request:	6-17-13	Correct
16. Was the request for compensation timely?		Yes

**C. Additional Comments on Part I:**

#	Claimant	CPUC	Comment
3		x	On July 17, 2012, CARE filed an Amended NOI to Claim Intervenor Compensation pursuant to the ALJ's July 16, 2012 email requiring additional information to support a current finding of significant financial hardship. CARE concurrently filed a Motion to File Financial Information Under Seal. On July 23, 2012, CARE filed a Second Amended Notice of Intent to Claim Intervenor Compensation providing additional information about the organization's members.
10		X	In the evidentiary hearing transcript from August 15, 2012, the ALJ ruled that CARE had satisfied the eligibility requirement of Pub. Util. Code § 1804(a) and have shown significant financial hardship.
14		X	D.13-04-032, issued on April 18, 2013, modified D.12-12-035, denied rehearing of the decision as modified, and closed the proceeding. CARE filed this compensation request on June 17, 2013 and is timely, pursuant to Pub. Util. Code § 1804(c).

**PART II: SUBSTANTIAL CONTRIBUTION****A. 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
CARE filed its protest before all parties on April 30, 2012. Most of the issues CARE identified in its protest were adopted in the scoping memo. While the final decision does not reflect most of CARE's positions the Proposed Decision of ALJ Yaknin does adopt many of CARE's positions. The Commission has recognized in the past that under these circumstances		(1) Yes

<p>an intervenor may establish its substantial contribution for purposes of an award of compensation through reliance on the proposed decision of the ALJ and other benefits the Commission may have realized from an intervenor’s participation.</p> <p>CARE devoted considerable time on confidentially issues and some of PG&amp;E’s testimony was made public in response to those efforts.</p> <p>1. D.12-04-046 supersedes Authority for UOG Pursuant to D.07-12-052</p>	<p>CARE Opening Brief at 6.                  CARE Opening Testimony ate 2, 3                  CARE Opening Brief at 5.                  CARE Reply Brief at 13.</p> <p>“D.12-04-046 supersedes authority pursuant to D.07-12-052 to procure UOG. D.07-12-052, which was issued in the 2006 LTPP (Rulemaking (R.) 06-02-013), established our policy to allow a utility to procure UOG outside of a competitive process if, among other things not at issue here, it is needed to meet a specific, unique reliability issue.”</p> <p>(ALJ Yaknin Proposed decision at 8.)</p>	
<p>2. D.07-12-052 Does Not Provide</p>	<p>CARE Opening Brief at 8.</p>	<p>(2, 3, 4, 5, 6 &amp; 7) Yes</p>



<p>5. CAISO Renewable integration Study is not final.</p> <p>6. PG&amp;E has not demonstrated that the Oakley project is the least-cost, best-fit alternative or that it is the right renewable integration product.</p> <p>7. An RFO is feasible to meet any need as other projects can be available by 2018.</p>	<p>4/30/12.                  CARE Motion to Dismiss at 2                  4/30/12.                  CARE Opening Testimony at 5.</p> <p>“D.12-04-046 approved a settlement in which the settling parties, including PG&amp;E and the CAISO, stipulated that the resource planning analyses presented in the 2010 LTPP did not conclusively demonstrate whether or not there is need to add capacity for renewable integration purposes through the year 2020, that further analysis is needed before any renewable integration resource need determination is made, and that it should be made either as an extension of the then-current 2010 LTPP cycle or as part of the next LTPP.”                  (ALJ Yacknin PD finding of Fact # 4.)</p> <p>CARE Protest at 5 (4/30/12).                  CARE Opening</p>	
--	--	--



	<p>Testimony at 18,19. CARE Opening Brief at 10. CARE Reply Brief at 28-30. “It is not evident that the only means of developing new generation in sufficient time to meet an as-yet undetermined need is with the Oakley project. Even assuming that the 2012 LTPP results in a determination of need for new generation beginning in 2018, it is reasonable to expect that results of an RFO to meet that need can be approved and on-line in a timely fashion.” (ALJ Yaknin PD at 18.)</p> <p>ADMINISTRATIVE LAW JUDGE’S RULING ON MOTION TO SEAL THE EVIDENTIARY RECORD Footnote 1.</p> <p><i>See</i> Also (PACIFIC GAS AND ELECTRIC COMPANY’S (U39E) REPLY IN SUPPORT OF MOTION TO SEAL</p>	
--	--	--

