

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission’s Own Motion to improve distribution level interconnection rules and regulations for certain classes of electric generators and electric storage resources.

Rulemaking 11-09-011
(Filed September 22, 2011)

DECISION AWARDING INTERVENOR COMPENSATION TO SUSTAINABLE CONSERVATION FOR SUBSTANTIAL CONTRIBUTION TO DECISION 12-09-018

Claimant: Sustainable Conservation	For contribution to D.12-09-018
Claimed (\$): \$61,919.75	Awarded (\$): 37,266.56 (-39.815% reduction)
Assigned Commissioner: Picker	Assigned ALJ: DeAngelis

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	D.12-09-018 adopted in full a settlement agreement that presents, among other things, a fundamentally reformed Electric Tariff Rule 21. Rule 21 governs the interconnection of electric generating facilities to utility distribution systems.
--	--

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

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	Feb. 16, 2012	Correct.
2. Other Specified Date for NOI:	Oct. 27, 2011	Correct.
3. Date NOI Filed:	Oct. 26, 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:	R.08-08-009	Correct.
6. Date of ALJ ruling:	November 10, 2010	Correct.
7. Based on another CPUC determination (specify):		D.09-09-045 at 5-6.
8. Has the Claimant demonstrated customer or customer-related status?		Yes.
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:		
10. Date of ALJ ruling:		
11. Based on another CPUC determination (specify):	D.09-09-045, D.09-12-039, D.11-06-036, D.12-06-017	Correct.
12. Has the Claimant demonstrated significant financial hardship?		Yes, a rebuttable presumption of eligibility exists for Sustainable Conservation.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.12-09-018	Correct.
14. Date of Issuance of Final Order or Decision:	Sept. 20, 2012	Correct.
15. File date of compensation request:	November 18, 2012	November 19, 2012.
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). (For each contribution, support with specific reference to the record.)

Intervenor’s Claimed Contribution	Specific References to Intervenor’s Presentations and to Decision	CPUC Discussion
<p>1. Developed and submitted <i>Petition for Modification of D.07-07-027</i> in R.11-05-005.</p>	<p><u>Contribution</u> The <i>Petition for Modification</i> was filed to (i) ask the Commission to account for changes in California’s Feed-in Tariff program resulting from enactment of Senate Bill 32 in 2009, and (ii) accept the Commission’s express offer extended to parties in D.07-07-027 to file a petition such as this one if interconnection of eligible water, wastewater, and other electric utility customers to utility power lines under AB 1969 should at some future date become “a matter that needs attention at the Commission level.” The <i>Petition</i> highlighted specific issues, identified below. Absent this <i>Petition</i>, it is not clear the Commission would have recognized the need for specific action related to interconnection.</p> <p>Sustainable Conservation filed the <i>Petition to Modify</i> in R.11-05-005, as that proceeding was the open proceeding at the time for renewable energy policy issues, and the successor to the proceeding in which D.07-07-027 was issued.</p>	<p>The Commission will not compensate Sustainable Conservation for work performed outside the scope of this proceeding. See D.11-06-014 (noting that compensation is only provided for efforts that contributed to the present decision and were within the scope of the present proceeding.)</p> <p>This decision will award Sustainable Conservation compensation for work performed solely regarding R.11-09-011. All other hours claimed are disallowed.</p> <p>While the Commission agrees that some issues found in the present proceeding may have stemmed from Sustainable Conservation’s past work, the request for compensation for</p>

Intervenor’s Claimed Contribution	Specific References to Intervenor’s Presentations and to Decision	CPUC Discussion
	<p><u>Evidence of Substantial Contribution</u></p> <p>In considering the <i>Petition</i> in R.11-05-005, the Commission found that the issues in the <i>Petition</i> had merit.</p> <p>D.12-05-035 states, in addressing the <i>Petition</i>: “The issues framed by Sustainable Conservation’s petition for modification are addressed in today’s decision or will be addressed in the separate, ongoing rulemaking before the Commission, R.11-09-011.... Therefore, because the issues framed by Sustainable Conservation’s petition for modification are addressed in today’s decision or will be addressed in R.11-09-011, the petition is denied.” (At 107-108)</p> <p>This is repeated in Finding of Fact 46: “The issues framed by Sustainable Conservation’s petition for modification are addressed in today’s decision or will be addressed in the separate, ongoing rulemaking before the Commission, R.11-09-011.”</p> <p>When R.11-09-011 was opened, among the five issues identified in the <i>Order Instituting Rulemaking</i>, three are immediately responsive to Sustainable Conservation’s <i>Petition</i>: Issue 1: Reform Distribution</p>	<p>such work should have been made in R.11-05-005.</p>

