

**Digest of Differences Between  
Administrative Law Judge Hallie Yacknin's Proposed Decision and the  
Alternate Proposed Decision of Commissioner Michael R. Peevey Granting  
Intervenor Compensation to California Environmental Justice Alliance for  
Substantial Contribution to Decision 13-03-029**

**ATTACHMENT**

Pursuant to Public Utilities Code Section 311(e), this is the digest of the substantive differences between the proposed decision of Administrative Law Judge (ALJ) Yacknin (mailed on March 26, 2014) and the alternate proposed decision of President Michael R. Peevey, (mailed on May 30, 2014)

The ALJ's proposed decision concludes California Environmental Justice Alliance did not substantially contribute to Decision (D.) 13-03-029 and denies all of the requested compensation.

The alternate proposed decision differs from the proposed decision, finding that California Environmental Justice Alliance substantially contributed to D.13-03-029 on certain issues and awards the intervenor \$98,871.83 in compensation.

Decision **ALTERNATE PROPOSED DECISION OF COMMISSIONER PEEVEY (Mailed 5/30/14)**

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

Application of San Diego Gas & Electric Company (U 902 E) for Authority to Enter into Purchase Power Tolling Agreements with Escondido Energy Center, Pio Pico Energy Center and Quail Brush Power.

Application 11-05-023  
 (Filed May 19, 2011)

**DECISION GRANTING COMPENSATION TO CALIFORNIA ENVIRONMENTAL JUSTICE ALLIANCE FOR SUBSTANTIAL CONTRIBUTION TO DECISION 13-03-029**

<b>Claimant:</b> California Environmental Justice Alliance	<b>For contribution to Decision (D.) 13-03-029</b>
<b>Claimed (\$):</b> \$155,631.00	<b>Awarded (\$):</b> \$98,871.83 (reduced 36.47%)
<b>Assigned Commissioner:</b> Michael R. Peevey	<b>Assigned Administrative Law Judge:</b> Hallie Yacknin

**PART I: PROCEDURAL ISSUES**

<b>A. Brief Description of Decision:</b>	Denies San Diego Gas & Electric Company (SDG&E) authority to enter into purchase power tolling agreements with Pio Pico Energy Center and Quail Brush Power at this time and grants SDG&E authority to enter into a Purchase Power Tolling Agreement (PPTA) with Escondido Energy Center.
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**B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code Sections 1801-1812:**

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>Timely filing of Notice of Intent (NOI) to claim compensation (§ 1804(a)):</b>		
1.Date of Prehearing Conference (PHC):	January 31, 2012	Verified
2.Other Specified Date for NOI:	n/a	
3.Date NOI Filed:	February 29, 2012	Verified
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.)11-05-023	Verified
6.Date of ALJ ruling:	April 23, 2012	Verified
7.Based on another CPUC determination (specify):	n/a	
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.11-05-023	Verified
10. Date of ALJ ruling:	April 23, 2012	Verified
11. Based on another CPUC determination (specify):	n/a	
12. Has the Claimant demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.13-03-029	Verified
14. Date of Issuance of Final Order or Decision:	March 28, 2013	Verified
15. File date of compensation request:	May 23, 2013	Verified
16. Was the request for compensation timely?		Yes

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

#	<b>Claimant</b>	<b>CPUC</b>	<b>Comment</b>
	California Environmental Justice	Verified	The California Environmental Justice Alliance (CEJA) is an alliance of six grassroots environmental justice organizations that are situated throughout the State of California. CEJA’s six organizations represent

	Alliance	<p>utility customers throughout California that are concerned about their health and the environment. The organizational members of CEJA are: Asian Pacific Environmental Network, The Center for Community Action and Environmental Justice, Center on Race, Poverty &amp; the Environment, Communities for a Better Environment (CBE), Environmental Health Coalition, and People Organizing to Demand Environmental and Economic Justice. CEJA is an unincorporated organization that is fiscally sponsored by the Environmental Health Coalition. All of the members of CEJA are non-profit public interest entities. Together, the six member organizations of CEJA are working to achieve environmental justice for low-income communities and communities of color throughout the state of California. In particular, CEJA is pushing for policies at the federal, state, regional and local levels that protect public health and the environment. CEJA is also working to ensure that California enacts statewide climate change policies that protect low-income communities and communities of color.</p>
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**PART II: SUBSTANTIAL CONTRIBUTION**

