

Decision \_\_\_\_\_

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

<p>Application of Southern California Edison Company Regarding the Distribution of SO<sub>2</sub> Allowance Sale Proceeds Related to the Suspended Operation of Mohave Generating Station. (U 338-E)</p>	<p>Application 06-12-022 (Filed December 20, 2006)</p>
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**DECISION GRANTING COMPENSATION TO SIERRA CLUB FOR SUBSTANTIAL CONTRIBUTION TO DECISION 13-02-004**

<b>Claimant:</b> Sierra Club, as a member of the Just Transition Coalition	<b>For contribution to</b> Decision 13-02-004
<b>Claimed (\$):</b> 253,302.00 <sup>1</sup>	<b>Awarded (\$):</b> \$250,435.20 (reduced 1.1%)
<b>Assigned Commissioner:</b> Michael Picker	<b>Assigned ALJ:</b> Anne E. Simon

**PART I: PROCEDURAL ISSUES**

<b>A. Brief Description of Decision:</b>	D.13-02-004 sets a process for the use of proceeds from the sale of sulfur dioxide (SO <sub>2</sub> ) emission allowances accrued after the closure of the Mohave Generating Station in Laughlin, Nevada. The allowances were allocated to Southern California Edison Company (SCE) pursuant to Title IV of the federal Clean Air Act. The proceeds of the sale will be used as a revolving fund to allow projects to post early-stage deposits in SCE's procurement process under California's renewables portfolio standard program. The eligible projects must provide economic benefits to the Hopi Tribe and/or the Navajo Nation pursuant to criteria in the decision.
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<sup>1</sup> Sierra Club revised its original claim of \$264,852 after clerical errors were pointed out. (See Attachment 1 to Sierra Club's Reply to Southern California Edison's Response, May 20, 2013.)

**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:	1st: 3/20/07 2nd: 10/7/08 3rd: 9/14/09 4th: 7/26/11	Verified
2. Other Specified Date for NOI:	N/A	N/A
3. Date NOI Filed:	4/17/07; 9/29/09 (revised per 3rd PHC), <i>see</i> Comment 2	April 18, 2007; Amended September 29, 2009
4. Was the NOI timely filed?		Yes
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	A.04-01-009; A.05-12-014; <i>see</i> Comment 1; <i>see also</i> A.10-03-014	Verified
6. Date of ALJ ruling:	4/15/04; 3/16/06; 5/24/12	Verified
7. Based on another CPUC determination (specify):	N/A	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.04-01-009; A.05-12-014; <i>see also</i> A.10-03-014	Verified
10. Date of ALJ ruling:	4/15/04; 3/16/06; 5/24/12	Verified
11. Based on another CPUC determination (specify):	N/A	N/A
12. Has the Claimant demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.13-02-004	Verified
14. Date of Issuance of Final Order or Decision:	February 13, 2013	February 15, 2013
15. File date of compensation request:	April 5, 2013	Verified
16. Was the request for compensation timely?		Yes

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

#	Intervenor's Comment(s)	CPUC Discussion
1	<p>Sierra Club is an environmental organization that has a policy focusing on environmental justice concerns. To advance these environmental justice concerns, Sierra Club has for many years collaborated with communities disproportionately bearing the burden of pollution or other environmental injury – in New Orleans, in Appalachia, in Detroit, and elsewhere. Of particular relevance to this proceeding, Sierra Club has for nearly a decade worked with Navajo and Hopi communities on issues of environmental protection important to those communities, including protection of sacred tribal lands such as the San Francisco Peaks, conservation of natural resources on tribal lands, and protection of community health from pollution, including from the Mohave Generating Station. Sierra Club with various Hopi and Navajo grassroots organizations, along with Grand Canyon Trust, formed the Just Transition Coalition. Sierra Club retained the Environmental Law and Justice Clinic at Golden Gate University School of Law to provide representation jointly for the Sierra Club and the Coalition. Sierra Club appeared and advocated in this proceeding as a member in the Just Transition Coalition.</p>	Commission accepts this assertion.
2	<p>Sierra Club first filed a Notice of Intent to Claim Compensation in this proceeding on April 18, 2007. In that April 18, 2007 NOI, Sierra Club set forth its estimates for compensation based on its expectations for the proceeding at that time. At the September 14, 2009 Prehearing Conference, ALJ Simon told the parties to look over the originally filed NOIs and update them if necessary. <i>See</i> September 14, 2009 PHC Transcript at 90. Sierra Club filed an amended NOI based on the request in the September 14, 2009 PHC.</p>	Commission accepts this assertion.

**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).**

<b>Intervenor’s Claimed Contribution(s)</b>	<b>Specific References to Intervenor’s Claimed Contribution(s)</b>	<b>CPUC Discussion</b>
<i>Legal Authority</i>		
<p>Sierra Club, as a member of JTC, advocated that the Commission has broad authority to supervise and regulate public utilities, including allocating the SO<sub>2</sub> allowance proceeds, under Pub. Util. Code § 701. The Commission recognized its broad authority.</p>	<ul style="list-style-type: none"> <li>• JTC Opening Brief on Legal Authority (11-18-08) at pp. 13-14.</li> <li>• JTC Reply Brief on Legal Authority (12-12-08) at pp. 4-7.</li> <li>• JTC Opening Brief (2-21-12) at pp. 18-20.</li> <li>• JTC Reply Brief (3-9-12) at pp. 4-5.</li> </ul> <p>➤ ALJ Ruling (4-7-11) at pp. 15-16 (“The Commission's role as a utility regulatory agency is therefore the touchstone in evaluating the parties' proposals for disposition of the SO<sub>2</sub> allowance proceeds.”).</p> <p>➤ D.13-02-004 at pp. 12-13 (“We now confirm the Legal Ruling. In this decision, we consider the parties’ final proposals consistent with the parameters set in the Legal Ruling.”).</p>	<p>Accepted.</p> <p>In its Opening Brief (11-18-08, at 13-14) Just Transition Coalition, of which Sierra Club was a part, agreed that the SO<sub>2</sub> allowance revenues were not governed by Section 453.5 of the Public Utilities Code pertaining to rate refunds, but did have broad authority under the California Constitution.<sup>2</sup> In that brief, Just Coalition responded “no” to the ALJ’s question on whether gain-on-sale rules applied to SO<sub>2</sub> allowances and argued that the Commission has the authority to direct the utility it regulates to invest in renewable energy even if the gain-on-sale rules were to apply.</p> <p>In ALJ Simon’s ruling on April 7, 2011, she</p>

<sup>2</sup> See California Constitution, Article XII, section 6 and Section 701, “to do all things which are necessary and convenient in the exercise of such power and jurisdiction.”