Intervenor’s Claimed Contribution	Specific References to Intervenor’s Presentations and to Decision	CPUC Discussion
	<p>Level Interconnection Process and Reporting Requirements Issue 4: Cost Allocation for Infrastructure Upgrades Issue 5: Procedural Forum for Rule 21 Settlement Efforts</p>	
<p>2. Use Rule 21 for interconnection of customers that interconnect to distribution power lines.</p>	<p><u>Contribution</u> Sustainable Conservation’s <i>Petition for Modification of D.07-07-027</i> argues that the Commission should direct the utilities to use Rule 21 for interconnection of customers that interconnect to distribution power lines that are not used for transmission service. (<i>Petition</i>, throughout, and particularly at 6-8)</p> <p>This remained one of the organization’s objectives in the settlement proceedings.</p> <p><u>Evidence of Substantial Contribution</u> <i>Order Instituting Rulemaking 11-09-011</i> identifies: Issue 1: Reform Distribution Level Interconnection Process</p> <p>D.12-09-018, at 14-15: “As a result, a patchwork approach has developed with the application of Rule 21 to the Commission’s distributed generation programs. In some instances the interconnection applicants or the utilities rely upon Rule 21 and in other instances they rely upon federal wholesale</p>	<p>Agreed, in part.</p> <p>The Commission awards intervenor compensation for work performed which made a substantial contribution to a Commission proceeding. The Commission’s own OIR is not an appropriate citation for proof of contribution.</p>

Intervenor’s Claimed Contribution	Specific References to Intervenor’s Presentations and to Decision	CPUC Discussion
	<p>tariffs...today the approach results in uncertainty, lack of transparency, and the risk of differential treatment of otherwise similarly situated developers of distributed generation. These circumstances are contributing factors to the need for reform of Rule 21 and, recently, to our expressed commitment to review how Rule 21 applies to the Commission’s various distributed generation programs.”</p>	
<p>3. Provide certainty for generators in terms of time and cost for interconnection.</p>	<p><u>Contribution</u> Sustainable Conservation has advocated for the importance of generators knowing in advance how long it will take to obtain interconnection, and the cost of that process. This is woven throughout the <i>Petition to Modify</i>, and is highlighted in Attachment B to the <i>Petition</i>. Certainty around time and cost was a priority for Sustainable Conservation in the settlement process.</p> <p><u>Evidence of Substantial Contribution</u> <i>Order Instituting Rulemaking 11-09-011</i> identifies: Issue 4: Cost Allocation for Infrastructure Upgrades</p> <p><i>Motion for Approval of Settlement</i>, at 6-7: The Settlement Agreement recommends that the Commission initiate Phase 2 by issuing a Scoping Memo</p>	<p>Agreed, in part.</p> <p>The Commission will not compensate for work performed outside the scope of the present proceeding.</p> <p>The Commission awards intervenor compensation for work performed which made a substantial contribution to a Commission proceeding. The Commission’s own OIR is not an appropriate citation for proof of contribution.</p>

Intervenor’s Claimed Contribution	Specific References to Intervenor’s Presentations and to Decision	CPUC Discussion
	<p>that includes the following issues:</p> <p>3. Cost allocation and certainty issues including but not limited to: earlier cost certainty, cost averaging, cost sharing, distribution system upgrades appropriate for rate-based support, data reporting to improve cost predictability, cost assignment of planned distribution system upgrades, curtailment as a method of avoiding triggered upgrades, development of an online portal for applying for a Pre-Application Report.</p> <p>4. Study deposits, pursuant to which the IOUs shall collect and provide data on the actual cost of system impact studies and facilities studies.</p> <p>...</p> <p>The Settlement Agreement highlights cost certainty as a high Phase 2 priority. More specifically, it states, “the key [cost certainty] issues are (1) the variability of potential costs, and (2) the potentially lengthy time frame before final costs are known, including the fact that the [Revised Tariff] allows the developer to execute an interconnection agreement and get interconnected before having a final cost estimate.”</p> <p>D.12-09-018: “...it is reasonable to find that the public interest will be served by taking into</p>	

Intervenor’s Claimed Contribution	Specific References to Intervenor’s Presentations and to Decision	CPUC Discussion
	<p>consideration the Joint Settlement Parties’ recommendations when the assigned Commissioner and ALJ define the issues to be addressed in phase 2.” (At 38)</p>	
<p>4. Encourage a timely settlement focused on developing a new Rule 21 that can be used consistently by exporting as well as Net Energy Metering projects.</p>	<p><u>Contribution</u> Sustainable Conservation <i>Petition</i>, throughout. See in particular p 15: “It is in the public interest to keep distribution level interconnection within CPUC jurisdiction and update Rule 21 as necessary.” This remained one of the organization’s objectives in the settlement proceedings.</p> <p><u>Evidence of Substantial Contribution</u> <i>Order Instituting Rulemaking</i> 11-09-011, at 7: “Issue 5: Procedural Forum for Rule 21 Settlement Efforts This rulemaking may be used by the Commission as the procedural forum for the recently initiated settlement efforts to address matters related to Rule 21.</p> <p><i>D.12-09-018</i>, at 33-34: “Efforts to achieve increase standardization are critical to continued market development of renewable resources, especially given the number and diversity of distributed generation and storage programs enacted in California since the last revision of Rule 21 in 2000. In this</p>	<p>Agreed.</p> <p>The Commission will not compensate for work performed outside the scope of the present proceeding.</p> <p>The Commission awards intervenor compensation for work performed which made a substantial contribution to a Commission proceeding. The Commission’s own OIR is not an appropriate citation for proof of contribution.</p>