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

<b>Intervenor’s Claimed Contribution</b>	<b>Specific References to Claimant’s Presentations and to Decision</b>	<b>CPUC Comments</b>
<p><u>SDG&amp;E’s Spreadsheet Analysis</u></p> <ul style="list-style-type: none"> <li>CEJA recommended that the Commission not rely on SDG&amp;E’s spreadsheet analysis to determine local capacity requirement (LCR) need. The Commission agreed that the spreadsheet analysis was not appropriate to determine LCR need.</li> </ul>	<p>CEJA Opening Brief (7/13/12), at 26-37.</p> <p>CEJA Reply Brief (7/21/12), at 7-10.</p> <p>CEJA Reply Brief (7/21/12), Summary of Recommendations, Table 2.</p> <p>Ex. 19, B. Powers Test. (5/18/12), at 4-22, 35.</p> <p>Ex. 20, J. Firooz Test. (5/18/12), at 18-21.</p> <p>D.13-03-029, Findings of Fact 4, at 23.</p> <p>D.13-03-029, at 6 (We concur that the OTC study [subject to adjustment as discussed</p>	<p>Verified.</p> <p>CEJA’s presentations challenged SDG&amp;E’s spreadsheet analysis for assuming a G-1/N-1 scenario and for its assumptions regarding Otay Mesa’s capacity in the event of a forced outage, the retirement of once-through cooling plants, and the amount of demand response (DR), uncommitted energy efficiency (EE), energy storage and combined heat and power (CHP) needed. CEJA advocated that the assumed amounts of DR, EE, energy storage and CHP should be the standardized planning assumptions from the 2010 Long-Term Procurement Plan</p>

	<p>below], is more appropriate to the task at hand of determining local capacity reliability requirements.)</p>	<p>(LTPP) Joint Scoping Memo.</p>
<p><u>CAISO’s OTC Study</u></p> <ul style="list-style-type: none"> <li>CEJA advocated against relying on the results of California Independent System Operator Corporation’s (CAISO)S Once Through Cooling (OTC) study for determining LCR need because of the improbability of CAISO’s modeling assumptions. The Commission recognized the shortcomings of CAISO’s modeling and adjusted the input assumptions in the final decision.</li> </ul>	<p>CEJA Opening Brief (7/13/12), at 10-25.</p> <p>CEJA Reply Brief (7/21/12), at 2-7.</p> <p>CEJA Reply Brief (7/21/12), Summary of Recommendations, Table 1.</p> <p>CEJA Comments on the Proposed Decision (12/7/12), at 1-3.</p> <p>Ex. 18, B. Powers Test. (5/18/12), at. 4-24, 35.</p> <p>Ex. 19, J. Firooz Test. (5/18/12), at 14-18.</p> <p>D.13-03-029, Finding of Fact 5, at 23.</p> <p>D.13-03-029, Finding of Fact 10, at 23.</p> <p>D.13-03-029, Conclusion of Law 3, at 25.</p> <p>D.13-03-029, Conclusion of Law 4, at 25.</p> <p>D.13-03-029, Conclusion of Law 5, at 25.</p> <p>D.13-03-029, at 9 (For the Commission’s purposes, it is appropriate to take into account reasonable forecasts of uncommitted energy efficiency and demand response, as well as incremental demand-side CHP, in determining whether to authorize the procurement of additional generation resources.)</p>	<p>Verified.</p> <p>CEJA’s presentations challenged the CAISO’s OTC study for its modeling assumptions with regard to reliability criteria, for the availability of other options and solutions for meeting capacity needs, and for assuming zero DR, EE, energy storage and CHP, which CEJA advocated should be the standardized planning assumptions from the 2010 LTPP Joint Scoping Memo.</p>

<p><u>LCR Need</u></p> <ul style="list-style-type: none"> <li>CEJA argued that LCR need should be reduced from CAISO’s results. The Commission reduced the LCR need ranging from the 300 Megawatt (MW) to 730 MW that CAISO requested to an LCR need ranging from -87 MW (surplus) to 343 MW.</li> </ul>	<p>CEJA Opening Brief (7/13/12), at 1-3, 10-26.</p> <p>CEJA Reply Brief (7/21/12), at 2-7.</p> <p>CEJA Reply Brief (7/21/12), Summary of Recommendations, Table 1.</p> <p>CEJA Reply Brief (7/21/12), Summary of Recommendations, Table 2.</p> <p>D.13-03-029, Finding of Fact 10, at 23.</p> <p>D.13-03-029, at 13 (The OTC study identifies an LCR need ranging from 300 MW to 730 MW, under the four 2010 Renewable Portfolio Standard scenarios in 2021, without accounting for uncommitted energy efficiency or demand response. Imputing this 2021 LCR need to 2020, and accounting for uncommitted energy efficiency, demand response and CHP by subtracting their forecasted amounts in 2020... from the OTC study results for yields an LCR need in 2020 ranging from -87 MW [surplus] to 343 MW.)</p>	<p>Verified</p> <p>CEJA helped the Commission determine whether the LCR need should be reduced from CAISO’s results. The Commission reduced the LCR need, ranging from 200 MW to 730 MW, that CAISO requested, to an LCR need ranging from -87 MW (surplus) to 343 MW.</p>
<p><u>Loading Order</u></p> <ul style="list-style-type: none"> <li>CEJA argued that SDG&amp;E should be required to follow the loading order when authorizing the procurement of additional generation resources. The Commission agreed that it was appropriate to take into account additional</li> </ul>	<p>CEJA Opening Brief (7/13/12), at 4-5, 38.</p> <p>CEJA Reply Brief (7/21/12), at 9-10.</p> <p>Ex. 19, B. Powers Test. (5/18/12), at 26-27.</p> <p>D.13-03-029, Finding of Fact 9, at 23.</p> <p>D.13-03-029, at 9, “For the</p>	<p>Verified, in part.</p> <p>CEJA helped the Commission determine whether this approval was consistent with the loading order. The Commission agreed that it was appropriate to take into account additional generation resources, consistent with the California Energy Action Plan.</p> <p>There was some duplication with</p>