	<p>THE EVIDENTIARY RECORD) at 2. “CARE only disputes four limited categories of redactions, asserting that the redacted information is publicly available. PG&amp;E has already agreed to remove the confidentiality designation for one category of information identified by CARE and, in this reply, is agreeing to remove the confidentiality designation for a second category.”</p> <p>CARE reviewed the entirety of the confidential Purchase and Sale Agreement and demonstrated in its July 7, 2012 Submission “CARE’S RESPONSE IN SUPPORT OF IEPA’S MOTION FOR RECONSIDERATION” that the majority of the confidential PSA was public information.</p> <p>CARE also identified portions of PG&amp;E’s and</p>	
--	--	--

	<p>CUE/CURE’s testimony that was not confidential in its August 24, 2012 submission “MOTION FOR FULL DISCLOSURE OF CERTAIN PORTIONS OF PG&amp;E’S AND CUE/CURE’S REBUTTAL TESTIMONY” pursuant to GO-66 in harmony with the ALJ’s previously rulings. The Commission failed to rule on the last two motions.</p>	
--	---	--

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

	<b>Claimant</b>	<b>CPUC Verified</b>
<p><b>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?</b><sup>1</sup></p>	Yes	Yes
<p><b>b. Were there other parties to the proceeding with positions similar to yours?</b></p>	Yes	Yes
<p><b>c. If so, provide name of other parties:</b> DRA, CBE, IEPA, TURN</p>		Yes
<p><b>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:</b>  We had multiple conversations and email exchanges with DRA, TURN, CBE, and IEPA. We discussed strategy with TURN, DRA and IEP on several occasions. We coordinated with the other parties in our evidentiary presentation to minimize hearing time. CARE</p>		Verified

<sup>1</sup> The Division of Ratepayer Advocates (DRA) was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013), which was approved by the Governor on September 26, 2013.

<p>assisted other parties in their cross-examination efforts. CARE filed a joint motion to amend the scoping order with the other parties.</p>	
--	--

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

<p><b>a. How the cost of Claimant’s participation bears a reasonable relationship with benefits realized through participation</b></p> <p>CARE’s early protest on April 30 framed many of the issues in the proceeding. The Proposed Decision rejected the Oakley PSA supporting many of CARE’s arguments. CARE succeeded in enforcing the Commission confidentially rules and PG&amp;E disclosed information that it had sought confidentiality protection for. CARE fully documented other confidential information that was clearly public. CARE’s request for compensation is modest compared to the 200 million dollar revenue requirement for the Oakley Generating Station.</p>	<p><b>CPUC Verified</b></p> <p>Verified</p>																		
<p><b>b. Reasonableness of Hours Claimed.</b></p> <p>CARE’s participation was effective and the costs of that participation were small. Travel time, internal communications and many hours of research were not claimed in the compensation request.</p>	<p>Verified</p>																		
<p><b>c. Allocation of Hours by Issue</b></p> <p>Issues</p> <ol style="list-style-type: none"> <li>1. D.12-04-046 supersedes Authority for UOG Pursuant to D.07-12-052.</li> <li>2. D.07-12-052 Does Not Provide Authority for the Oakley Project.</li> <li>3. No need determination for the Oakley Project has occurred.</li> <li>4. Further analysis is needed before any renewable integration resource need determination is made, and that it should be made either as an extension of the then-current 2010 LTPP cycle or as part of the next LTPP.</li> <li>5. CAISO Renewable integration Study is not final.</li> <li>6. PG&amp;E has not demonstrated that the Oakley project is the least-cost, best-fit alternative or that it is the right renewable integration product.</li> <li>7. An RFO is feasible to meet any need as other projects can be available by 2018.</li> <li>8. CARE’s efforts revealed much of PG&amp;E’s confidential testimony was public.</li> <li>9. All</li> </ol> <table border="1" data-bbox="232 1654 602 1866"> <thead> <tr> <th>Issue</th> <th>Hours</th> <th>Percent Time</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>2.17</td> <td>2.18</td> </tr> <tr> <td>2</td> <td>1.75</td> <td>1.76</td> </tr> <tr> <td>3</td> <td>0.75</td> <td>0.75</td> </tr> <tr> <td>4</td> <td>0.58</td> <td>0.59</td> </tr> <tr> <td>5</td> <td>6.75</td> <td>6.79</td> </tr> </tbody> </table>	Issue	Hours	Percent Time	1	2.17	2.18	2	1.75	1.76	3	0.75	0.75	4	0.58	0.59	5	6.75	6.79	<p>Verified</p>
Issue	Hours	Percent Time																	
1	2.17	2.18																	
2	1.75	1.76																	
3	0.75	0.75																	
4	0.58	0.59																	
5	6.75	6.79																	

