

PROPOSED DECISION

Agenda ID #13543 (Rev. 2)
 Ratesetting
 1/15/2015 Item 27

Decision **PROPOSED DECISION OF ALJ GAMSON** (Mailed 12/4/2014)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Integrate and Refine Procurement Policies and Consider Long-Term Procurement Plans.	Rulemaking 12-03-014 (Filed March 22, 2012)
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DECISION GRANTING COMPENSATION TO THE CALIFORNIA ENVIRONMENTAL JUSTICE ALLIANCE FOR SUBSTANTIAL CONTRIBUTION TO DECISION 13-02-015

Claimant: California Environmental Justice Alliance	For contribution to D.13-02-015
Claimed (\$): \$180,536.00	Awarded (\$): \$147,714.00 (reduced 18.2%)
Assigned Commissioner: Michel Florio	Assigned ALJ: David Gamson

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	This decision addressed the issues raised in Track I of the 2012 Long-Term Procurement Plan. Track I focused on assessing the local capacity requirement for the LA Basin and Big Creek/Ventura Areas through 2021. The decision outlined procurement requirements and limitations based on the LCR.
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B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	April 18, 2012	Verified
2. Other Specified Date for NOI:		
3. Date NOI Filed:	May 10, 2012	Verified
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:	A.11-05-023	Verified
6. Date of ALJ ruling:	April 23, 2012	Verified
7. Based on another CPUC determination (specify):		
8. Has the Claimant demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.11-05-023	Verified
10. Date of ALJ ruling:	April 23, 2012	Verified
11. Based on another CPUC determination (specify):		
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.13-02-015	Verified
14. Date of Issuance of Final Order or Decision:	February 13, 2013	Verified
15. File date of compensation request:	April 12, 2013	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

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

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).

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p><u>1. ISO's Model for LCR</u></p> <p>CEJA described the improbable nature of the ISO's reliance on the 1-in-10 peak load assumption with two transmission lines out of service. CEJA's experts described the assumptions that CAISO made and the impact of those assumptions on the reserve margin and procurement. CEJA also highlighted that some of the contingencies in the ISO's modeling have never occurred. The Commission recognized the rare and usual circumstances assumed by ISO's modeling and decided to reevaluate the ISO's input assumptions in its final decision.</p>	<p>CEJA Ex. 1 (B. Powers Test.) at p. 32.</p> <p>CEJA Ex. 3 (J. May Test.) at p. 36-43.</p> <p>CEJA Ex. 5 (J. May Reply Test.) at pp. 9-10.</p> <p>CEJA Track I Opening Brief at pp. 6-14 (served 9/24/2012, filed 10/5/2012) (hereinafter "CEJA Opening Brief") ("In the 2006 RA proceeding, CAISO provided the Commission with three options that were all compliant with NERC and WECC year-ahead reserve requirements.")</p> <p>CEJA Track I Reply Brief at pp. 3-5 (10/12/2012) (hereinafter "CEJA Reply Brief").</p> <p>D.13-02-015 at p. 40 ("We recognize that the ISO models use assumptions of rare and unusual circumstances, which may never occur. . . . We will generally use the ISO methodology for consideration of LCR needs, with the caveats concerning inputs discussed herein.")</p> <p>D.13-02-015 at 130, Order Para. No. 1.</p>	<p>Yes</p>
<p><u>2. OTC Retirement Schedule Assumptions.</u></p> <p>CEJA described how the retirement dates for OTC units could change, and CEJA discussed how OTC units do not need to retire to comply with OTC policy. CEJA argued that future delays of retirement dates should be taken into account. The Commission agreed that this</p>	<p>CEJA Ex. 1 (Powers Test.) at pp. 27-30.</p> <p>CEJA Ex. 3 (J. May Test.) at pp. 35-36.</p> <p>CEJA Opening Brief at pp. 25-27.</p> <p>CEJA Reply Brief at p. 6.</p> <p>CEJA's Reply Comments on the Proposed Decision at 3 (1/22/2013).</p>	<p>Yes, but insufficient evidence</p>