<p>generation resources, consistent with the California Energy Action Plan.</p>	<p>Commission’s purposes, it is appropriate to take into account reasonable forecasts of uncommitted EE and DR, as well as incremental demand-side CHP, in determining whether to authorize the procurement of additional generation resources. Such action is consistent with the California Energy Action Plan, which established the ‘loading order’ for how new resources are prioritized.”</p>	<p>Natural Resources Defense Council (NRDC) and Office of Ratepayer Advocates (ORA) in regards to contributions regarding loading order adherence, and the hours of contribution have been adjusted accordingly.</p>
<p><u>Uncommitted Energy Efficiency</u></p> <ul style="list-style-type: none"> <li>CEJA advocated for the inclusion of uncommitted energy efficiency (EE) in determining whether to authorize procurement of additional generation resources. CEJA argued that CAISO’s forecast of zero uncommitted EE was overly conservative. The Commission included consideration of uncommitted EE in its evaluation of LCR need.</li> </ul>	<p>CEJA Opening Brief (7/13/12), at 23-24.</p> <p>CEJA Reply Brief (7/21/12), at 10-11.</p> <p>CEJA Reply Brief (7/21/12), Summary of Recommendations, Table 1.</p> <p>CEJA Comments on the Proposed Decision (12/7/12), at 4.</p> <p>Ex. 19, B. Powers Test. (5/18/12), at 4-9.</p> <p>Ex. 20, J. Firooz Test. (5/18/12), at 15.</p> <p>D.13-03-029, Finding of Fact 5, at 23.</p> <p>D.13-03-029, Finding of Fact 7, at 23.</p> <p>D.13-03-029, Finding of Fact 10, at 25.</p> <p>D.13-03-029, Conclusion of Law 4, at 25.</p> <p>D.13-03-029, Conclusion of Law 5, at 25.</p> <p>D.13-03-029, Conclusion of Law 6, at 25.</p>	<p>Verified, in part.</p> <p>CEJA helped the Commission determine the appropriate level of uncommitted energy efficiency to consider when determining whether this was a reasonable PPTA to approve.</p> <p>There was some duplication with NRDC and ORA on contributions regarding loading order adherence, and the hours of contribution have been adjusted accordingly.</p>

	<p>D.13-03-029, at 9 (For the Commission’s purposes, it is appropriate to take into account reasonable forecasts of uncommitted EE...in determining whether to authorize the procurement of additional generation resources.)</p> <p>D.13-03-029, at 10 (In the absence of OTC study results that model reasonable forecasts of uncommitted EE and DR, it is appropriate to otherwise account for them. In the absence of any record evidence of an alternative, and consistent with the approach taken in D.06-06-064 to account for DR with respect to utilities’ local resource adequacy requirements [D.06-06-054 at 53-54], it is reasonable to subtract conservative forecasts of uncommitted EE and DR from the OTC study results for the purposes of determining LCR.)</p>	
<p><u>Demand Response</u></p> <ul style="list-style-type: none"> <li>CEJA advocated for the inclusion of demand response (DR) in determining whether to authorize procurement of additional generation resources. CEJA argued that CAISO’s forecast of zero DR was overly conservative. The Commission included consideration of DR in its evaluation of LCR need.</li> </ul>	<p>CEJA Opening Brief (7/13/12), at 23-24.</p> <p>CEJA Reply Brief (7/21/12), at 10-11.</p> <p>CEJA Reply Brief (7/21/12), Summary of Recommendations, Table 1.</p> <p>CEJA Comments on the Proposed Decision (12/7/12), at 5.</p> <p>Ex. 19, B. Powers Test. (5/18/12), at 9-10.</p> <p>Ex. 20, J. Firooz Test.</p>	<p>Verified, in part.</p> <p>CEJA helped the Commission determine the appropriate level of DR to consider when determining whether this was a reasonable PPTA to approve.</p> <p>There was some duplication with NRDC and ORA on contributions regarding loading order adherence, and the hours of contribution have been adjusted accordingly.</p>