**PROPOSED DECISION**

		<p>concluded that Section 453.5 did not apply but that Section 701 did providing “ample authority” to pass the proceeds to ratepayers via rates, a position taken by Sierra Club. In Decision (D.) 13-02-004, the Commission confirmed ALJ Simon’s legal ruling and stated the Commission choices “were limited to those that are connected to the Commission’s ongoing regulation of California public utilities.”</p>
<p>Sierra Club, as a member of JTC, advocated that the Commission has authority to put requirements on the distribution of funds from the sale of SO<sub>2</sub> allowances. The Commission recognized its authority to put requirements on the distribution of funds.</p>	<ul style="list-style-type: none"> <li>• JTC Opening Brief on Legal Authority (11-18-08) at pp. 20-22.</li> <li>• JTC Opening Brief (2-21-12) at p. 20.</li> <li>➤ ALJ Ruling (4-7-11) at p. 1 (“The Commission may choose other legally available options for disposition of the allowance proceeds”).</li> <li>➤ ALJ Ruling (4-7-11), Ordering Para. 9 at p. 29 (“Requiring that some or all of the proceeds of the sale of the Mohave Generating Station sulfur dioxide emission allowances be expended by Southern California Edison Company on projects that would produce energy resources”).</li> <li>➤ D.13-02-004 at pp. 12-13 (“We now confirm the Legal Ruling. In this decision, we consider the parties’ final proposals consistent with the parameters set in the Legal Ruling.”).</li> </ul>	<p>Accepted.</p>
<p>Sierra Club, as a member of JTC, advocated that the Commission may require the use of Mohave SO<sub>2</sub> allowance revenues on</p>	<ul style="list-style-type: none"> <li>• JTC Opening Brief on Legal Authority (11-18-08) at pp. 13-14, 22-27.</li> <li>• JTC Reply Brief on Legal Authority (12-12-08) at pp. 9-12.</li> </ul>	<p>Accepted.</p>

<p>energy projects that qualify to meet California’s renewable portfolio standard. The Commission recognized its authority to require the use of Mohave SO<sub>2</sub> allowance revenues on energy projects.</p>	<ul style="list-style-type: none"> <li>• JTC Opening Brief (2-21-12) at pp. 26-31.</li> <li>• JTC Reply Brief (3-9-12) at pp. 4-5.</li> </ul> <p>➤ ALJ Ruling (4-7-11) at pp. 25-26 (“[JTC] proposes that SO<sub>2</sub> allowance proceeds be used by SCE to procure electricity from renewable generation projects ... Each of these elements is within the Commission's regulatory ambit, because each element involves actions to be taken by SCE as part of its ordinary procurement and accounting processes.”).</p> <p>➤ ALJ Ruling (4-7-11), Ordering Para. 9 at p. 29 (“Requiring that some or all of the proceeds of the sale of the Mohave Generating Station sulfur dioxide emission allowances be expended by Southern California Edison Company on projects that would produce energy resources that could be used to satisfy the California renewables portfolio standard may be considered further by the Commission in this proceeding.”).</p> <p>➤ D.13-02-004 at pp. 12-13 (“We now confirm the Legal Ruling. In this decision, we consider the parties’ final proposals consistent with the parameters set in the Legal Ruling.”).</p> <p>➤ D.13-02-004, Conclusion of Law 1 at p. 37 (“SCE should make the proceeds available as a revolving fund to be used to meet project development security requirements for RPS-eligible projects”).</p> <p>➤ D.13-02-004, Ordering Para. 2 at p. 41 (“The funds realized by SCE from the sale of sulfur dioxide emission allowances ... must be made available as a revolving fund to be used to allow projects that provide generation that is eligible to meet the procurement obligations of SCE under the California renewables portfolio standard.”).</p>	
<p>Sierra Club, as a member of JTC, argued that the proceeds of the sale of the Mohave SO<sub>2</sub> allowances are not a rate refund under section 453.5 of the Public</p>	<ul style="list-style-type: none"> <li>• JTC Opening Brief on Legal Authority (11-18-08) at pp. 14-16.</li> <li>• JTC Reply Brief on Legal Authority (12-12-08) at pp. 4-5.</li> <li>• JTC Opening Brief (2-21-12) at</li> </ul>	<p>Accepted.</p>

<p>Utilities Code. The Commission concluded that the allowances are not a rate refund.</p>	<p>pp. 20-23.</p> <ul style="list-style-type: none"> <li>➤ ALJ Ruling (4-7-11) at pp. 16-18 (“The proponents’ arguments are persuasive that the proceeds of the sale of the Mohave SO<sub>2</sub> allowances do not fall into the legal category of rate refund.”).</li> <li>➤ D.13-02-004 at pp. 12-13 (“In this decision, we consider the parties’ final proposals consistent with the parameters set in the Legal Ruling.”).</li> </ul>	
<p>Sierra Club, as a member of JTC, argued that the “gain on sale” rules, adopted in D.06-05.041, do not apply to the Mohave SO<sub>2</sub> allowance revenues. The Commission concluded that the proceeds are not covered by the “gain on sale” rules.</p>	<ul style="list-style-type: none"> <li>• JTC Opening Brief on Legal Authority (11-18-08) at pp. 17-19.</li> <li>• JTC Reply Brief on Legal Authority (12-12-08) at p. 5.</li> <li>• JTC Opening Brief (2-21-12) at pp. 23-25.</li> </ul> <ul style="list-style-type: none"> <li>➤ ALJ Ruling (4-7-11) at p. 27 (“...the allowance proceeds are not covered by the rules set out in D.06-05-041 [regarding gain upon sale]”).</li> <li>➤ D.13-02-004 at pp. 12-13 (“We now confirm the Legal Ruling. In this decision, we consider the parties’ final proposals consistent with the parameters set in the Legal Ruling.”).</li> </ul>	<p>Accepted.</p>
<p><i>SO<sub>2</sub> Allowances</i></p>		
<p>Sierra Club, as a member of JTC, argued that all allowances SCE acquired after the closure of Mohave should be part of the ruling. The Commission concluded that all the allowances SCE acquired after the closure of Mohave are subject to disposition as determined in the proceeding.</p>	<ul style="list-style-type: none"> <li>• JTC Opening Brief on Legal Authority (11-08-08) at p. 29.</li> <li>• JTC Reply Brief on Legal Authority (12-12-08) at p. 14.</li> <li>• JTC Prepared Testimony (8-1-08) II-4.</li> <li>• JTC Modified Testimony (9-16-11) II-4 – II-5.</li> </ul> <ul style="list-style-type: none"> <li>➤ ALJ Ruling (4-7-11) at pp. 14-15 (“SCE’s entire share of all of these allowances is therefore surplus and available to be sold, and the proceeds subject to disposition as determined in this proceeding.”).</li> <li>➤ ALJ Ruling (4-7-11) Para. 1 at p. 28 (“All of... sulfur dioxide emission allowances ...are available for sale.”).</li> <li>➤ ALJ Ruling (4-7-11) Para. 2 at p. 28</li> </ul>	<p>Accepted.</p>