<p>information can be taken into account in the future.</p> <p>CEJA also argued that SONGS should not be considered part of Track I since other parties did not have a chance to submit evidence related to it. The Commission agreed and did not consider the SONGS outage in this Track.</p>	<p>D.13-02-015 at pp. 41-42 (“if any extensions to OTC closure deadlines do occur, this can be taken into account in future procurement proceedings or in review of a procurement application by SCE.”)</p> <p>D.13-02-015, Finding of Fact no. 10 at p. 120 (“... no finding on this point is intended to apply to SONGS.”)</p>	<p>provided to support position. See Comments at 15.</p>
<p><u>3. Transmission Assumptions</u></p> <p>CEJA advocated for the Commission to assume that a 600 MW transmission load transfer resolves the most critical contingency for the LA Basin. The Commission agreed to rely on CAISO’s transmission assumptions, which assume that the transfer occurs.</p> <p>CEJA also advocated for the Commission to consider future potential transmission upgrades as potential ways to reduce needs. The Commission stated it may be able to incorporate transmission upgrades and new transmission capacity in future procurement proceedings and in SCE’s procurement application.</p>	<p>CEJA Ex. 3 (J. May Opening Test.) at pp. 32-35.</p> <p>CEJA Ex. 4 (CAISO Data Request Responses to CEJA) at pp. 2-3.</p> <p>CEJA Ex. 5 (J. May Reply Test.) at pp. 1-2.</p> <p>CEJA Opening Brief at pp. 27-31.</p> <p>CEJA’s Reply Comments on the Proposed Decision at pp. 2-3 (1/22/2013).</p> <p>CEJA’s Comments on the Proposed Decision at pp. 5-6 (1/14/2013).</p> <p>D.13-02-015 at 44 (“It is also possible that certain transmission fixes may become feasible and cost-effective In future procurement proceedings and in SCE’s procurement application, we may be able to incorporate new information about transmission upgrades and new transmission capacity.”)</p> <p>D.13-02-015, Finding of Fact 9 at p. 120 (“It is reasonable to use the ISO’s analysis of transmission for the purpose of LCR forecasting in this proceeding.”)</p> <p>D.13-02-015, Finding of Fact 41 at p. 125.</p> <p>D.13-02-015, Conclusions of Law 14 & 15 at p. 129.</p>	<p>Yes</p>
<p><u>4. Energy Efficiency Assumptions</u></p> <p>CEJA recommended that the Commission rely on the estimate of uncommitted EE that it and the</p>	<p>CEJA Ex. 1 (B. Powers Test.) at pp. 4-10.</p> <p>CEJA Ex. 3 (J. May Opening Test.) at pp. 2, 7-15.</p>	