	<p>(5/18/12), at 15.</p> <p>D.13-03-029, Finding of Fact 5, at 23.</p> <p>D.13-03-029, Finding of Fact 6, at 23.</p> <p>D.13-03-029, Finding of Fact 10, at 23.</p> <p>D.13-03-029, Conclusion of Law 4, at 25.</p> <p>D.13-03-029, Conclusion of Law 5, at 25.</p> <p>D.13-03-029, Conclusion of Law 6, at 25.</p> <p>D.13-03-029, at 9 (For the Commission’s purposes, it is appropriate to take into account reasonable forecasts of uncommitted EE and DR...in determining whether to authorize the procurement of additional generation resources.)</p> <p>D.13-03-029, at 10 (In the absence of OTC study results that model reasonable forecasts of uncommitted EE and DR, it is appropriate to otherwise account for them. In the absence of any record evidence of an alternative, and consistent with the approach taken in D.06-06-064 to account for DR with respect to utilities’ local resource adequacy requirements (D.06-06-054 at 53-54), it is reasonable to subtract conservative forecasts of uncommitted EE and DR from the OTC study results for the purposes of determining LCR.)</p>	
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<p><u>Incremental Combined Heat and Power</u></p> <ul style="list-style-type: none"> <li>CEJA advocated for the inclusion of incremental CHP in determining whether to authorize procurement of additional generation resources. CEJA argued that CAISO’s forecast of zero incremental CHP was overly conservative. The Commission included consideration of incremental CHP in its evaluation of LCR need.</li> </ul>	<p>CEJA Opening Brief (7/13/12), at 24-25.</p> <p>CEJA Reply Brief (7/21/12), at 10-11.</p> <p>CEJA Reply Brief (7/21/12), Summary of Recommendations, Table 1.</p> <p>CEJA Comments on the Proposed Decision (12/7/12), at 6-7.</p> <p>Ex. 19, B. Powers Test. (5/18/12), p. 22-24.</p> <p>Ex. 20, J. Firooz Test. (5/18/12), at 15.</p> <p>D.13-03-029, Finding of Fact 5, at 23.</p> <p>D.13-03-029, Finding of Fact 8, at 23.</p> <p>D.13-03-029, Finding of Fact 10, at 23.</p> <p>D.13-03-029, Conclusion of Law 4, at 25.</p> <p>D.13-03-029, Conclusion of Law 5, at 25.</p> <p>D.13-03-029, Conclusion of Law 7, at 25.</p> <p>D.12-03-029, at 9 (For the Commission’s purposes, it is appropriate to take into account reasonable forecasts of ... incremental demand-side CHP, in determining whether to authorize the procurement of additional generation resources.)</p>	<p>Verified, in part.</p> <p>CEJA helped the Commission determine the appropriate level of incremental CHP to consider when determining whether this was a reasonable PPTA to approve.</p> <p>There was some duplication with NRDC and ORA on contributions regarding loading order adherence, and the hours of contribution have been adjusted accordingly.</p>
<p><u>SONGS</u></p> <ul style="list-style-type: none"> <li>CEJA argued that the San</li> </ul>	<p>CEJA Reply Brief (7/21/12), at 10.</p>	<p>No substantial contribution.</p> <p>The Commission did not agree that</p>

<p>Onofre Nuclear Generation Station (SONGS) outage should not be considered when determining whether there is an LCR need. The Commission agreed that SONGS was beyond the scope of the proceeding, and therefore would not factor into the final decision.</p>	<p>D.13-03-029, Finding of Fact 13, at 23.</p> <p>D.13-03-029, at 17 (There is no record evidence in this proceeding of the expected duration of the [SONGS] outage or its implications for SDG&amp;E’s system requirements.)</p> <p>D.13-03-029, at 18 (We cannot, on this record, find that the PPTA are needed to meet SDG&amp;E’s resource requirements as a result of SONGS’ outage.)</p>	<p>SONGS was beyond the scope of the proceeding. D.13-03-029 finds that there is no record evidence of need to meet SDG&amp;E’s resource requirements as a result of SONGS.</p> <p>CEJA’s presentation on this issue consists of the following argument:</p> <p>“In a last attempt to further justify its LCR need, SDG&amp;E also cites to the SONGS outage even though information about SONGS is not in the record. Nor is it convincing since SONGS is not a generation plant within the SDG&amp;E area. Furthermore, even if SONGS was not in service, it is likely that preferred resources could fill the need given the fact that CAISO and SDG&amp;E are planning to use DR and conservation measures to meet the need this summer. SDG&amp;E’s claim that it will fulfill an ‘imminent capacity shortfall’ without ‘forc[ing] out preferred resources’ is unwarranted. SDG&amp;E’s LCR need calculations thus violate the loading order, and do not support the three power plants at issue here.” (Footnotes omitted.)</p> <p>This presentation did not substantially contribute to D.13-03-029.</p>
<p><u>Renewable Integration</u></p> <ul style="list-style-type: none"> <li>CEJA asserted that renewable integration need should not be considered in the evaluation of LCR need. The Commission agreed to limit its evaluation to whether the PPTAs were needed for LCR purposes, not</li> </ul>	<p>CEJA Opening Brief (7/13/12), at 23.</p> <p>Ex. 19, B. Powers Test. (5/18/12), at 9-10.</p> <p>Ex. 20, J. Firooz Test. (5/18/12), at 14.</p> <p>D.13-03-029, Finding of Fact 14, at 24.</p>	<p>Verified.</p> <p>CEJA’s cited presentation on this issue are briefs and testimony of B. Powers -- to the effect that DR can help integrate renewable energy-- and testimony of J. Firooz, reporting statements by the CAISO that it had not yet performed studies to determine renewable integration needs within LCR areas. The</p>