	<p>(“The proceeds of the sale of all of the ... sulfur dioxide emission allowances for 2006 and succeeding years are subject to disposition in this proceeding.”).</p> <p>➤ D.13-02-004 Findings of Fact 8 at p. 36 (“The entire amount of SCE’s Mohave SO<sub>2</sub> allowances that may be used in 2006 and later years are surplus and available for disposition.”).</p> <p>➤ D.13-02-004 Ordering Para. 2 (“The funds realized by SCE from the sale of sulfur dioxide emission allowances rendered surplus... must be made available as a revolving fund to be used...”).</p>	
<p>Sierra Club, as a member of JTC, demonstrated the decline in value of SO<sub>2</sub> allowances and its unpredictable future value. The Commission recognized the decline in value of the SO<sub>2</sub> allowances and concluded that the monetary value of the allowances to individual SCE customers is minimal.</p>	<ul style="list-style-type: none"> <li>• JTC Opening Brief (2-21-12) at pp. 5, 13-14.</li> <li>• JTC Prepared Rebuttal Testimony (9-19-08) at p. 4.</li> </ul> <p>➤ D.13-02-004 at pp. 19-20 (“Just Transition noted that SO<sub>2</sub> allowance market had declined”).</p> <p>➤ D.13-02-004 at p. 21 (“The parties’ proposals should therefore be evaluated in the context of a current fund that is much smaller than initially anticipated, and a future value that is very difficult to foresee.”).</p> <p>➤ D.13-02-004 at p. 32 (“Because the monetary value of the SO<sub>2</sub> allowances to individual SCE customers is so small, it will not deprive customers of any significant benefit if the ultimate distribution of the allowance proceeds to them waits until after a reasonably extended period of time for the allowance funds to be used to benefit the Hopi Tribe and Navajo Nation.”).</p> <p>➤ D.13-02-004, Findings of Fact par. 9 at p. 36 (“The market value of the surplus Mohave allowances declined sharply between 2007 and 2012.”).</p>	<p>Accepted.</p>

<i>Distribution of SO<sub>2</sub> Allowance Revenues</i>		
Sierra Club, as a member of JTC, provided extensive testimony describing the Mohave Generating Station's economic, health and environmental impacts on the Hopi Tribe and Navajo Nation communities. The Commission recognized the impacts on the Hopi Tribe and Navajo Nation communities.	<ul style="list-style-type: none"> <li>• JTC Opening Brief on Legal Authority (11-18-08) at pp. 4-6.</li> <li>• JTC Opening Brief (2-21-12) at pp. 9-12.</li> <li>• JTC Prepared Testimony (8-1-08) II-8 – II-10.</li> <li>• JTC Modified Testimony (9-16-11) II-12 – II-14 and III-1 – III-8.</li> </ul> <p>➤ ALJ Ruling (4-7-11) at p. 25 (“...the Commission has consistently acknowledged the existence of negative impacts from Mohave’s closure, and its concern for the people impacted.”).</p> <p>➤ D.13-02-004 at p. 25 (“...the Commission noted that ‘the closure of Mohave, even for a limited time, will have devastating effects on the Hopi and Navajo people...’”).</p>	Accepted.
Sierra Club, as a member of JTC, demonstrated that tribal lands had potential for renewable energy projects. The Commission determined that the revenues could be used for deposits for renewable energy projects on tribal lands.	<ul style="list-style-type: none"> <li>• JTC Opening Brief on Legal Authority (11-18-08) at pp. 9-10.</li> <li>• JTC Opening Brief (2-21-12) at pp. 14-17, 32-33.</li> <li>• JTC Prepared Testimony (8-1-08) IV-1 – IV-11.</li> <li>• JTC Modified Testimony (9-16-11) IV-1 – IV-14.</li> </ul> <p>➤ D.13-02-004 at p. 30 (“In order to ensure that the use of the revolving fund for RPS-eligible projects provides reasonable benefit to the Hopi Tribe and Navajo Nation, we adopt clarifying criteria for projects located on land controlled by the Hopi Tribe and/or the Navajo Nation.”)</p> <p>➤ D.13-02-004 Conclusions of Law par 2 at p. 37; Ordering Para. 6 at p. 42 (“...the criteria for determining whether a proposed generation project benefits the Hopi Tribe and/or the Navajo Nation...should be set as follows: The project is located on land of the Hopi Tribe and/or the Navajo Nation.”)</p>	Accepted.
Sierra Club, as a member of JTC, proposed that the allocation of the SO <sub>2</sub> allowances to incentivize	<ul style="list-style-type: none"> <li>• JTC Opening Brief on Legal Authority (11-18-08) at pp. 11-12, 20, 26-29.</li> <li>• JTC Reply Brief on Legal Authority</li> </ul>	Accepted.