<p>CEC sent to CAISO for inclusion into the 2011/2012 Transmission Plan. CEJA defended its position with expert testimony and state laws and policies, which require EE to materialize. CEJA’s recommendation is mirrored by the Commission’s finding that “[i]t is reasonable to assume that 100% of the CEC’s forecast of uncommitted energy efficiency ... to determine minimum and maximum LCR procurement level for the LA basin local area.”</p>	<p>CEJA Ex. 5 (J. May Reply Test.) at pp. 12-14.</p> <p>CEJA x CAISO Ex. 1 (CAISO Data Request Responses) at pp. 2-3.</p> <p>CEJA Opening Brief at pp. 14-17, 32-34.</p> <p>CEJA Reply Brief at pp. 9-10.</p> <p>D.13-02-015 at pp. 47-49.</p> <p>D.13-02-015, Conclusions of Law 6 & 8, at pp. 127-28.</p>	<p>Yes, but duplicative of other parties.</p>
<p>5. <u>Demand Response Assumption</u> CEJA, in its expert testimony and briefing, contended CAISO should have included demand response resources in its OTC model. CEJA estimated that 1064 MW of demand response should be considered in the LCR calculation. The Commission agreed that it is likely by 2020 that the amount of available DR will be close to CEJA’s estimate. Further, during cross examination, CEJA elicited information from SCE witness Silsbee about the current levels of demand response available in the Western LA Basin. The Commission relied on this information and found that it was reasonable to subtract the conservative estimate of 200 MW of DR, from ISO’s Trajectory Scenario to reduce the LA Basin’s LCR needs by 2020.</p>	<p>CEJA Ex.1 (B. Powers) at pp. 10-14.</p> <p>CEJA Ex. 3 (J. May Opening Test.) at pp. 2, 18-22.</p> <p>CEJA Opening Brief at pp. 17-20, 35.</p> <p>CEJA x SCE Ex. 3 (SCE witness Silsbee’s projections for DR).</p> <p>CEJA’s Comment on Track I Proposed Decision (1/14/2013) at pp. 2-5.</p> <p>D.13-02-015 at pp. 51-52.</p> <p>D.13-02-015 at p. 54 (citing CEJA’s cross-examination of SCE’s witness).</p> <p>D.13-02-015, Findings of Fact 18, at p. 121 (“By 2020 it is likely that the actual amount of demand response resources available to reduce LCR needs in the LA Basin will be considerably more than 100 MW, and possibly closer to DRA and CEJA’s estimates of around 1000 MW.”).</p> <p>D.13-02-015, Findings of Fact 28 and 31, at pp. 123-24.</p> <p>D.13-02-015 Conclusions of Law 7, at p. 128.</p>	<p>Yes</p>
<p>6. <u>Combined Heat and Power Assumption</u> Based on numerous authorities including the Governor’s goals of an additional 6,500 MW of CHP by</p>	<p>CEJA Ex. 1 (B. Power Test.) at pp. 26-27.</p> <p>CEJA Ex. 3 (J. May Opening Test.) at pp. 31-32.</p> <p>CEJA Opening Brief at pp. 20-21.</p>	

<p>2030 and a CARB 2008 Scoping Plan adopting a CHP goal of an additional 4000 MW of installed CHP capacity by 2020, CEJA argued that the CAISO should have considered at least the CEC's forecast for CHP levels in its model. The Commission agreed that more uncommitted CHP will be available in the LA basin than included in the ISO Trajectory scenario and should have been included in the ISO models. The Commission ultimately decided it was reasonable to assume a larger overall CHP assumption for the LCR.</p>	<p>D.13-02-015 at pp. 58-59. D.13-02-015, Findings of Fact 19 & 20, at p. 122. D.13-02-015, Conclusions of Law 6, at p. 127 ("It is reasonable to assume that 100% of the CEC's forecast of uncommitted energy efficiency and CHP levels will exist in order to determine minimum and maximum LCR procurement level for the LA basin local area.").</p>	<p>Yes</p>
<p><u>7. Energy Storage Resources</u> CEJA asserted that both SCE and ISO recognize the value of storage and the increasing viability of storage technology. CEJA cited a number of energy storage initiatives and projects underway to increase energy storage capacity. Based on this, CEJA recommended a minimum level of 48 MW of energy storage for the Western LA Basin. The Commission agreed and required procurement of at least 50 MW of energy storage resources in the LA basin local area.</p>	<p>CEJA Ex. 1 (B. Powers Test.) at pp. 14-19. CEJA Ex. 3 (J. May Opening Test.) at pp. 28-30. CEJA Opening Brief, at pp. 54-57. CEJA Reply Brief at p. 2. CEJA's and Clean Coalitions' Response to MegaWatt Storage's Motion (10/22/12) at pp. 2-5. CEJA's Reply Comments on the Proposed Decision (1/22/2013) at p. 5. D.13-02-015, Finding of Fact 28, at p. 123. D.13-02-015 Order Para. 1(b) & 12, at p. 131. D.13-02-015, Conclusion of Law 10, at pp. 60, 62, 128.</p>	<p>Yes</p>
<p><u>8. Reliance on CAISO's Sensitivity Study</u> CEJA advocated that the Commission should rely on CAISO's sensitivity study as the basis to reduce the procurement authorization. CEJA submitted detailed information about the assumptions made in the sensitivity study. The Commission agreed with CEJA's recommendation and relied on CAISO's sensitivity study.</p>	<p>CEJA Ex. 3 (J. May Opening Test.) at pp. 32-35. CEJA x CAISO Ex. 1 (CAISO Data Request Responses). CEJA Opening Brief at pp. 31-34. D.13-02-015 at pp. 51, 59.</p>	<p>Yes, but duplicative.</p>
<p><u>9. Consistency with the Loading Order</u> CEJA advocated for any potential</p>	<p>CEJA Ex. 1 (B. Powers Test.) at p. 32. CEJA Ex. 3 (J. May Opening Test.) at pp. 7-12.</p>	