<p>renewable integration. .</p>	<p>D.13-03-029, at 18 (“The Commission has yet to determine the operational characteristics of resources that are needed to support resources integration or to set procurement targets for them.”)                  D.13-03-029, at 18 (“We cannot, on this record, find that the PPTAs are needed to support renewable resources integration.”)</p>	<p>discussion in the briefs and testimony of B. Powers are applicable and substantially contributed to the issue of renewable integration in D. 13-03-029. The testimony of J. Firooz also substantially contributed to the finding on renewable integration in D. 13-03-029.</p>
<p><u>Pio Pico Energy Center</u></p> <ul style="list-style-type: none"> <li>CEJA advocated for the denial of authority to enter into a PPTA with Pio Pico. CEJA argued that even if there was a need for new resources in the SDG&amp;E local area, Pio Pico should not be approved to fill that need. The Commission agreed that it was not reasonable to authorize the Pio Pico PPTA.</li> </ul>	<p>CEJA Opening Brief (7/13/12), at 38-40.                  D.13-03-029, Conclusion of Law 1, at 25.                  D.13-03-029, Ordering Paragraph 2, at 26.                  D.13-03-029, p. 15 (We deny approval of the Pio Pico Energy Center and Quail Brush Energy Project PPTAs, without prejudice to a renewed application for their approval, if amended to match the timing of the identified need.)</p>	<p>Verified.                  CEJA advocated that, even if there was an LCR need, the Pio Pico project should not be approved to fill that need.</p>
<p><u>Quail Brush Power</u></p> <ul style="list-style-type: none"> <li>CEJA advocated for the denial of authority to enter into a PPTA with Quail Brush. CEJA argued that even if there was a need for new resources in the SDG&amp;E local area, Quail Brush should not be approved to fill that need. The Commission agreed that it was not reasonable to authorize the Quail</li> </ul>	<p>CEJA Opening Brief (7/13/12), at 38-40.                  D.13-03-029, Conclusion of Law 1, at 25.                  D.13-03-029, Ordering Paragraph 2, p. 26.                  D.13-03-029, p. 15 (We deny approval of the Pio Pico Energy Center and Quail Brush Energy Project PPTAs, without prejudice to a renewed application for their approval,</p>	<p>Verified.                  CEJA advocated that, even if there was an LCR need, the Quail Brush project should not be approved to fill that need.</p>

Brush PPTA.	if amended to match the timing of the identified need.)	
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**B. Duplication of Effort (§§ 1801.3(f) & 1802.5):**

	Claimant	CPUC Verified
<b>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding <sup>1</sup>?</b>	Yes	Verified
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes	Verified
<p><b>c. If so, provide name of other parties:</b></p> <p>The Division of Ratepayer Advocates (DRA) and NRDC were the primary parties taking positions similar to CEJA. Utility Consumers’ Action Network (UCAN) was also involved in the earlier part of the proceeding.</p>		Verified
<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></p> <p>During the proceeding, CEJA identified three parties as having positions similar to its own: the NRDC, the DRA, and UCAN. CEJA was in regular contact with these organizations to discuss positions and ensure that duplication was avoided. Before submitting briefs and testimony in the case, CEJA discussed proposed coverage with these parties. CEJA coordinated with UCAN when UCAN was active in the proceeding, and coordinated with NRDC and DRA throughout the proceeding.</p> <p>When similar issues were covered, CEJA provided analysis, studies, and expert opinions which highlighted its own arguments from its perspective as an alliance of environmental justice organizations. The result was a complementary showing that built off each other toward common objectives. A review of</p>		<p>CEJA’s participation, with respect to its challenge to the CAISO’s assumption of zero DR, EE, energy storage and CHP, duplicated that of ORA and, with respect to EE, that of NRDC.</p> <p>ORA’s presentations challenged the CAISO’s OTC study for assuming zero DR, EE, energy storage and CHP, which ORA advocated should be the standardized planning assumptions from the 2010 LTPP Joint Scoping Memo.</p> <p>To the extent that CEJA’s other presentations were unique, it did not substantially contribute to the decision.</p>

<sup>1</sup> DRA was renamed ORA effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

<p>the final decision reveals that when multiple parties worked on an issue, the results were cumulative, not duplicative. Multi-party participation was necessary in light of the several parties advocating opposing positions for nearly every issue.</p> <p>When coordinating with other parties, CEJA covered issues in its testimony that similar parties did not include. For example, CEJA was the only environmental public interest party that provided an extensive analysis of CAISO’s LCR study. In particular, CEJA provided extensive testimony about the input and transmission assumptions that CAISO relied on in its OTC study. CEJA also conducted rounds of discovery to obtain information about the assumptions used in the study. Finally, CEJA extensively researched and cited to available programs and legal authorities in its briefing to support its positions. As a result of these analyses, the Final Decision referenced CEJA’s contributions throughout the decision.</p>	
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**C. Additional Comments on Part II:**