Intervenor’s Claimed Contribution	Specific References to Intervenor’s Presentations and to Decision	CPUC Discussion
	<p>manner, the Revised Rule 21 and associated forms will provide developers with advance knowledge of the technical information requested at the outset of an interconnection application, the process by which an interconnection request is evaluated, and the terms and conditions of an interconnection agreement.”</p>	
<p>5. Encourage better utility accountability for interconnection.</p>	<p><u>Contribution</u> Sustainable Conservation <i>Petition</i>, at 4: “The Utilities need a clear signal from the Commission that (i) there is local recourse when the Utilities fail to deliver timely services and (ii) the Commission is not going to allow the entire local interconnection process to be “federalized.””</p> <p>Sustainable Conservation <i>Petition</i>, Attachment B, at 2: “For these facility developers perhaps the most problematic aspect to these failures was the lack of recourse. Whatever the specific cause of the utilities’ failures, there was little ability to have the issues addressed by a California agency and in a timely way.”</p> <p>This remained one of the organization’s objectives in the settlement proceedings.</p> <p><u>Evidence of Substantial Contribution</u></p>	<p>Agreed.</p>

Intervenor’s Claimed Contribution	Specific References to Intervenor’s Presentations and to Decision	CPUC Discussion
	<p><i>Settlement Agreement</i>, Section G: “4. The IOUs shall designate an “Interconnection Ombudsman” with the authority to resolve missed deadline disputes on an informal basis. The Ombudsman shall not be a member of the IOU’s distribution system interconnection division. The IOUs shall make the identity, role, and contact information of the ombudsman available on their individual websites.”</p>	
<p>6. Sustainable Conservation has long advocated that the Commission must establish internal dispute resolution processes for interconnection.</p>	<p><u>Contribution</u> Sustainable Conservation <i>Petition</i>, at 4: “The Utilities need a clear signal from the Commission that (1) there is local recourse when the Utilities fail to deliver timely services and (ii) the Commission is not going to allow the entire local interconnection process to be ‘federalized.’” This remained one of the organization’s objectives in the settlement proceedings.</p> <p><u>Evidence of Substantial Contribution</u> <i>Settlement Agreement</i>, Section G: “5. The Commission should direct the Consumer Affairs Branch to be specifically trained to handle disputes regarding missed timelines as set out in the Revised Rule 21 Tariff.</p>	<p>Agreed.</p>

Intervenor’s Claimed Contribution	Specific References to Intervenor’s Presentations and to Decision	CPUC Discussion
	<p>6. The Commission should direct that the Administrative Law Judge Division’s Alternative Dispute Resolution program (ADR) commence hearing a Revised Rule 21 Tariff timeline dispute within ten (10) business days of a request for ADR.”</p>	
<p>7. Keep Rule 21 separate from WDAT process.</p>	<p><u>Contribution</u> Sustainable Conservation <i>Petition</i>, at 4: “As soon as possible, the Commission must clarify its jurisdiction over the process of interconnecting Customers to local utility distribution lines that are not subject to the jurisdiction of the California Independent System Operator under the Federal Power Act. In recent months it has become increasingly obvious that a clear statement of Commission policy regarding the use of the existing Commission-approved interconnection process where no use of the transmission system is involved, is the only rational way to bring order to a rising cacophony of disparate stakeholder opinions.”</p> <p>Sustainable Conservation <i>Petition</i>, Attachment C, at 1: “One of the issues of concern for us with D.07-07-027 was the open-ended nature of the interconnection for PG&E, with the ability to use either the federal or state interconnection tariffs. We have consistently advocated</p>	<p>The Commission awards intervenor compensation for work performed which made a substantial contribution to a Commission proceeding. Here, Sustainable Conservation’s efforts did not assist the Commission’s decision-making process.</p>

Intervenor’s Claimed Contribution	Specific References to Intervenor’s Presentations and to Decision	CPUC Discussion
	<p>for an interconnection process that is easy to access and understand. Of particular importance, we have objected to moving the regulatory framework for projects that interconnect at the distribution level to the jurisdiction of a federal agency.”</p> <p>This remained one of the organization’s objectives in the settlement proceedings.</p> <p><u>Evidence of Substantial Contribution</u> <i>Motion for Approval of Settlement Agreement</i>, Section II.C, at 8: “The Revised Tariff and Standardized Forms may require the IOUs to revise their FERC jurisdictional wholesale interconnection tariffs (WDATs) to accommodate applicants that are studied in the transmission cluster study process and choose a CPUC-jurisdictional interconnection agreement.²⁷ If necessary, the IOUs will seek approval at FERC of the required WDAT revisions upon the Commission’s adoption of the Settlement Agreement.”</p> <p>Attachment A to <i>Motion for Approval of Settlement</i>, at A-1-A-2: “The Revised Tariff separates its discussion of these three issues into subsections B.1</p>	