<p>procurement to follow the loading order and prioritize preferred resources. The Commission set forth requirements for a specific value of preferred resources to ensure that all needs were not met by conventional resources.</p>	<p>CEJA Opening Brief at pp. 48-49. CEJA Comments on Workshop (10/9/12) at pp. 2-4. CEJA Reply Brief at pp. 14-16. D.13-02-015 at p. 78 (“By assuming higher levels for these resources than the ISO, we are promoting the policies of the Loading Order, and reducing the anticipated LCR need.”)</p>	<p>Yes, but duplicative.</p>
<p><u>10. Consideration of OTC Plants to Meet LCR Needs</u> CEJA contended that because SWRCB OTC policy does not require any OTC plants to actually retire, many OTC units will comply and continue to operate under Track I or II. CEJA argued that these facilities should be able to bid into the RFO. The Commission agreed that these facilities should be allowed to bid into future RFOs. The Commission concluded that SCE may consider retrofits to existing OTC plants and ordered that OTC plants in compliance be considered as a new resource to meet LCR need.</p>	<p>CEJA Opening Brief at pp. 25-27. CEJA’s Comments on the Proposed Decision at pp. 6-7. D.13-02-015, Finding of Fact 46, at p. 125 (“OTC plants that comply with SWRCB Track 2 policy (90+% reduction in water usage) without retiring are potential resources to meet SCE’s local procurement needs. Such plants may provide SCE with additional capacity options and potentially lower costs to ratepayers.”). D.13-02-015, Conclusion of Law 18 at p. 129. D.13-02-015 at p. 89 (SCE may negotiate with existing OTC plant owners, either through an RFO or consistent with § 454.6, to finance retrofits that will reduce these plants’ environmental harm sufficiently to be in compliance with SWRCB policy.”) D.13-02-015 at 136, Order Para. 13, at p. 136.</p>	<p>Yes</p>
<p><u>11. Request for Review of RFO</u> CEJA urged Commission oversight in the RFO process. The Commission is requiring that SCE’s procurement plan is subject to review by the Energy Division to ensure consistency with the loading order and also requiring a subsequent Commission application.</p>	<p>CEJA Opening Brief at pp. 41-43. CEJA’s Comments on the Proposed Decision at p. 11. CEJA’s Comments on the Preliminary Scoping Memo at pp. 3-5. CEJA’s Reply Comments on the Proposed Decision at 4; <i>see also</i> CEJA’s Comments Related to the Loading Order (10/9/12) (detailing the proposed phased approach).</p>	<p>No, CEJA proposed a phased RFO process, while the Commission adopted</p>

	D.13-02-015 at p. 92-94 (“All contracts stemming from the LCR procurement authorization we establish today shall be brought to the Commission for approval in a single application for the LA Basin local area and a single application for the Big Creek/Ventura local area.”).	single application reviews.
<p><u>12. Flexibility</u></p> <p>CEJA argued that flexibility should not limit potential procurement to meet LCR. The Commission found that SCE did not need to consider flexibility attributes in the procurement process.</p>	<p>CEJA Opening Brief at pp. 51-52.</p> <p>CEJA’s Reply Brief at pp. 15-16.</p> <p>CEJA’s Comments on the Proposed Decision at p. 10.</p> <p>D.13-02-015 at pp. 96-97 (“we will not require SCE to take into account any particular flexible attributes in its procurement process...”).</p>	Yes