#	Claimant	CPUC	Comment
1	X		<p>CEJA substantially contributed to the development of the record by conducting extensive discovery that was included in the record.</p> <p>CEJA conducted extensive discovery of SDG&amp;E and CAISO that contributed to the development of the record.</p>
		X	<p>Offering discovery into evidence is not a “substantial contribution” unless the evidence that was offered substantially helped the Commission in the making of its order or decision.</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>CEJA requests \$155,631 in fees and costs for its advocacy in the proceeding. CEJA participated in all major aspects of the proceeding, including filing multiple briefs, comments, extensive testimony, and conducting substantial discovery. CEJA also participated in workshops and hearings, including cross-examining several witnesses. In general, CEJA advocated for the denial of authority for SDG&amp;E to enter into PPTAs with Pio Pico and Quail brush because there is no LCR need for</p>	<p><b>CPUC Verified</b></p> <p>Verified</p>
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<p>these resources. CEJA’s arguments were relied upon to lower the total LCR amount, and the Commission rejected the PPTAs with respect to Pio Pico and Quail Brush.</p> <p>CEJA’s participation in this proceeding directly contributed to the Commission’s decision to rely on uncommitted EE, DR, and incremental CHP in its evaluation of LCR need. CAISO’s recommendations would have excluded these resources and led to the procurement of unneeded generation. CEJA’s detailed filings and testimony ensured that the Commission had sufficient information to make a determination from the record.</p> <p>CEJA’s request for fees and costs is likely to be a very small portion of the benefits that utility customers are likely to ultimately realize due to the reduction in unnecessary procurement.</p>	
<p><b>b. Reasonableness of Hours Claimed.</b></p> <p>CEJA participated in all major aspects of the proceeding, including filing multiple briefs, extensive testimony, and conducting substantial discovery. CEJA also participated in workshops and hearings. CEJA’s total testimony and filings are reflected in hundreds of pages of detailed substantive analysis.</p> <p>CEJA and the Environmental Law and Justice Clinic (ELJC) were conscious of using staff with the appropriate amount of work experience for the tasks they performed. In addition, the hours claimed do not include time spent on issues ultimately not addressed in the decision and time spent mentoring or assisting students. The rates requested for these tasks are at the low end of the ranges authorized by the Commission for attorneys, experts and law students.</p> <p>Deborah Behles took on a lead role in this case. She coordinated with her co-counsel Shana Lazerow to assure that internal duplication was avoided. All duplication is avoided in their timesheets. When possible junior attorneys took a lead role for CEJA. For example, Shanna Foley took a role researching and writing briefs when possible. The briefing CEJA submitted in this case included a significant amount of research on many topics. When no junior attorney was available, or when deadlines would not allow for student participation, CEJA’s attorneys took a lead role in drafting briefs and comments. Due to the fact that the majority of testimony and briefs were due during summer or when school was not in session, ELJC law students were not able to assist with many of the tasks, but ELJC law students did take a lead role in preparing the intervenor compensation claim. CBE summer law clerks assisted with the research</p>	<p>Verified, in part. See Part III(C).</p>

<p>and writing of the opening and reply brief in the proceeding. Their worked saved attorney’s time and significantly contributed to CEJA’s briefs.</p> <p>In addition, ELJC was able to significantly reduce the time that Bill Powers spent on the case. ELJC prepared the initial draft of Mr. Power’s expert report in the proceeding. Deborah Behles took a lead role in drafting this effort.</p> <p>CEJA’s expert Jaleh Firooz reviewed briefs and comments throughout the proceeding to ensure technical accuracy. Considering the wide range of topics that she reviewed, her time is reasonable.</p> <p>CEJA and ELJC made significant cuts in time sheets. CEJA and ELJC are not requesting time for over 300 hours that it found to be duplicative or excessive. CEJA eliminated the majority of hours used for internal collaboration. CEJA and ELJC did a detailed review to eliminate duplication. For example, for meetings and hearings, CEJA and ELJC are only requesting time for the primary attorney who appeared at the meeting or hearing. CEJA is not requesting time for multiple attorneys for meetings or hearings. In addition, the hours claimed do not request hours on time spent assisting students or for tasks that were clerical in nature.</p>	
<p><b>c. Allocation of Hours by Issue</b></p> <p>CEJA divided its work into five different issues: (1) CAISO’s and SDG&amp;E’s OTC and LCR Studies; (2) Resource Assumptions; (3) Evaluation of PPTAs; (4) Hearings, Meetings, and Coordination; (5) General Work on Track. The detailed breakdown for each issue is provided in the timesheets, which are attached to this request.</p> <p>Issue 1: 40.04%          Issue 2: 33.39%          Issue 3: 12.52%          Issue 4: 8.90%          Issue 5: 5.20%</p> <p>As the breakdown demonstrates, CEJA spent the majority of its time working on the substantive issues in the proceeding. It only spent around 14% of its total time on hearings, meetings, coordination, and general work in the proceeding.</p>	<p>Verified.</p>