Intervenor’s Claimed Contribution	Specific References to Intervenor’s Presentations and to Decision	CPUC Discussion
	(Applicability), B.2 (Definitions) and B.3 (Applicable Codes and Standards). Subsection B.1 expands on the existing Rule 21 tariff to more clearly state when an applicant may apply for interconnection pursuant to Rule 21 procedures, as opposed to the CAISO procedures or the procedures in a utility’s WDAT.”	
<p>8. Sustainable Conservation was an active participant in settlement process. Sustainable Conservation provided early support for the settlement process, even in light of questioning by some other parties.</p>	<p><u>Contribution</u> Sustainable Conservation actively participated in the settlement process, including the workshops that preceded the actual settlement negotiations. Because the settlement is confidential, Sustainable Conservation cannot divulge the actual content of our contributions during the settlement talks. We have attempted in this claim to highlight the areas of focus for Sustainable Conservation in the settlement process, and demonstrate how our participation in the settlement contributed to favorable outcomes for those goal areas.</p> <p><u>Evidence of Substantial Contribution</u> D.12-09-018, Conclusion of Law 1: “1. The Proposed Settlement is reasonable in light of the whole record because it reasonably responds to the</p>	<p>Agreed.</p>

Intervenor’s Claimed Contribution	Specific References to Intervenor’s Presentations and to Decision	CPUC Discussion
	<p>issues framed by this rulemaking, the scoping memo, and issues identified by stakeholders at Commission workshops, and, in addition, <u>further the broader goals of the Commission to achieve greater transparency, predictability, and timeliness of the distribution level interconnection process as set out in Rule 21.</u>” (emphasis added)</p> <p>Conclusions of Law 2-7, all of which find the Proposed Settlement reasonable in light of the record, consistent with the law, and serving the public interest in various regards, including:</p> <ul style="list-style-type: none"> • Supporting state and federal policy goals; • Conforming, in certain instances, the Revised Rule 21 to the federal wholesale tariffs; • Making certain recommendations for additional Commission staff oversight of the utilities’ implementation of the Revised Rule 21; • Recommending issues for phase 2. 	

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

	Intervenor’s Assertion	CPUC Verified
a. Was the Office of Ratepayer Advocates	Yes.	Yes.

(ORA) a party to the proceeding? ¹		
b. Were there other parties to the proceeding with positions similar to yours?		Yes.
c. If so, provide name of other parties: California Farm Bureau Federation, Center for Energy Efficiency and Renewable Technologies, Clean Coalition, Interstate Renewable Energy Council, Sierra Club.		Agreed.
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: Sustainable Conservation filed the <i>Petition to Modify D.07-07-027</i> on its own accord. Other parties filed comments in support of the <i>Petition</i> . As the new rulemaking commenced and moved into the settlement process, which is confidential, Sustainable Conservation engaged in the settlement process in good faith and coordinated where possible with all parties. Sustainable Conservation did not burden the record with comments on the Proposed Decision adopting the settlement, recognizing that our participation in the settlement was sufficient support.		<p>The Commission issued D.07-07-027 as part of proceeding R.11-05-005.</p> <p>The Commission will not compensate Sustainable Conservation for work performed outside the scope of this proceeding. <i>See</i> D.11-06-014 (noting that compensation is only provided for efforts that contributed to the present decision and were within the scope of the present proceeding.).</p> <p>The Commission agrees that Sustainable Conservation participated in the settlement process.</p>

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates 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.

C. Additional Comments on Part II (use line reference # or letter as appropriate):

Intervenor	CPUC	Comment
X		In this claim, we balance the confidentiality provisions of the settlement process with the requirement to demonstrate a substantial contribution to the proceeding. This claim therefore highlights the issues related to interconnection that were brought forward in Sustainable Conservation’s <i>Petition to Modify D.07-07-027</i> , and demonstrates how the final settlement, adopted in full by the Commission, addressed those issues.
	X	The Commission notes that Decision 12-09-018, the Decision on which this claim rests, is not confidential and should have been cited by Sustainable Conservation.
X		We have listed “participation in the settlement process” as an area of contribution, and we have attempted to highlight the organization’s specific goals for the settlement process. We have therefore allocated the vast majority of time during the workshop and settlement process to issue areas, even though the confidentiality provisions of the settlement process prohibit us from providing cites to documentation.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