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

	Claimant	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA)¹ a party to the proceeding?	Yes	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified
<p>c. If so, provide name of other parties:</p> <p>The Division of Ratepayer Advocates and Sierra Club California were the primary intervenors taking positions similar to CEJA. Other parties that took some similar positions include the Natural Resources Defense Council, the Clean Coalition, TURN, CEERT, and Vote Solar Initiative.</p>		Verified
<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>During the proceeding, CEJA identified two other parties as having positions most similar to its own: Sierra Club California and the Division of Ratepayer Advocates. CEJA was in regular contact with these organizations to discuss positions and ensure that duplication was avoided. Before submitting briefs and testimony in the case, CEJA discussed proposed coverage with these</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), which was approved by the Governor on September 26, 2013.

<p>parties to prevent duplication.</p> <p>When similar issues were covered, CEJA provided analysis, studies, and expert options which highlighted its own arguments from its perspective as an alliance of environmental justice organizations. The result was complementary showings that built off each other toward common objectives. A review of the decisions reveals that when multiple parties worked on an issue, the results were cumulative, not duplicative. Multi-party participation was necessary in light of the many parties advocating opposing positions for nearly every issue.</p> <p>When coordinating with other parties, CEJA covered issues in its testimony that other similar parties did not. For example, CEJA was the only environmental public interest party that provided an extensive analysis of the CAISO’s input assumptions. In particular, CEJA provided extensive testimony about the input and transmission assumptions that CAISO relied on in its OTC study. CEJA also conducted several rounds of discovery to obtain information about the assumptions used in the study. Finally, CEJA extensively researched and cited to available programs and legal authorities in its briefing to support its positions. As a result of these analyses, the Track I Final Decision cited CEJA’s arguments, experts, and discovery throughout the decision.</p>	<p>Verified but some duplication still occurred.</p>
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C. Additional Comments on Part II:

#	Claimant	Comment
1	CEJA substantially contributed to the development of the record by conducting extensive discovery that was included in the record.	CEJA conducted extensive discovery of SCE and CAISO that added to the development of the record. For example, CEJA was able to obtain the power flow values used for the sensitivity run. These values were ultimately relied on by the Commission in its final decision. CEJA was also able to obtain information about transmission assumptions and other information that the Commission considered and evaluated in its decision.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

<p>a. Intervenor’s claim of cost reasonableness:</p> <p>CEJA is asking for \$180,536 in fees and costs for its advocacy in Track I of the proceeding. CEJA participated in all major aspects of this Track of the proceeding, including filing multiple briefs, comments, extensive testimony, and conducting substantial discovery. CEJA also participated in workshops and hearings, including cross-examining several witnesses. In general, CEJA advocated for consideration of preferred resources and no unneeded procurement in SCE’s local area. CEJA’s arguments were</p>	<p>CPUC Verified</p> <hr style="width: 100%;"/>
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<p>relied upon to lower the total amount of procurement authority that had been requested by CAISO and SCE.</p> <p>CEJA’s participation in this proceeding directly contributed to the Commission’s decision to rely on demand response, incremental CHP, and uncommitted energy efficiency in its local needs assessment. CAISO’s and SCE’s recommendations would have excluded these resources and led to the procurement of unneeded generation. CEJA also provided detailed information about the value of energy storage, which the Commission relied on when requiring procurement of energy storage. CEJA further requested that existing OTC facilities be allowed to bid into RFOs, which could potentially save ratepayers the significant expenditures of building new facilities.</p> <p>CEJA’s extensive participation and detailed filings and testimony ensured that the Commission had sufficient information to make a determination from the record.</p> <p>CEJA’s request for fees and costs is likely to be a very small portion of the benefits that utility customers are likely to ultimately realize due to the reduction in unnecessary procurement authority.</p>	<p>Verified</p>
<p>b. Reasonableness of Hours Claimed.</p> <p>CEJA participated in all major aspects of this Track of the proceeding, including filing multiple briefs, comments, extensive testimony, and conducting substantial discovery. CEJA also participated in workshops and hearings, including cross-examining several witnesses. CEJA’s testimony and filings include hundreds of pages of detailed substantive analysis. The amount of time CEJA spent on the proceeding is reasonable considering CEJA’s extensive participation in and contribution to a wide-range of issues in the Track.</p> <p>CEJA and the Environmental Law and Justice Clinic (ELJC) were conscious of using staff with the appropriate amount of work experience for the tasks they performed; tasks that were appropriate for law students were mainly handled by law students, while tasks that required more experience were handled by the more experienced attorneys or experts. This kept fees reasonable. In addition, the hours claimed do not include time spent on issues ultimately not addressed in the decision and time spent mentoring or assisting students. The rates requested for these tasks are at the low end of the ranges authorized by the CPUC for attorneys, experts and law students.</p> <p>Deborah Behles took on a lead role in this case. She coordinated with her co-counsel Shana Lazerow to assure that internal duplication was avoided. All duplication is avoided in their timesheets. When possible, junior attorneys took a lead role for CEJA. For example, Shanna Foley and law students took a lead role in research and writing briefing. The briefing CEJA submitted in this case included a significant amount of research on</p>	<p>Verified</p>