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Deborah Behles	2012	205.15	\$315	Resolution ALJ-281, Comment 6	\$64,662	125	\$315	\$39,375
Deborah Behles	2013	9	\$330	Resolution ALJ-281, Comment 6	\$2,970	9	\$330	\$2,970
Shana Lazerow	2012	28.2	\$360	Resolution ALJ-281, Comment 5	\$10,152	28.2	\$320	\$9,024
Shana Lazerow	2013	7.6	\$375	Resolution ALJ-281, Comment 5	\$2,850	7.6	\$335	\$2,546
Shanna Foley	2012 2013	57.6	\$150	Resolution ALJ-281, Comment 7	\$8,640	57.6	\$160	\$9,216
Jaleh Firooz	2012 2013	189.5	\$240	Resolution ALJ-281, Comment 4	\$43,080	100	\$240	\$24,000
Bill Powers	2012	35	\$250	Resolution ALJ-281, Comment 3	\$8,750	35	\$215	\$7,525
<b>Subtotal:</b>					<b>\$141,104</b>	<b>Subtotal:</b>		<b>\$94,656.00</b>
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 \$
CBE Law Clerks	2012	75.4	\$100	D.11-03-025, D.04-04-12, Comment 1	\$7,540	0	\$100	\$0
<b>Subtotal:</b>					<b>\$7,540</b>	<b>Subtotal:</b>		<b>\$0.00</b>
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
ELJC Law Student	2012 2013	27	\$100	D.11-03-025, D.04-04-12,	\$2,700	0	\$100	\$0

Clinicians				Comment 1				
Deborah Behles	2013	9.5	\$165	Comment 2	\$1,567	9.5	\$165	\$1,567.50
Shana Lazerow	2013	3.5	\$188	Comment 2	\$658	3.5	\$167.50	\$586.25
	<b>Subtotal:</b>				<b>\$4,925</b>	<b>Subtotal:</b>		<b>\$2,153.75</b>
<b>COSTS</b>								
<b>#</b>	<b>Item</b>	<b>Detail</b>			<b>Amount</b>	<b>Amount</b>		
1.	Postage Costs	Mailing costs			\$51.78			\$51.78
2.	Copying Costs	1043 copies at 10 cents per copy			\$104.30			\$104.30
3.	Expert Travel	Travel costs for Jaleh Firooz to travel to hearings and workshop			\$1199			\$1199
4.	Client Travel	Travel costs for airfare and ground transportation for San Diego based client to travel to San Francisco for three separate matters related to proceeding			\$707			\$707
	<b>Subtotal:</b>				<b>\$2,062</b>	<b>Subtotal:</b>		<b>\$2,062.08</b>
<b>TOTAL REQUEST \$:</b>					<b>\$155,631</b>	<b>TOTAL AWARD \$:</b>		<b>\$98,871.83</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 shall 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

<b>Attorney</b>	<b>Date Admitted to CA BAR<sup>2</sup></b>	<b>Member Number</b>	<b>Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation</b>
Deborah Behles	December 21, 2001	218281	No
Shana Lazerow	June 4, 1998	195491	No
Shanna Foley	December 31, 2010	274996	No

### **C. CPUC Disallowances, Adoptions & Adjustments:**

<b>#</b>	<b>Reason</b>
Disallowance of hours for Deborah Behles in 2012	CEJA did not provide reasonable justification to provide compensation for Deborah Behles’ 205.15 hours of work for 2012. Behles’ time beyond 125 hours in 2012 was duplicative of ORA and NRDC without concurrently complementing, supplementing, or contributing to a material degree. We approve 125 hours in 2012 for Behles.
Disallowance of hours for Jaleh Firooz in 2012 and 2013	CEJA did not provide reasonable justification to provide compensation for Jaleh Firooz’ 189.5 hours of work in 2012 and 2013. Firooz’s time beyond 100 hours in 2012 and 2013 was duplicative of ORA and NRDC without concurrently complementing, supplementing, or contributing to a material degree. We approve 100 hours in 2012 and 2013 for Firooz.
Disallowance for CBE Law Clerks Hours	CEJA did not provide reasonable justification to provide compensation for the CBE Law Clerks. The amount of time spent researching and drafting briefs by the CBE law clerks was excessive and duplicative. CEJA will receive reasonable compensation for these activities for its attorneys in this decision.
Disallowance for ELJC Law Student Clinicians Hours	CEJA did not provide reasonable justification to provide compensation for the ELJC Law Student Clinicians. The amount of time spent drafting the intervenor compensation claim by the law student clinicians was duplicative. CEJA will receive reasonable compensation for these activities for its attorneys in this decision.
Hourly Rate of Deborah Behles 2012 & 2013	CEJA requests an hourly rate for Deborah Behles’ work of \$315 in 2012 and \$330 in 2013. The Commission approved a 2012 hourly rate of \$315 for Behles in D.13-12-022. . Behles has been practicing environmental law since 2001 and has been practicing at the ELJC since 2008.  We apply the previously adopted hourly rate of \$315 for 2012 and adopt an hourly rate of \$330 for Behles’ 2013 by applying Behles’ second and

<sup>2</sup> This information may be obtained at: <http://www.calbar.ca.gov/>.