<p>renewable development would provide a better ratepayer benefit than SCE's and DRA's proposals. The Commission concluded that renewable development would provide ratepayer benefit.</p>	<p>(12-12-08) at pp. 9-12.</p> <ul style="list-style-type: none"> <li>• JTC Opening Brief (2-21-12) at pp. 3, 34-38.</li> <li>• JTC Reply Brief (3-9-12) at pp. 5-7.</li> <li>• JTC Prepared Testimony (8-1-08) II-10 –II-11 and II-15 – II-16.</li> <li>• JTC Modified Testimony (9-16-11) II-6.</li> </ul> <p>➤ D.13-02-004 at p. 27 (“The goal is to make the best use of the SO<sub>2</sub> allowance proceeds for the Hopi Tribe and the Navajo Nation, while providing current value to SCE customers through the RPS program and preserving value for further distribution to customers.”).</p> <p>➤ D.13-02-004 at p. 28 (“...while providing benefits to and preserving SO<sub>2</sub> allowance proceeds for SCE customers.”).</p>	
<p>Sierra Club, as a member of JTC, proposed that the allocation of the SO<sub>2</sub> allowances should benefit Navajo Nation and the Hopi Tribe, equally. The Commission recognized that the allowances should benefit both tribal communities.</p>	<ul style="list-style-type: none"> <li>• JTC Opening Brief (2-21-12) at pp. 39-41.</li> <li>• JTC Reply Brief (3-9-12) at pp. 15-17.</li> <li>• JTC Modified Testimony (9-16-11) II-5.</li> <li>• JTC Updated Proposal (Filed 9-16-11) at pp. 2-3.</li> </ul> <p>➤ D.13-02-004 at p. 26 (“The proposals for criteria allocation of the SO<sub>2</sub> allowance proceeds made by the Hopi Tribe and Just Transition have the potential to benefit both the Hopi Tribe and the Navajo Nation. This approach better serves the interest in equity...”).</p> <p>➤ D.13-02-004 Conclusions of Law par. 1 at p. 37 (“In order to maximize the benefit of the SO<sub>2</sub> allowance proceeds for the Hopi Tribe and the Navajo Nation, SCE should make the proceeds available as a revolving fund to be used ... for RPS-eligible projects that benefit the Hopi Tribe and/or the Navajo Nation.”).</p>	<p>Accepted.</p>
<p>Sierra Club, as a member of JTC, proposed criteria framework and criteria for determining whether a project qualifies as a benefit to the Hopi Tribe and/or the Navajo</p>	<ul style="list-style-type: none"> <li>• JTC Opening Brief (2-21-12) at p. 7.</li> <li>• JTC Reply Brief (3-9-12) at pp. 15-17.</li> <li>• JTC Prepared Testimony (8-1-08) II-10 –II-11 and II-15 – II-16.</li> <li>• JTC Modified Testimony (9-16-11)</li> </ul>	<p>Accepted.</p>

<p>Nation, for purposes of the allocation of the SO<sub>2</sub> allowance proceeds. The Commission adopted the framework and similar criteria in its decision.</p>	<p>II-4, II-6 – II-7.</p> <ul style="list-style-type: none"> <li>➤ D.13-02-004 at p. 26 (“The proposals for criteria allocation of the SO<sub>2</sub> allowance proceeds made by the Hopi Tribe and Just Transition have the potential to benefit both the Hopi Tribe and the Navajo Nation. This approach better serves the interest in equity...”).</li> <li>➤ D.13-02-004 at pp. 30-31 (“We adopt Just Transition’s framework of providing equal opportunity for projects of the Navajo Nation and the Hopi Tribe to have access to the SO<sub>2</sub> allowance proceeds. The criteria for determining whether a project provides a benefit to the Hopi Tribe and/or the Navajo Nation, for purposes of the allocation of the SO<sub>2</sub> allowance proceeds pursuant to this decision, are adapted from the proposals of the Hopi Tribe and Just Transition.”).</li> <li>➤ D. 13-02-004 Conclusions of Law 2 at p. 37; Ordering Para. 6 at p. 42 (“...the criteria for determining whether a proposed generation project benefits the Hopi Tribe and/or the Navajo Nation, solely for purposes of determining eligibility to use the SO<sub>2</sub> allowance revolving fund, should be set as follows...”)</li> </ul>	
<p>Sierra Club, as a member of JTC, suggested a modification to the proposed decision that projects owned by a tribal utility are eligible to receive revenue funds. The Commission adopted this modification in its final decision.</p>	<ul style="list-style-type: none"> <li>• JTC Comments to Proposed Decision (Filed 2-4-13) at p. 5.</li> <li>➤ D.13-02-004 at p. 31; Conclusion of Law 2 at p. 37; Ordering Para. 6 at p. 42 (“The Hopi Tribe or a governmental agency thereof, including a tribal utility and/or the Navajo Nation or a governmental agency thereof, including at tribal utility...”).</li> </ul>	<p>Accepted.</p>
<p>Sierra Club, as a member of JTC, proposed that SCE continue to maintain the proceeds from the sale of sulfur dioxide emission allowances rendered surplus by the closure of the Mohave Generating Station in the Mohave Sulfur Credit Sub-account. The</p>	<ul style="list-style-type: none"> <li>• JTC Modified Testimony (9-16-11) II-4, II-6 – II-7.</li> <li>• JTC Updated Proposal (9-16-11) at p. 2.</li> <li>➤ D.13-02-004 Ordering Para. 1 at p. 41 (“...SCE must maintain the Mohave Sulfur Credit Sub-account ...to maintain the</li> </ul>	<p>Accepted.</p>

<p>Commission adopted this requirement into its decision.</p>	<p>proceeds from the sale of sulfur dioxide emission allowances.”).</p>	
<p>Sierra Club, as a member of JTC, proposed an end date for the distribution of allowance revenues of December 31, 2026. The Commission adopted this end date in its decision.</p>	<ul style="list-style-type: none"> <li>• JTC Opening Brief on Legal Authority (11-18-08) at pp. 9-10.</li> <li>• JTC Opening Brief (2-21-12) at pp. 6-7, 14-17, 32-34.</li> <li>• Modified Testimony (9-16-11) II-7 – II-8</li> <li>• JTC Updated Proposal (9-16-11) at p. 3.</li> </ul> <p>➤ ALJ Ruling Para. 10 at p. 29 (“Setting a termination date for any plan for the expenditure of the proceeds of the sale of the Mohave Generating Station sulfur dioxide emission allowances may be considered further by the Commission in this proceeding.”).</p> <p>➤ D.13-02-004 at pp. 32-33 (“We therefore adopt the December 31, 2026 termination date...”).</p> <p>➤ Ordering Para. 11 at p. 44 (“...no funds should be provided from the revolving fund after December 31, 2026.”).</p> <p>➤ Ordering Para. 12 at p. 44 (“The revolving fund should terminate the later of December 31, 2026 or six months after the return of the last funds provided under it...”).</p>	<p>Accepted.</p>
<p>Sierra Club, as a member of JTC, suggested modifications to the proposed decision to make the process more transparent. The Commission adopted modifications in its decision that make the process more transparent.</p>	<ul style="list-style-type: none"> <li>• JTC Comments to Proposed Decision (2-4-13) at pp. 5-7.</li> </ul> <p>➤ D.13-02-004 at pp. 34-35 (“A report should be filed with the Director of Energy Division and provided to the service list in this proceeding annually, not later than March 15 of each year. The report should provide information, in a publicly available form, about sales of surplus Mohave SO2 allowances in the prior year, and cumulatively from 2007, as well as the net proceeds from the sales. The report should also identify any significant changes in federal regulations affecting SO2 allowances, and any significant changes or trends in the market for SO2 allowances. Finally, the report should state the amount of money available in the revolving fund</p>	<p>Accepted.</p>