<p>many topics. When students or a junior attorney was not available, or when deadlines would not allow for student participation, CEJA’s attorneys took a lead role in drafting briefs and comments.</p> <p>In addition, ELJC was able to significantly reduce the time that Bill Powers spent on the case. At Mr. Powers direction, ELJC prepared an initial draft of his expert report in the proceeding. Shanna Foley took a lead role in this drafting effort.</p> <p>CEJA’s expert Julia May reviewed briefs and comments throughout the Track to ensure technical accuracy. Considering the wide range of topics that she reviewed, her time is reasonable.</p> <p>CEJA and ELJC made significant cuts in the timesheets. CEJA and ELJC are not requesting time for over 600 hours that it found to be duplicative or excessive. CEJA eliminated the majority of hours used for internal collaboration. CEJA and ELJC did a detailed review to eliminate duplication. For example, for meetings and hearings, CEJA and ELJC are only requesting time for the primary attorney who appeared at the meeting or hearing. CEJA is not requesting time for multiple attorneys for meetings or hearings. In addition, the hours claimed do not request hours on time spent assisting students or for tasks that were clerical in nature.</p>	
<p>c. Allocation of Hours by Issue</p> <p>CEJA divided its work into five different issues: (1) CAISO’s OTC Study; (2) Resource Assumptions; (3) RFO Process and Requirements; (4) Hearings, Meetings, and Coordination; (5) General Work on Track. The detailed breakdown for each issue is provided in the timesheets, which are attached to this request.</p> <p>Issue 1: 27.33% Issue 2: 45.37% Issue 3: 16.17% Issue 4: 6.01% Issue 5: 5.12%</p> <p>As the breakdown demonstrates, CEJA spent the majority of its time working on the substantive issues in the proceeding. It only spent around 11% of its total time on hearings, meetings, coordination, and general work in the proceeding.</p>	<p>Verified</p>

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Shana Lazerow	2012	13.8	\$360	Resolution ALJ-281, Comment 5	\$4,968	11.8 ^[A]	\$320.00 ²	\$3,776.00
Shana Lazerow	2013	12.6	\$375	Resolution ALJ-281, Comment 5	\$4,725	12.6 ^[A]	\$335.00 ³	\$4,221.00
Deborah Behles	2012	178.5	\$315	Resolution ALJ-281, Comment 6	\$56,227	154.43 ^[A]	\$315.00 ⁴	\$48,645.00
Deborah Behles	2013	26.85	\$330	Resolution ALJ-281, Comment 6	\$8,860	25.68 ^[A]	\$330.00 ⁵	\$8,474.00
Shanna Foley	2012-2013	160	\$150	Resolution ALJ-267, Resolution ALJ-281, Comment 7	\$24,000	143.85 ^[A]	\$150.00 ⁶	\$21,578.00
Clinical Law Students	2012-2013	353.25	\$100	D.11-03-025, D.04-04-12, Comment 1	\$35,325	312.7 ^[A]	\$100.00	\$31,270.00
Julia May	2012	159.8	\$220	Resolution ALJ-281, Comment 4	\$35,156	133.61 ^[A]	\$150.00 ⁷	\$20,042.00
Julia May	2013	14.7	\$230	Resolution ALJ-281, Comment 4	\$3,381	12.65 ^[A]	\$160.00 ⁸	\$2,024.00
Bill Powers	2012	8	\$250	D. 09-09-024, <i>see</i> Comment 3	\$2,000	7.5 ^[A]	\$250.00 ⁹	\$1,875.00
Subtotal:					\$174,642	Subtotal:		\$141,905.00