	final 5% step increase for 8-12 years of experience range.
Hourly Rate for Shana Lazerow 2012 & 2013	<p>CEJA requests an hourly rate for Shana Lazerow’s work in A.11-05-023 of \$360 in 2012 and \$375 in 2013. Lazerow has been the chief litigation attorney at CBE since 2005 and has been a licensed attorney of the California Bar since 1998. Lazerow had practiced environmental and administrative law for 14 years at the time of this proceeding.</p> <p>The Commission approved an hourly rate of \$320 for Lazerow’s 2012 work in D.13-10-014. We apply that hourly rate to Lazerow’s work in this decision. To adopt a 2013 hourly rate for Lazerow we apply an available 5% step increase. After rounding, the Commission adopts a 2013 hourly rate of \$335 for Lazerow.</p>
Hourly Rate for Shanna Foley 2012 & 2013	<p>CEJA requests an hourly rate of \$150 for Shanna Foley’s work in A.11-05-023 in 2012 and 2013. Foley has been a licensed attorney of the California Bar since December 31, 2010.</p> <p>The Commission has not yet adopted an hourly rate for Foley. Pursuant to Resolution ALJ-287 we adopt an hourly rate of \$160 for Foley’s 2012 and 2013 work.</p>
Hourly Rate for Jaleh Firooz 2012 & 2013	<p>CEJA requests an hourly rate of \$240 for Jaleh Firooz’s 2012 and 2013 work. Firooz is a registered Professional Electrical Engineer in California with transmission planning expertise. She has over 30 years of experience in the electricity industry.</p> <p>The Commission has not yet adopted an hourly rate for Firooz. Pursuant to Resolution ALJ-287 we adopt an hourly rate of \$240 for Firooz’s 2012 and 2013 work.</p>
Hourly Rate for Bill Powers 2012 & 2013	<p>CEJA requests an hourly rate of \$250 for Bill Powers’ 2012 work. The Commission approved an hourly rate of \$200 for Powers in D.11-10-041 in 2011. Powers is an engineering expert with an emphasis on energy related issues and has over 30 years of experience in the field. Powers has provided expert testimony in nine separate matters involving energy efficiency and compliance with the loading order.</p> <p>We apply the available 5% step increase and 2.2% Cost of Living Adjustment, pursuant to Resolution ALJ-281, to adopt a 2012 hourly rate of \$215 for Powers.</p>

**PART IV: OPPOSITIONS AND COMMENTS**

<b>A. Opposition: Did any party oppose the Claim?</b>	No
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<b>B. Comment Period: Was the 30-day comment period waived (see</b>	No
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<b>Rule 14.6(c)(6)?</b>	
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If not:

<b>Party</b>	<b>Comment</b>	<b>CPUC Disposition</b>
California Environmental Justice Alliance	California Environmental Justice Alliance (CEJA) filed comments on the Alternate Proposed Decision on June 6, 2014. CEJA requested that the hourly rates for Deborah Behles and Shana Lazerow be raised and that it be compensated for work completed by CBE’s law clerks and the ELJC’s law student clinicians.	<p>The Commission finds that the alternative rates proposed for Deborah Behles in CEJA’s comments, \$315 in 2012 and \$330 in 2013, are comparable to market rates paid to experts and advocates having comparable training and experience offering similar services and correspond with past rates adopted for Behles. Please see Part III C for further explanation.</p> <p>The Commission finds that the alternative rates proposed for Shana Lazerow, \$320 for 2012 and \$335 for 2013 (adjusted from \$336 by rounding to the nearest \$5) are comparable to market rates paid to experts and advocates having comparable training and experience offering similar services and correspond with past rates adopted for Lazerow. Please see Part III C for further explanation.</p> <p>The Commission has reviewed CEJA’s</p>

		<p>comments regarding compensation for law student work it is request and does not find the arguments compelling. The amount of time spent drafting the intervenor compensation claim and research and writing briefs by the law students was excessive and duplicative. CEJA will receive reasonable compensation for these activities for its attorneys. No compensation is awarded for the work performed by CBE's law clerks and ELJC law student clinicians.</p>
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**FINDINGS OF FACT**

1. California Environmental Justice Alliance has made a substantial contribution to Decision 13-03-029.

2. The requested hourly rates for California Environmental Justice Alliance's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience 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 compensation is \$98,871.83.

**CONCLUSION OF LAW**

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

**ORDER**

1. California Environmental Justice Alliance is awarded \$98,871.83.

2. Within 30 days of the effective date of this decision, San Diego Gas and Electric Company shall pay California Environmental Justice Alliance 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 11, 2013, the 75th day after the filing of California Environmental Justice Alliance's request, and continuing until full payment is made.

3. The comment period for today's decision is not waived.

4. 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>	D1303029		
<b>Proceeding(s):</b>	A1105023		
<b>Author:</b>	Commissioner Michael R. Peevey		
<b>Payer(s):</b>	San Diego Gas & 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>
California Environmental Justice Alliance	5/24/2013	\$155,631.00	\$98,871.83	No	Lower hourly rates than requested, disallowances for duplication of effort and lack of justification of hours claimed.

### 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>
Deborah	Behles	Attorney	CEJA	\$315	2012	\$315
Deborah	Behles	Attorney	CEJA	\$330	2013	\$330
Shana	Lazerow	Attorney	CEJA	\$360	2012	\$320
Shana	Lazerow	Attorney	CEJA	\$375	2013	\$335
Shana	Foley	Attorney	CEJA	\$150	2012 - 2013	\$160
Jaleh	Firooz	Expert	CEJA	\$240	2012 - 2013	\$240
Bill	Powers	Expert	CEJA	\$250	2012	\$215

(END OF APPENDIX)