	<p>on the date of the report, as well as the amount of money currently advanced to qualifying projects.”).</p> <p>➤ D.13-02-004, Conclusions of Law 9 at p. 39 (“In order to provide information to the Commission and the parties about the SO2 allowance proceeds, SCE should file a report with the Director of Energy Division not later than March 15 of each year, stating in publicly available form the number and total price of allowances sold the previous calendar year, as well as the cumulative total of allowances sold and proceeds realized since the date of Res. E-4112. The report should also identify any new trends or developments in the SO2 allowance market and/or the federal SO2 regulatory system since the previous report. The report should also state the amount of money available in the revolving fund as of the date of the report, as well as the amount of money currently advanced to qualifying projects. The report should be served on the service list of this proceeding. The first report should be filed not later than March 15, 2013.”).</p> <p>➤ D.13-02-004, Ordering par. 10 at pp. 43-44.</p>	
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**B. Duplication of Effort (§§ 1801.3(f) & 1802.5):**

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>a. Was the Office of Ratepayer Advocates (ORA)<sup>3</sup> a party to the proceeding?</b>	Yes.	Verified
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes.	Verified
<b>c. If so, provide name of other parties:</b> The Hopi Tribe; The Navajo Nation; Coalition of California Utility Employees (CUE); The Utility Reform Network (TURN); and Californians for Renewable Energy (CARE).		Verified

<sup>3</sup> The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates (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>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:</p> <p>Sierra Club, as a member of JTC, coordinated with other parties throughout this proceeding to avoid duplication. For example, before the initial briefing in the proceeding, JTC arranged meetings with Navajo Nation’s counsel to discuss the briefing and ensure that the work was complementary and supplemental and not duplicative. JTC has also refined its proposal based on discussions with other parties in an attempt to reach consensus and resolution. JTC engaged in a workshop, mediation process and subsequent efforts at settlement with the parties in an attempt to resolve or narrow differences, and its revised proposal after the mediation and further evolution in its position reflects its effort to reconcile varying positions of the parties. Notably, JTC’s proposal was the middle ground between the Hopi and Navajo proposals because it provided benefits to both tribes rather than just one.</p> <p>JTC has been the only party that consistently requested that the allowances be used in a balanced fashion to incentivize renewable development that benefits both tribal communities as well as ratepayers. It was necessary for JTC at times to separately advance its position as other parties pursued different uses of the allowances, either for outright charitable grants, ratepayer refunds, retirement for tax deductions, conversion of Mohave to solar production or provide separate transfers of allowances without restrictions to either Hopi or Navajo. JTC also conducted telephonic meetings with the Hopi Tribe and Navajo Nation to discuss positions, briefing, and the proposed decision. In their comments briefs, both the Hopi Tribe and Navajo Nation expressed complete support to the modifications requested by JTC in order to show a common position and to avoid duplication. Also, it should be noted that TURN, CARE and CUE limited their participation during the latter stage of these proceedings. Based on JTC’s ongoing efforts to achieve a result that accounts for the positions of all parties to this proceeding, JTC’s advocacy of its proposal was not duplicative of the proposals of other parties.</p>	<p>Verified</p>
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**C. Additional Comments on Part II:**

#	Intervenor’s Comment(s)	CPUC Discussion
1	Sierra Club, as a member of JTC, filed several motions and briefs related to procedural questions throughout the proceeding. For example, in October 2011, the Navajo Nation filed a request for an evidentiary hearing. JTC opposed this request arguing that there were no material facts in dispute. The ALJ ultimately agreed with JTC’s arguments and denied the request for an evidentiary hearing, reducing the time necessary for resolving this proceeding.	Verified
2	Sierra Club, as a member of JTC, participated in a workshop, mediation and settlement discussions throughout the proceeding. These discussions, although they did not lead to an ultimate settlement, helped to create consensus among some of the parties and narrow the issues. For example, the Hopi Tribe’s final position closely mirrored the JTC position.	Verified

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

<p><b>a. Intervenor’s claim of cost reasonableness:</b></p> <p>Sierra Club, as a member of the Just Transition Coalition, is requesting \$264,852 in fees and costs for advocating as a party in Application 06-12-022. This case involved unprecedented issues involving federally created allowances under the Acid Rain program, the authority of the Commission in addressing these allowances and the equities of a closure of a facility in another state affecting two Native American communities, sovereignty issues affecting the Hopi Tribe and Navajo Nation in the context of California’s Renewable Energy Portfolio Standard. The case derived from prior proceedings that had already involved many years of efforts addressing the Mohave Generating Station, and this case eventually took almost seven years to resolve. Sierra Club, as a member of JTC, participated in all major aspects of this proceeding, including a workshop, mediation, the filing of multiple briefs and the submittal of testimony on multiple topics.</p> <p>Sierra Club, as a member of JTC, was represented by the Environmental Law and Justice Clinic at Golden Gate University School of Law (ELJC). On behalf of Sierra Club, ELJC participated in a series of discussions related to mediation and settlement. ELJC coordinated with multiple parties in the proceeding to work to reach consensus. Although consensus was ultimately not reached, the parties’ positions in the proceeding were significantly narrowed, due in part to these efforts. For example, the Hopi Tribe’s final proposal for distribution of allowances closely aligned with JTC’s proposal.</p>	<p><b>CPUC Verified</b></p> <hr/> <p>Verified</p>
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<p>ELJC, on behalf of Sierra Club, also did significant and extensive legal research into the novel legal issues before the Commission in this proceeding, including the Commission’s authority to distribute the allowance revenues. This research involved detailed analyses of the relevant statutory authority and case law. The significant research and analysis that ELJC performed was relied on throughout the ALJ ruling in this case. Sierra Club, as a member of the Coalition, also submitted and coordinated with the Coalition to submit, significant testimony that detailed the impact of recent developments on allowances, the impact of the operation and closure on Navajo and Hopi communities, and the potential to develop renewable energy either on Navajo or Hopi lands or with a Navajo or Hopi ownership interest.</p> <p>Sierra Club’s total request is likely to be a small portion of the total benefit that ratepayers are likely to realize by incentivizing new opportunities for RPS generation. Importantly, the final decision in this proceeding will allow the ratepayers to receive both the benefit of the new opportunities to develop renewable generation and the ultimate benefit of returning the revenues to ratepayers.</p>	
<p><b>b. Reasonableness of Hours Claimed.</b></p> <p>Sierra Club, as a member of JTC, participated in every stage of this proceeding, which began in December 2006 and ended in February 2013. Especially considering the length of the proceeding, Sierra Club’s hours are reasonable. In fact, Sierra Club’s hours in the proceeding average out to 4 hours a week. That amount is minimal considering the novel and complicated legal issues in the proceeding, the attempted mediation, the extensive testimony and briefing submitted, and the numerous other filings and appearances required to participate in this proceeding. The hours claimed relate to researching and analyzing the legal issues, preparing and drafting testimony, drafting other filings, completing discovery, appearing and participating in hearings and mediation, and coordinating with other parties.</p> <p>Sierra Club and the Environmental Law and Justice Clinic were conscious of using staff with the appropriate amount of work experience for the tasks they performed; tasks that were appropriate for law students were mainly handled by law students, while tasks that required more experience were handled by more experienced attorneys or experts. This kept fees reasonable. For example, students did the majority of the research related to the complex and novel legal issues presented in the case. Students also prepared drafts of briefs to save attorney time. Mediation and settlement discussions were primarily handled by the Clinic’s most experienced attorneys due to the complex nature of those discussions.</p>	<p>Verified</p>