² Adopted by Decision (D.) 13-10-001.

³ Adopted by Decision (D.) 14-07-026.

⁴ Adopted by Decision (D.) 13-12-022.

⁵ Adopted by Decision (D.) 14-07-026.

⁶ Adopted by Decision (D.) 13-12-022.

⁷ Adopted by Decision (D.) 13-10-014.

⁸ Application of 2.2% Cost-of-Living Adjustment, Resolution ALJ-281.

⁹ Adopted by Decision (D.) 13-22-022.

INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Clinical Law Students	2013	30	\$100	D.11-03-025, D.04-04-12, Comment 2	\$3,000	30	\$100.00	\$3,000.00
Shana Lazerow	2013	4.9	\$185	Comment 2	\$906.50	4.9	\$167.50	\$820.75
Deborah Behles	2013	10.9	\$165	Comment 2	\$1,798	10.9	\$165.00	\$1,798.50
Subtotal:					\$5,705	Subtotal:		\$5,619.25
COSTS								
#	Item	Detail			Amount	Amount		
1.	Postage Costs	Costs to send testimony and briefs			\$15.60			\$15.60
2	Copying Costs	1,743 copies at 10 cents each			\$174.30			\$174.30
Subtotal:					\$189.90	Subtotal:		\$189.90
TOTAL REQUEST \$:					180,536	TOTAL AWARD \$:		\$147,714.00
<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. 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.</p> <p>**Reasonable claim preparation time typically compensated at ½ of preparer's normal hourly rate</p>								
ATTORNEY INFORMATION								
Attorney		Date Admitted to CA Bar ¹⁰		Member Number		Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation		
Deborah Behles		December 21, 2001		218821		No		
Shanna Foley		December 31, 2010		274996		No		
Shana Lazerow		June 04, 1998		195491		No		

¹⁰ This information may be obtained at: <http://www.calbar.ca.gov/>.

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

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	CEJA Timesheets
Attachment 3	CEJA Expenses
Attachment 4	Resumes of Deborah Behles, Shanna Foley, Shana Lazerow and Julia May
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). CEJA requests the same \$100 per hour rate 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, we have 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, CEJA request their approval in this proceeding as well.
Comment 3	Bill Powers is an engineering expert with an emphasis on energy related issues and has over 30 years of experience in the field. Bill Powers has provided expert testimony in nine separate matters involving energy efficiency and compliance with the loading order. Resolution ALJ-267 sets rates for experts with 13+ years of experience at \$155 to \$390 per hour. In D.11-03-025, Bill Powers' approved rate was \$225 per hour; however, in D.09-09-024, Bill Powers' approved rate was \$250 per hour. D.09-09-024 was issued 3 years ago in 2009 for work completed during 2007-2008. We request a rate of \$250 per hour for Bill Powers because of his extensive expertise and experience with energy issues and because his years of experience doubles the minimum number of years needed to qualify for this rate range. In addition, Mr. Powers was able to use information that he generated for another related project, which saved significant time.
Comment 4	Julia May is Senior Staff Scientist at Communities for a Better Environment. For more than twenty years, Ms. May has been providing technical advice to community members concerning environmental and energy-related matters. Ms. May holds a BS in Electrical Engineering from University of Michigan, Ann Arbor (1981). Based on Resolution ALJ-281, her requested rate of \$220 is the lowest reasonable rate for an expert of her experience. Her 2013 rate of \$230 reflects the percentage rate increase authorized in Resolutions ALJ-267 and ALJ-281. Ms. May provided invaluable testimony concerning many of the technical questions presented in Track I, which enabled CEJA to make the significant contribution it made.
Comment 5	Shana Lazerow Ms. Lazerow is Chief Litigation Attorney at CBE. She graduated from law school at the University of California, Los Angeles in 1997. She has practiced environmental and administrative law for more than 13 years, and has