<p>a. Concise explanation as to how the cost of Claimant’s participation bears a reasonable relationship with benefits realized through participation (include references to record, where appropriate)</p> <p>Sustainable Conservation is the only non-profit environmental organization with a specific focus on the environmental benefits of biogas technology in the agricultural and food processing industries in these proceedings. Sustainable Conservation’s focus on ensuring a diversity of renewable resources in California’s electricity portfolio should provide numerous benefits to ratepayers. Biogas digesters provide baseload renewable power, which assists with peak demand and load management. Installing biogas digesters on farms and food processing facilities throughout California should relieve congestion on distribution lines and reduce the need to construct new transmission. Biogas digesters have the additional benefit of significantly reducing emissions of methane, a powerful greenhouse gas. While the policy and procedural contributions from Sustainable Conservation can be difficult to quantify in monetary terms, we submit that Sustainable Conservation contributed substantially to the adoption of D.12-05-035, over the course of several years as the Commission developed the feed-in tariff policy, as discussed above.</p>	<p style="text-align: center;">CPUC Verified</p> <hr/> <p style="text-align: center;">Verified.</p> <p>The Commission notes, however, that Sustainable Conservation’s participation in this proceeding was not unique and the organization’s focus overlapped with the interests of all other parties.</p>
<p>b. Reasonableness of Hours Claimed.</p> <p>Sustainable Conservation has maintained a high level of participation over many years on the biogas tariff and interconnection issues with</p>	<p style="text-align: center;">Verified.</p>

<p>minimal staff: one in-house staff person (Allen Dusault through October 2011, Stacey Sullivan since October 2011), and a regulatory consultant (Jody London). When it became clear that legal and technical expertise related to interconnection would be required to promote the organization’s interests, Sustainable Conservation retained attorney Don Liddell and technical expert Phil Muller. Sustainable Conservation has split responsibilities among these people as follows:</p> <ul style="list-style-type: none"> • Mr. Dusault and then Mr. Sullivan have provided technical review, researched technical issues related to the feed-in tariff, interconnection, and biogas technology, and ensured consistency with Sustainable Conservation’s mission. Mr. Dusault and Mr. Sullivan participated in key conference calls and meetings along with Ms. London, Mr. Liddell, and/or Mr. Muller to ensure that both the technical aspects and organizational priorities were fully represented. • Until Mr. Muller was retained, Ms. London took the lead in reviewing and summarizing relevant documents and communications, developing written comments, coordinating and consulting with other parties as part of the organization’s development of positions, and setting meetings with CPUC staff and decision makers. Subsequent to Mr. Muller joining the team, he assumed most of those responsibilities, particularly representing Sustainable Conservation at workshops and in settlement negotiations. Ms. London’s involvement subsequent to Mr. Muller joining the team was to ensure consistency with other CPUC proceedings, and serve as editor, and final reviewer on regulatory filings. Ms. London and Mr. Muller have shared responsibility for drafting regulatory documents. • Mr. Liddell provided legal representation in developing and writing the <i>Petition to Modify D.07-07-027</i>, which document provided impetus to the opening of R.11-09-011. Much of his work is subject to client-attorney privilege. 	
<p>c. Allocation of Hours by Issue ISSUE AREAS</p> <ol style="list-style-type: none"> 1) Develop and submit <i>Petition for Modification of D.07-07-027</i>. 2) Use Rule 21 for interconnection to distribution power lines. 3) Provide certainty for generators in terms of time and cost for interconnection. 4) Encourage a timely settlement focused on developing a new Rule 5) Encourage better utility accountability for interconnection. 6) Establish internal dispute resolution processes for interconnection 7) Keep Rule 21 separate from WDAT process. 8) Active participant in settlement process <p style="text-align: center;"> 1 2 3 4 5 6 7 8 </p>	<p>Verified, but see “CPUC Disallowances and Adjustments” in Part III.D.</p> <p>The Commission notes that work performed on the <i>Petition for Modification of D.07-07-027</i> is</p>

Dusault	8	0.75	1	2.45	0	0	0.2		<p>outside the scope of this proceeding and will not be compensated.</p> <p>For Issue 1, the Commission will not award compensation, as the entirety of the hours performed on this issue are outside the scope of this proceeding.</p> <p>For Issue 3, the Commission will reduce compensation by 50% as the cited portion of the Decision clearly indicates that such issues will be addressed in Phase II of the proceeding, which would require a new compensation request. Additionally, intervenor cites to work performed that is outside the scope of the present proceeding.</p> <p>For Issue 4, Sustainable Conservation claims 62.7 hours to “Encourage a timely settlement focused on developing a new Rule 21.” Such claim is excessive and will be reduced</p>
Sullivan	0	0.8	0.8	2.5	0.3	0.3	0.1	0	
London	5.9	4.1	3.95	5.65	1.9	1.5	1.3	1.5	
Muller		20	26.5	52.1	20.7	9.9	15.55	1.5	
Liddell	39.8								
TOTAL	53.7	25.65	32.25	62.7	22.9	11.7	17.15	3	

	by 5%. For Issue 7, Sustainable Conservation failed to demonstrate how its work assisted the Commission's resolution of the proceeding. As such, no compensation will be awarded for hours claimed under this heading.
--	---