For meetings, hearings, and calls, Sierra Club and ELJC are only requesting time for the primary attorney who appeared at the meeting or hearing. ELJC is not requesting time for multiple attorneys or staff. In addition, the hours claimed do not request hours on time spent mentoring or assisting students, or for tasks that were clerical in nature.

In fact, Sierra Club and ELJC are not requesting compensation for nearly 500 hours that it found to be duplicative or excessive.

The rates requested for these tasks are at the low end of the ranges authorized for attorneys and law students that practice before the Commission. The above considerations are reflected in the attached timesheets.

Sierra Club is only asking the Commission to award what is fair and reasonable with respect to the extent of its participation in the proceeding that lasted over six years. Sierra Club did not anticipate that the proceeding would ultimately last over six years, and would involve as many different submissions of testimony and briefs as it did.

Sierra Club performed a detailed reasonableness review of its hours in this proceeding. The final request represents a significant reduction in total hours in this proceeding. The total student hours requested were reduced by over 400 hours from the hours that students worked on the case. These hours were removed after ELJC performed a detailed reasonableness review of the hours spent in the proceeding. This reduction accounts for excessiveness in the proceeding. Importantly, ELJC students took a lead in the research and drafting of the significant legal and factual briefs that were filed in the case. ELJC students also took a lead role at drafting testimony at the direction of the witnesses. Therefore, the hours claimed for ELJC students is small compared to the significant work that was produced. When students were not available, or when deadlines would not allow for student participation, ELJC attorneys took a lead role in drafting and comments.

ELJC attorneys also significantly reduced their time on the case by working with Sara Steck Myers throughout the course of the proceeding. Ms. Myers has decades of experience before the Commission and was able to provide valuable counsel that eliminated and reduced the total hours spent on the case. Sierra Club is not requesting compensation for the significant amount of time and effort that Ms. Myers expended on the case as she represented Grand Canyon Trust and is compensated by them.

ELJC divided its attorney time according to the task. When appropriate and possible, more junior level attorneys took a lead role for Sierra Club. For example, for the briefing and testimony submitted, Deborah Behles took a

<p>lead role for the clinic. Deborah Behles also took a lead role in coordinating JTC’s testimony and briefing with the Hopi Tribe and the Navajo Nation. Her hours reflect taking a lead role in these aspects of the case for over four years. Considering the length of time, her hours are less than 2 hours per week for this time period. Alan Ramo took a lead role in settlement and mediation discussions due to the complex nature of these discussions. ELJC also removed over 80 attorney hours even though the attorney hours recorded were conservative and already accounted for excessiveness.</p>	
<p><b>c. Allocation of Hours by Issue</b></p> <p>Sierra Club divided its work into six different issues:                  (1) mediation/settlement; (2) legal authority of the Commission;                  (3) allowances value and quantity; (4) distribution of allowances;                  (5) coordination, meetings, hearings; and (6) general work on the proceeding.                  The detailed breakdown for each issue is provided in the timesheets, which are attached to this request.</p> <p>Issue 1: 11.7%                  Issue 2: 42.77%                  Issue 3: 8.61%                  Issue 4: 22.66%                  Issue 5: 9.45%                  Issue 6: 4.59%</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 \$
Alan Ramo	2007	71.33	\$370	D.04-04-012, D.07-01-009, See Comment 3	\$26,392.00	71.33	\$365.00 <sup>4</sup>	\$26,035.45
Alan Ramo	2008	60.65 <sup>5</sup>	\$385	D.04-04-012, D.08-04-010, See Comment 3	\$23,350.00 <sup>6</sup>	60.65	\$375.00 <sup>7</sup>	\$22,743.50

<sup>4</sup> Application of 3.0% Cost-of-Living Adjustment per D. 07-01-009, to Ramo’s approved rate of \$353.00 in D. 04-04-012.

<sup>5</sup> Sierra Club revised its original claim for 90.65 hours after clerical errors were pointed out.

<sup>6</sup> Sierra Club revised its original claim for \$34,900.00 after clerical errors were pointed out.

<sup>7</sup> Application of 3.0% Cost-of-Living (COL) Adjustment per D.08-04-009.

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Alan Ramo	2009-2010	5.83	\$400	D.04-04-012, Resolution ALJ-247, <i>See</i> Comment 3	\$2,332.00	5.83	\$395.00 <sup>8</sup>	\$2,302.85
Alan Ramo	2011-2013	13.82	\$420	D.04-04-012, Resolution ALJ-267, <i>See</i> Comment 3	\$5,804.00	13.82	\$420.00 <sup>9</sup>	\$5804.40
Helen Kang	2007 - 2008	8.3	\$350	D.07-01-009, D.08-04-010, <i>See</i> Comment 4	\$2,905.00	8.3	\$350.00 <sup>[A]</sup>	\$2,905.00
Brent Plater	2007	25.8	\$270	D.07-01-009, <i>See</i> Comment 5	\$6,966.00	25.8	\$270.00 <sup>[B]</sup>	\$6,966.00
Brent Plater	2008	48.8	\$280	D.08-04-010, <i>See</i> Comment 5	\$13,664.00	48.8	\$280.00 <sup>10</sup>	\$13,664.00
Deborah Behles	2008-2009	236.45	\$280	D.08-04-010, Resolution ALJ-235, <i>See</i> Comment 6	\$66,206.00	236.45	\$280.00 <sup>11</sup>	\$66,206.00
Deborah Behles	2010-2011	29.2	\$300	Resolution ALJ-247, Resolution ALJ-247, <i>See</i> Comment 6	\$8,760.00	29.2	\$300.00 <sup>12</sup>	\$8,760.00
Deborah Behles	2012	33.1	\$315	Resolution ALJ-281, <i>See</i> Comment 6	\$10,426.00	31.1	\$315.00 <sup>13</sup>	\$9,796.50

<sup>8</sup> Application of first of 5.0% step increases as authorized by D.08-04-010.