	held the position of Chief of Litigation at CBE since 2005. Based on Resolution ALJ-281, her requested rate of \$360 is the lowest reasonable rate for an attorney of her experience. ALJ-267 authorizes a 5% annual increase, which is reflected in the increase in Ms. Lazerow's 2013 rate of \$375.
Comment 6	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. The lowest rate for attorneys with 8-10 experience in 2010 and 2011 was \$300. <i>See</i> Resolution ALJ-247, Resolution ALJ-267. Deborah Behles's requested rate for 2010-2011 was \$300 for work on R.10-05-006, 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.
Comment 7	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.

D. CPUC Disallowances and Adjustments:

#	Reason
A	CEJA's accounting of hours does not exactly line up with their description of how they substantially contributed to D. 13-02-015. The accounting of hours lists five issues, while CEJA describes nine separate in Part II of this claim. After assigning these nine topics to the five separate issues in the accounting of hours, the Commission has decided to reduce CEJA's hours on Issue 1 by 25% and Issue 3 by 33.3%, with no reduction for Issues 2, 4 or 5. Disallowances were made for duplication of work of other parties and lack of substantial contribution on certain issues, as noted in the CPUC discussion section of Part II of this claim.
1	In response to comments filed by CEJA to an earlier proposed decision, the Commission has adjusted its award, and no longer reduces for clinical student work or on Issue 2.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	Yes
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Party	Reason for Opposition	CPUC Disposition
Southern California Edison	Southern California Edison (SCE) questions whether it is appropriate to award payment to a non-profit for work done by clinical law students.	The Commission has compensated for work done by law students in the past, and continues to do so here. (See D.03-01-075, D.03-02-023, D.04-04-012) CEJA has provided adequate justification to receive compensation.

B. Comment Period: Was the 30-day comment period waived?	Yes
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FINDINGS OF FACT

1. The California Environmental Justice Alliance has made a substantial contribution to D.13-02-015.
2. The requested hourly rates for the California Environmental Justice Alliance'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 are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$147,714.00.

CONCLUSION OF LAW

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

ORDER

1. The California Environmental Justice Alliance is awarded \$147,714.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company shall pay the California Environmental Justice Alliance their respective shares of the award, based on their California-jurisdictional electric revenues for the 2012 calendar year, to reflect the year in which the proceeding was primarily litigated. 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 26, 2013, the 75th day after the filing of the California Environmental Justice Alliance'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

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1302015		
Proceeding(s):	R1203014		
Author:	ALJ Gamson		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
California Environmental Justice Alliance	04/12/13	\$180,536.00	\$147,714.00	N/A	N/A

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Deborah	Behles	Attorney	California Environmental Justice Alliance	\$315.00	2012	\$315.00
Deborah	Behles	Attorney	California Environmental Justice Alliance	\$330.00	2013	\$330.00
Shanna	Foley	Attorney	California Environmental Justice Alliance	\$150.00	2012	\$150.00
Shanna	Foley	Attorney	California Environmental Justice Alliance	\$150.00	2013	\$150.00
Shana	Lazerow	Attorney	California Environmental Justice Alliance	\$360.00	2012	\$320.00
Shana	Lazerow	Attorney	California Environmental Justice Alliance	\$375.00	2013	\$335.00

Julia	May	Expert	California Environmental Justice Alliance	\$220.00	2012	\$150.00
Julia	May	Expert	California Environmental Justice Alliance	\$230.00	2013	\$160.00
Bill	Powers	Expert	California Environmental Justice Alliance	\$250.00	2012	\$250.00

(END OF APPENDIX)