6	13.17	13.25	
7	3.33	3.36	
8	10.50	10.57	
9	60.33	60.73	

**B. Specific Claim:**

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Robert Sarvey	2012	96.83	\$155	D1101024	\$15,008.65	96.83	\$160	\$15,492.80
Robert Sarvey	2013	2.5	\$155	D1101024	\$387.50	2.5	\$165	\$412.50
<b>Subtotal:</b>					<b>\$15,396.15</b>	<b>Subtotal:</b>		<b>\$15,905.30</b>
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Robert Sarvey	2013	2	\$77.50		\$155	2	\$82.50	\$165
<b>Subtotal:</b>					<b>\$155</b>	<b>Subtotal:</b>		<b>\$165</b>
<b>TOTAL REQUEST \$:</b>					<b>\$15,551.15</b>	<b>TOTAL AWARD \$:</b>		<b>\$16,070.30</b>

\* 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 must be retained for at least three years from the date of the final decision making the award.

\*\*Travel and reasonable claim preparation time typically compensated at ½ of preparer’s normal hourly rate.

**C. CPUC Disallowances, Adjustments, and Comments:**

#	Reason
Hourly Rate of Robert Sarvey	Californians for Renewable Energy seek an hourly rate for Robert Sarvey of \$155. The Commission previously adopted an hourly rate for Sarvey of \$155 in D.11-01-024.
2012 and 2013	We apply the 2012 Cost of Living Adjustment of 2.2%, adopted by the Commission in Resolution ALJ-281, to adopt an hourly rate of \$160 for Sarvey's 2012 work. We apply the 2013 the Cost of Living Adjustment of 2%, adopted by the Commission in Resolution ALJ-287, to adopt an hourly rate of \$165 for Sarvey in 2013.

**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))

<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. Californians for Renewable Energy has made a substantial contribution to Decision (D.) 12-12-035 and D.13-04-032.
2. The requested hourly rates for Californians for Renewable Energy's representative, 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 are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$16,070.30.

**CONCLUSION OF LAW**

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

**ORDER**

1. Californians for Renewable Energy is awarded \$16,070.30.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay Californians for Renewable Energy the total award. 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 August 31, 2013, the 75<sup>th</sup> day after the filing of Californians for Renewable Energy'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> No
<b>Contribution Decision(s):</b>	D1212035 and D1304032	
<b>Proceeding(s):</b>	A1203026	
<b>Author:</b>	ALJ Hallie Yacknin	
<b>Payer(s):</b>	Pacific Gas and Electric 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>
Californians for Renewable Energy	06/17/2013	\$15,551.15	\$16,070.30	No	Adopted new hourly rates pursuant to Resolution ALJ-281 and Resolution ALJ- 287

**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>
Robert	Sarvey	Expert	Californians for Renewable Energy	\$155	2012	\$160
Robert	Sarvey	Expert	Californians for Renewable Energy	\$155	2013	\$165

**(END OF APPENDIX)**