B. Specific Claim:

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Liddell	2011	39.8	\$300	D.09-12-039	\$11,940.00	0 [1]	\$300.00	00.00
Dusault	2011	12.4	\$230	Resolution ALJ -281; D.12-06-017	\$2,852.00	3.78 [2]	\$230.00	869.40
Sullivan	2011	2.5	\$230	Resolution ALJ -281; D.12-06-017	\$575.00	2.175 [3]	\$230.00	500.25
Sullivan	2012	2.3	\$235	Resolution ALJ -281; D.12-06-017	\$540.50	1.76 [4]	\$235.00	413.60
London	2011	21.2	\$200	Resolution ALJ -281; D.12-06-017	\$4,240.00	12.877 [5]	\$200.00	2,575.40
London	2012	4.6	\$205	Resolution ALJ 281; D.12-06-017	\$943.00	4.105 [6]	\$205.00	841.53
Muller	2011	103.45	\$250	Resolution ALJ 281	\$25,862.50	80.87 [7]	\$250.00	20,217.50
Muller	2012	42.8	\$255	Resolution ALJ 281	\$10,914.00	33.975 [8]	\$255.00	8,663.63

					Subtotal:	\$57,867.00			Subtotal:	\$34,081.31
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 \$		
Muller	2011	13.5	\$125	Resoluti on ALJ 281	\$1,687.50	12.00 [9]	\$125.00	1,500.00		
Muller	2012	3	\$127.5	Resoluti on ALJ 281	\$382.50	3	\$127.50	382.50		
					Subtotal:	\$2,070.00			Subtotal:	\$1,882.50
INTERVENOR COMPENSATION CLAIM PREPARATION **										
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hou rs	Rate	Total \$		
London	2011	2.5	\$100.0 0	Resoluti on ALJ - 281; D.12- 06-017	\$250.00	2.5	\$100.00	250.00		
London	2012	6.8	\$202.5 0	Resolutio n ALJ - 281; D.12-06- 017	\$1,377.00	6.8	\$102.50 [10]	697.00		
Sullivan	2012	1	\$115.0 0	Resolutio n ALJ - 281; D.12-06- 017	\$115.00	1.0	\$115.00	115.00		
Muller	2012	1.3	\$127.50	Resoluti on ALJ - 281; D.12- 06-017	\$165.75	1.3	\$127.50	165.75		
Liddell	2012	0.5	\$150.00	Resoluti on ALJ - 281; D.12- 06-017	\$75.00	.5	\$150.00	75.00		

	Subtotal:	\$1,982.75	Subtotal:	\$1,302.75
TOTAL REQUEST \$:		\$61,919.75	TOTAL AWARD \$:	\$37,266.56
<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. Intervenor'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>				
Attorney	Date Admitted to CA BAR²	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation	
Don Liddell	March 10, 1975	63613	No	
James Stacey Sullivan III	June 13, 1996	182733	No. Sullivan was inactive from January 1, 2004 until February 1, 2008; from January 3, 2011 until January 11, 2012; and from June 9, 2014 until present.	

C. Comments on Part III:

Comment #	Sustainable Conservation's Comments
Comment 1	Sustainable Conservation is not claiming any costs in this request. This is due to the ability to file and serve comments and other documents electronically using the Commission's E-file system; postage costs were minimal and are not included in this claim. Sustainable Conservation has used electronic mail communication and conference calls to reduce the cost of meetings, and similarly is not including those costs in this claim. With the