<sup>9</sup> Application of second 5.0% step increase and 2.2% COL Adjustment as authorized by ALJ-281.

<sup>10</sup> Application of 3.0% COL Adjustment per D.08-04-009.

<sup>11</sup> Approved in D.11-03-025.

<sup>12</sup> Approved in D.13-12-022.

<sup>13</sup> Approved in D.13-12-022.

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Deborah Behles	2013	28.3	\$330	Resolution ALJ-281, <i>See</i> Comment 6	\$9,339.00	28.3	\$330.00 <sup>14</sup>	\$9,339.00
Shanna Foley	2011-2013	42.2	\$150	Resolution ALJ-267, Resolution ALJ-281, <i>See</i> Comment 7	\$6,330.00	42.2	\$150.00 <sup>15</sup>	\$6,330.00
<b>Subtotal</b>					<b>\$194,024.00</b>	<b>Subtotal</b>		<b>\$180,853.00</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 \$
Law Student Clinician	2007-2013	632.1	\$100	D.11-03-025, D.04-04-12, <i>See</i> Comment 1	\$63,210.00	629.1	\$100.00	\$62,910.00
<b>Subtotal</b>					<b>\$63,210.00</b>	<b>Subtotal</b>		<b>\$62,910.00</b>
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Law Student Clinician	2013	38.6	\$100	D.11-03-025, D.04-04-12, <i>See</i> Comment 2	\$3,860.00	32.6	\$100.00	\$3,260.00
Deborah Behles	2013	18	\$165	<i>See</i> Comment 2	\$2,970.00	15.9	\$165.00	\$2,623.50
<b>Subtotal:</b>					<b>\$6,830.00</b>	<b>Subtotal:</b>		<b>\$5883.50</b>

<sup>14</sup> Approved in D.14-07-026.

<sup>15</sup> Approved in D.13-12-022.

<b>COSTS</b>					
<b>#</b>	<b>Item</b>	<b>Detail</b>	<b>Amount</b>	<b>Amount</b>	
	Copying	Copying costs	\$221.00		\$221.00
	Postage	Postage costs	\$17.50		\$17.50
	Travel	Costs related to travel to mediation	\$550.20		\$550.20
<i>Subtotal:</i>			<i>\$788.70</i>	<i>Subtotal:</i>	<i>\$788.70</i>
<b>TOTAL REQUEST \$</b>			<b>\$253,302.00</b>	<b>TOTAL AWARD</b>	<b>\$250,435.20</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.

\*\*Reasonable claim preparation time typically compensated at ½ of preparer's normal hourly rate.

<b>ATTORNEY INFORMATION</b>			
<b>Attorney</b>	<b>Date Admitted to CA Bar<sup>16</sup></b>	<b>Member Number</b>	<b>Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation</b>
Alan Martin Ramo	December 26, 1974	63425	No
Helen Haekyoung Kang	December 11, 1986	124730	No
Brent Robert Plater	December 4, 2000	209555	No
Deborah Nicole Behles	December 21, 2001	218281	No
Shanna Christine Foley	December 31, 2010	274996	No

<sup>16</sup> This information may be obtained at: <http://www.calbar.ca.gov/>.

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

<b>Attachment or Comment #</b>	<b>Description/Comment</b>
1	<b>Certificate of Service</b>
2	<b>ELJC Timesheets and Allocation by Area</b>
3	<b>ELJC Costs</b>
4	<b>Resumes of Shanna Foley, Helen Kang, Alan Ramo, Brent Plater and Deborah Behles</b>
Comment 1	A rate of \$100 per hour for ELJC law student work was approved in D.11-03-025 at the beginning of 2011. D.04-04-012 approved ELJC law students for a rate of \$90 per hour for work done in 2003. The rate took into account that the ELJC law students received academic credits for the work they did. D.07-04-032 approved \$100 per hour for work a law student did in 2006 (the decision deemed it within the guidelines set forth in D.07-10-014). The same \$100 per hour rate is requested for ELJC law students that was previously approved in D.11-03-025.
Comment 2	D.04-04-012 cites the usual method of cutting in half the approved rate of an attorney for work they do on applications for intervenor compensation because the task does not need the expertise of an attorney. However, D.04-04-012 did award the full rate approved for ELJC law students for time spent on the application for intervenor compensation. Accordingly, ELJC has cut the attorney rate for time spent on the application for intervenor compensation in half, while leaving the law student rate the same. As these rates were approved in D.11-03-025, ELJC requests approval here, too.
Comment 3	Alan Ramo has been practicing law since 1974 with extensive experience and expertise in environmental law and environmental justice. <i>See</i> Attachment 4 (Alan Ramo's Resume). D.04-04-012 approved a rate of \$353 per hour for his 2003 work. The approval of this rate recognized Alan Ramo's over 30 years experience, his education, and his work on other cases. D.07-01-009 approved up to two annual 5% step increases. Subsequent decisions and resolutions have continued to allow up to two annual 5% step increases until now. <i>See, e.g.,</i> D.08-04-010, Resolutions ALJ-267, ALJ-281. The requested rate for Mr. Ramo's 2007 work is \$370 per hour, which represents less than a 5% step increase authorized by D.07-01-009. The requested rate for Mr. Ramo's 2008 work is \$385 per hour, which represents less than a 5% step increase authorized by D.08-04-010. The requested rate for Mr. Ramo's 2009-2011 work is \$400, which represents less than a 5% step increase as authorized by Resolution ALJ -247. The requested rate for Mr. Ramo's 2012-2013 work is \$420, which represents a 5% step increase over the previous requested rate as authorized in Resolutions ALJ-267 and ALJ-281.