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

	exception of the <i>Petition to Modify D.07-07-027</i> , Sustainable Conservation has relied on Ms. London for much of the work usually performed by an attorney, further reducing costs. Sustainable Conservation has been fiscally prudent.
Comment 2	Rationale for Jody London's hour rates. Sustainable Conservation requests an hourly rate of \$200 for Jody London for work performed in 2011 and \$205 for work performed in 2012. D.12-06-017 grants an hourly rate for Ms. London of \$200 for work performed in 2011. Resolution ALJ-281 (September 2012) authorized rates ranging from \$160 - \$400 for experts with 13 or more years experience, and authorized a 2.2% cost of living adjustment for work performed by intervenors in 2012. Ms. London has over 22 years experience in the energy industry. Her work in this proceeding has frequently been in lieu of work that would otherwise be performed by an attorney with equivalent experience, at a significantly higher rate (\$305-\$545). Therefore the requested rate for Ms. London is extremely reasonable.
Comment 3	Rationale for Allen Dusault's hourly rates. Sustainable Conservation requests an hourly rate of \$230 for Mr. Dusault for work performed in 2011. This is the rate approved for him in D.11-06-036. During this proceeding, Dusault managed Sustainable Conservation's Sustainable Agriculture program. He has over 25 years' experience in water quality issues, waste management, transportation, agriculture and energy generation that spans the public, private and non-profit sectors.
Comment 4	Rationale for Stacey Sullivan's hourly rates. Sustainable Conservation requests an hourly rate of \$230 for Mr. Sullivan for work performed in 2011, and \$235 for work performed in 2012. Sullivan directs Sustainable Conservation's public policy program, and has assumed the responsibilities for CPUC-related matters previously performed by Allen Dusault. Prior to joining Sustainable Conservation in 2009, Sullivan spent 12 years as a committee consultant to the California State Assembly. After working as a consultant to the Natural Resources Committee and Budget Subcommittee #3 (Resources), he served for eight years as Chief Consultant to the Local Government Committee. His work while with the Assembly included in-depth involvement in significant legislation and policy initiatives concerning the California Environmental Quality Act, water policy, sustainable agriculture, housing, and land use planning. Sullivan was educated at the University of California, Santa Cruz, University of Oxford, and King Hall School of Law at the University of California, Davis. Sullivan is an active member of the California State Bar, and, while not employed as an attorney by Sustainable Conservation, he draws extensively on his legal training in this work before the CPUC. This 2011 rate requested for Mr. Sullivan is the same rate approved for his predecessor within the organization, as discussed above. The 2012 rate request reflects the 2.2% cost of living adjustment authorized in Resolution ALF-281. The range of rates for lawyers with 13+ years experience approved in Resolution ALJ-267 is \$300-\$535; the approved range of rates

	for experts with 13+ years experience is \$160 - \$400. The rate requested for Mr. Sullivan is extremely reasonable.
Comment 5	<p>Rationale for Don Liddell’s hourly rates. Sustainable Conservation requests an hourly rate of \$300 for work performed by attorney Don Liddell. D.09-12-039 awarded Mr. Liddell \$300 for work performed in 2007 and 2008. Sustainable Conservation is not requesting an increase in Mr. Liddell’s rate at this time. Mr. Liddell is a veteran utility attorney with over 30 years experience. The Commission awards lawyers with the same or fewer years experience than Mr. Liddell significantly higher rates (<i>i.e.</i>, Bob Finkelstein - \$470 for 2011; Robert Gnaizda - \$535 for 2011; Melissa Kasnitz - \$420 for 2011; Steven Siegel - \$430 for work in 2009). The rate requested for Mr. Liddell is extremely reasonable, and at the lower end of the range of \$300 - \$535 for lawyers with more than 13 years experience.</p>
Comment 6	<p>Rationale for Phil Muller’s hourly rates. This is the first intervenor compensation claim for Phil Muller. Mr. Muller is Principal Consultant at SCD Energy Solutions. He brings over 30 years experience in the energy industry in California and nationally, primarily focused on customer and regulatory relations and industry restructuring issues. Mr. Muller helps clients develop and implement strategies to further expansion of competitive electricity markets. He has participated in California Public Utilities Commission electric industry restructuring proceedings, California Energy Commission generation siting cases, initial development of the California ISO, and ongoing ISO market design stakeholder processes. He has provided regulatory update services regarding wholesale electric industry market issues throughout the West. Mr. Muller also has supported contract negotiations for electric service from a non-utility generator. His CV is included in Attachment 3.</p> <p>Mr. Muller was Sustainable Conservation’s representative in the interconnection workshops and settlement negotiations. He had primary responsibility for analyzing issues, developing oral and written contributions, and notifying Mr. Sullivan and Ms. London of key developments in the case.</p> <p>Sustainable Conservation requests an hourly rate of \$250 for work performed by Mr. Muller in 2011 and \$255 for work performed in 2012 (reflecting a 2.2% cost of living adjustment). This is commensurate with or lower than rates awarded to similarly situated technical experts (<i>i.e.</i>, James Weil - \$300 for 2011; Ed Smeloff - \$300 for 2006; Alan Noguee - \$270 for 2008; Bill Marcus - \$250 in 2011). This is well within the adopted range of \$160 - \$400 for experts with more than 13 years experience.</p>
Comment 7	<p>During the time between when the Petition to Modify D.07-07-027 was filed and when the Commission commenced interconnection workshops, at which time Sustainable Conservation retained Mr. Muller, Ms. London participated in various activities related to interconnection. This participation helped inform Sustainable Conservation’s participation in the workshops and settlement negotiations.</p>

D. CPUC Disallowances and Adjustments:

#	Reason
[1]	As discussed above, the Commission is reducing Liddell's award for work performed regarding Issue 1. As such, all hours are removed from the award (no award for Issue 1).
[2]	As discussed above, the Commission is reducing Dussault's award for work performed regarding Issues 1 and 3. As such, 8.62 hours are removed from the award (no award for Issue 1 and 50% reduction for Issue 3).
[3]	As discussed above, the Commission is reducing Sullivan's award for work performed regarding Issues 3 and 4. As such, 0.325 hours are removed from the 2011 award (50% reduction for Issue 3 and 5% reduction for Issue 4).
[4]	As discussed above, the Commission is reducing Sullivan's award for work performed regarding Issues 3, 4, and 7. As such, .54 hours are removed from the 2012 award (50% reduction for Issue 3, 5% reduction for Issue 4, and no award for Issue 7).
[5]	As discussed above, the Commission is reducing London's award for work performed regarding Issues 1, 3, 4, and 7. As such, 8.323 hours are removed from the 2011 award (no award for Issue 1, 50% reduction for Issue 3, 5% reduction for Issue 4, no award for Issue 7).
[6]	As discussed above, the Commission is reducing London's award for work performed regarding Issues 1, 3, 4, and 7. As such, 0.495 hours are removed from the 2012 award (no award for Issue 1, 50% reduction for Issue 3, 5% reduction for Issue 4, no award for Issue 7).
[7]	As discussed above, the Commission is reducing Muller's award for work performed regarding Issues 3, 4, and 7. As such, 22.58 hours are removed from the 2011 award (50% reduction for Issue 3, 5% reduction for Issue 4, no award for Issue 7). The Commission approves the requested 2011 rate for Muller.
[8]	As discussed above, the Commission is reducing Muller's award for work performed regarding Issues 3, 4, and 7. As such, 8.825 hours are removed from the 2012 award (50% reduction for Issue 3, 5% reduction for Issue 4, no award for Issue 7). The Commission approves the requested 2012 rate for Muller.
[9]	As noted, previously, the Commission will not compensate for work performed outside the scope of the proceeding. The Commission deducted 1.5 hours of travel time, which was listed as occurring for proceeding R.11-05-005.
[10]	The Commission corrected Sustainable Conservation's error in computing the rate for intervenor compensation preparation for London, which should

have been ½ of the approved 2012 rate.
--

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 (see Rule 14.6(2)(6))?	No.

If not:

Party	Comment	CPUC Disposition
Sustainable Conservation	Sustainable Conservation filed comments on the Proposed Decision on November 03, 2014. Sustainable Conservation claims that the Commission should award compensation for work performed in a different proceeding, since the Commission did not alert Sustainable Conservation that such a claim is not allowed. Sustainable Conservation believes the Commission must notify intervenors when a “proposed approach to submitting [an intervenor compensation] claim is in anyway problematic or unacceptable.” <i>Comments of Sustainable Conservation on Proposed Decisions Awarding Intervenor Compensation</i> , p. 3, R.11-09-011, filed on 11/03/2014. Lastly, Sustainable Conservation claims that in the Decision cited by the Commission regarding work performed outside the scope of a proceeding, “[t]here is no Finding of Fact or Conclusion of Law . . . indicating that an intervenor cannot be compensated for work performed outside the scope of a proceeding.” <i>Id.</i>	<p>The Commission, in D.13-01-039 neither agreed nor disagreed with Sustainable Conservation’s statement that it would hold over parts of its claim to the present proceeding. Here, the Commission expressly rejects this argument and the claim made by the intervenor.</p> <p>Sections 1801-1806 of the California Public Utilities Code state the requirements for intervenor compensation. To grant compensation for work performed outside the scope of the present proceeding would directly contradict the requirements of the Code.</p> <p>The Commission will not compensate Sustainable Conservation for work that was not performed as part of the present proceeding.</p>

FINDINGS OF FACT

1. Sustainable Conservation has made a substantial contribution to Decision 12-09-018.
2. The requested hourly rates for Sustainable Conservation'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 compensation is \$37,266.56.

CONCLUSION OF LAW

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

ORDER

1. Sustainable Conservation is awarded \$37,266.56.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas and Electric Company, and Southern California Edison Company shall pay Sustainable Conservation their respective shares of the award, based on their California-jurisdictional electric and gas revenues for the 2012 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning February 2, 2013, the 75th day after the filing of Sustainable Conservation's request, and continuing until full payment is made.
3. The comment period for today's decision is not waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

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

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier	Reason Change/Disallowance
Sustainable Conservation	November 18, 2012	\$61,919.75	\$37,266.56	No.	See Part III.D.

Advocate Information

Last Name	First Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Liddell	Don	Attorney	Sustainable Conservation	\$300.00	2011	\$300.00
Dusault	Allen	Expert	Sustainable Conservation	\$230.00	2011	\$230.00
Sullivan	Stacey	Attorney/Expert	Sustainable Conservation	\$230.00	2011	\$230.00
Sullivan	Stacey	Attorney/Expert	Sustainable Conservation	\$235.00	2012	\$235.00
London	Jody	Expert	Sustainable Conservation	\$200.00	2011	\$200.00
London	Jody	Expert	Sustainable Conservation	\$205.00	2012	\$205.00
Muller	Phil	Expert	Sustainable Conservation	\$250.00	2011	\$250.00
Muller	Phil	Expert	Sustainable Conservation	\$225.00	2012	\$255.00

(END OF ATTACHMENT A)