Comment 4	<p>Helen Kang has been practicing law since 1986 and has significant experience and expertise in environmental law and civil litigation. <i>See</i> Attachment 4 (Helen Kang's Resume). When she worked on the case in 2007 and 2008, she had over 20 years of legal experience. The rate range for 2007 for attorneys with over 13 years experience is \$290 to \$520 and the range for 2008 is \$300 to \$535. <i>See</i> D.07-01-009, D.08-04-010. A rate of \$350 per hour is requested for all of Helen Kang's work on the case, which is a low rate, especially considering her years and breadth of experience.</p>
Comment 5	<p>Brent Plater has been practicing law since December 2000 with expertise in environmental and administrative law. <i>See</i> Attachment 4 (Brent Plater's Resume). Mr. Plater worked on the case in 2007 and 2008. At this time, he had between six and seven years of experience. The rate range for 2007 for attorneys with 5 to 7 years experience is \$270 to \$290 and the rate for 2008 is \$280 to \$290. <i>See</i> D.07-01-009, D.08-04-010. Mr. Plater's requested rate is \$270 for work performed in 2007 and \$280 for work performed in 2008. These rates reflect the lowest rate for an attorney with 5 to 7 years experience.</p>
Comment 6	<p>Deborah Behles has been practicing environmental law since 2001 and has been practicing at the ELJC since 2008. In D. 11-03-025, Deborah Behles's approved rate was \$280 per hour for work. Deborah Behles' requested rate is \$280 per hour for work performed in 2008 and 2009, which is the lowest end of the range for attorneys with 5-7 years experience in 2008 and 2009. <i>See</i> D.08-04-010, Resolution ALJ-235. The lowest rate for attorneys with 8-10 experience in 2010 and 2011 is \$300. <i>See</i> Resolution ALJ-247, Resolution ALJ-267. Deborah Behles's requested rate for 2010-2011 is \$300, which is the lowest end of the range for attorneys of her experience. Resolutions ALJ-267 and ALJ-281 authorize up to two annual 5% step increases for individuals within each experience level. By applying one step increase to her 2012 and 2013 rate, Deborah Behles's requested rate for 2012 is \$315 and her requested rate for 2013 is \$330. These rates reflect the lowest rate for her experience with the authorized step adjustment.</p>
Comment 7	<p>Shanna Foley has been a practicing attorney since December 2010. The lowest rate for an attorney with 1-2 years of experience for 2011, 2012 and 2013 is \$150 per hour. <i>See</i> Resolution ALJ-267, Resolution ALJ 281. The requested rate for work Ms. Foley performed in the proceeding is \$150, the lowest end of the authorized range.</p>

**D. CPUC Disallowances and Adjustments:**

#	Reason
A	Sierra Club requests a rate of \$350 per hour for work done by Kang in 2007-2008. Documentation provided by Sierra Club shows that Kang has extensive litigation experience in the environmental sector. Sierra Club requests a rate in the middle of the rate scale for an attorney with Wang’s experience of 20 years. The Commission finds a rate for 2007-2008 of \$350.00 per hour to be reasonable and commensurate with the work performed by Wang.
B	Sierra Club requests a rate of \$270.00 per hour for work done by Plater in 2007. Documentation provided by Sierra Club shows that Plater has extensive litigation and policy experience in the environmental sector. Sierra Club requests a rate at the bottom of the rate scale for an attorney with Plater’s experience of 6 years. The Commission finds a rate for 2007 of \$270.00 per hour to be reasonable and commensurate with the work performed by Plater.
C	Disallowance for excess hours spent preparing Intervenor Compensation Claim by law students and Deborah Behles.
D	The Commission reduces the award to Sierra Club for work spent on issues that conflicted with the decision outcome. The Commission utilized “equal opportunity” rather than equal distribution of allowance benefits sought by the Sierra Club as a member of the Just Transition Coalition. This disparity is reflected in a reduction of hours for Deborah Behles.

**PART IV: OPPOSITIONS AND COMMENTS**

<b>A. Opposition: Did any party oppose the Claim?</b>	Yes
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Party	Reason for Opposition	CPUC Disposition
Southern California Edison Company	Southern California Edison Company (SCE) opposes compensation to Sierra Club for work performed by student clinicians, certain travel costs, and certain attorney hours. SCE also opposes compensation for certain issues presented by Sierra Club. Finally, SCE claims that work performed by Sierra Club attorneys was also for the benefit of parties who would otherwise not receive intervenor compensation.	The Commission has compensated for work done by law students in the past and continues to do so here. (See D.09-01-075, D.03-02-023, and D.04-04-012.) Sierra Club has provided adequate justification to receive compensation on the issues raised by SCE. With regards to the issue of work done for the benefit of others, Sierra Club is compensated for its

		substantial contributions pursuant to Public Utilities Code § 1803. Whether others benefits from its efforts is not relevant as such, appropriate disallowances have been made.
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<b>B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(2)(6))?</b>	Yes
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**FINDINGS OF FACT**

1. Sierra Club has made a substantial contribution to D.13-02-004.
2. The requested hourly rates for Sierra Club’s representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$250,435.20.

**CONCLUSION OF LAW**

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

**ORDER**

1. Sierra Club is awarded \$250,435.20.
2. Within 30 days of the effective date of this decision, Southern California Edison Company shall pay Sierra Club the total award. Payment of the award shall include interest at the rate earned on prime, three-month, non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning June 19, 2013, the 75<sup>th</sup> day after the filing of Sierra Club’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>	D1302004		
<b>Proceeding(s):</b>	A0612022		
<b>Author:</b>	ALJ Simon		
<b>Payer(s):</b>	Southern California Edison Company		

**Intervenor Information**

<b>Intervenor</b>	<b>Claim Date</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
Sierra Club	04/05/13	\$253,302.00	\$250,435.20	N/A	N/A

**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>
Alan	Ramo	Attorney	Sierra Club	\$370.00	2007	\$365.00
Alan	Ramo	Attorney	Sierra Club	\$385.00	2008	\$375.00
Alan	Ramo	Attorney	Sierra Club	\$400.00	2009	\$395.00
Alan	Ramo	Attorney	Sierra Club	\$400.00	2010	\$395.00
Alan	Ramo	Attorney	Sierra Club	\$420.00	2011	\$420.00
Alan	Ramo	Attorney	Sierra Club	\$420.00	2012	\$420.00
Alan	Ramo	Attorney	Sierra Club	\$420.00	2013	\$420.00
Helen	Kang	Attorney	Sierra Club	\$350.00	2007	\$350.00
Helen	Kang	Attorney	Sierra Club	\$350.00	2008	\$350.00
Brent	Plater	Attorney	Sierra Club	\$270.00	2007	\$270.00
Brent	Plater	Attorney	Sierra Club	\$280.00	2008	\$280.00
Deborah	Behles	Attorney	Sierra Club	\$280.00	2008	\$280.00
Deborah	Behles	Attorney	Sierra Club	\$280.00	2009	\$280.00
Deborah	Behles	Attorney	Sierra Club	\$300.00	2010	\$300.00
Deborah	Behles	Attorney	Sierra Club	\$300.00	2011	\$300.00
Deborah	Behles	Attorney	Sierra Club	\$315.00	2012	\$315.00
Deborah	Behles	Attorney	Sierra Club	\$330.00	2013	\$330.00
Shanna	Foley	Attorney	Sierra Club	\$150.00	2011	\$150.00
Shanna	Foley	Attorney	Sierra Club	\$150.00	2012	\$150.00
Shanna	Foley	Attorney	Sierra Club	\$150.00	2013	\$150.00

**(END OF APPENDIX)**