

Decision _____

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)

DECISION AWARDING INTERVENOR COMPENSATION TO CLEAN COALITION FOR CONTRIBUTION TO DECISIONS (D.)14-03-004 AND D.14-02-040

Claimant: Clean Coalition	For contribution to Decision D. 14-02-040/ D.14-03-004.
Claimed: \$10,632.50	Awarded: \$8,793.70 (17.29% reduction)
Assigned Commissioner: Michel Peter Florio	Assigned ALJ: David M. Gamson

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	<p>Track 3: DECISION MODIFYING LONG-TERM PROCUREMENT PLANNING RULES</p> <p>Track 4: DECISION AUTHORIZING LONG-TERM PROCUREMENT FOR LOCAL CAPACITY REQUIREMENTS DUE TO PERMANENT RETIREMENT OF THE SAN ONOFRE NUCLEAR GENERATIONS STATIONS</p>
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B. Claimant must satisfy intervenor compensation requirements set forth in Pub. Util. 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	Yes.
2. Other Specified Date for NOI:	May 18, 2012	Yes.

3. Date NOI Filed:	August 1, 2012	No. August 01, 2013.
4. Was the NOI timely filed?		Yes, Clean Coalition's NOI was timely filed.
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R. 11-05-005/R. 11-09-011	No.
6. Date of ALJ ruling:	December 13, 2013	No. The Commission did not issue a ruling on this date regarding Clean Coalition in either proceeding.
7. Based on another CPUC determination (specify):		Yes, on July 19, 2011, in proceeding R.10-05-006, the Commission found Clean Coalition to be a customer.
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:	R. 11-05-005/R. 11-09-011	No.
10. Date of ALJ ruling:	December 13, 2013	No. <i>See</i> I.B.6, above.
11. Based on another CPUC determination (specify):		Yes, on July 19, 2011, in proceeding R.10-05-006, the Commission found Clean Coalition demonstrated significant financial hardship.
12. Has the Claimant demonstrated significant financial hardship?		Yes.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D. 13-02-015/D. 14-02-040	Yes.
14. Date of Issuance of Final Order or Decision:	March 4/March 14, 2014	February 13, 2013/ March 4, 2014
15. File date of compensation request:	5/2/14	Yes.
16. Was the request for compensation timely?		Yes, the Clean Coalition timely filed the request.

<p>Clean Coalition’s Comments On Part I.B.3</p>	<p>The Clean Coalition formally intervened in R.12-03-014 in June of 2012. Due to various miscommunication issues and staffing changes for the Intervenor Compensation Program, the Clean Coalition filed an NOI in this proceeding in August of 2012 with permission from ALJ Gamson to do so.</p>
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PART II: SUBSTANTIAL CONTRIBUTION

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

<p>Intervenor’s Claimed Contribution</p>	<p>Specific References to Claimant’s Presentations and to Decision</p>	<p>Showing Accepted by CPUC</p>
<p><i>Track 3</i></p> <p><i>Clean Coalition Comments</i></p> <p><i>-Clean Coalition Opening Comments on Track 3 Issues, dated April 26th, 2013</i></p> <p><i>Transparency</i></p> <p>The Clean Coalition submitted comments on the scoping of Track 3 that specifically focused on full transparency being the presumption with respect to RFOs and contracts.</p> <p>“Full transparency should be the presumption with respect to RFOs and contracts to ensure that forward procurement meets future energy and capacity needs in the best interest of</p>	<p><i>Commission Decision</i></p> <p>“It is in the public interest to promote greater reporting of the information that the Commission regularly collects from the utilities regarding procurement activities, either as aggregate or in specific, to the market and the CAISO, to the extent that confidentiality is not compromised.” (Decision Conclusion of Law #6 at 73)</p>	<p>Verified, although many intervenors advocated for greater transparency.</p>

<p>ratepayers.” (Clean Coalition Comments on Track 3 Issues at 2)</p> <p>“By making pricing transparent, advocates and policymakers will have more insight into the cost impacts of procurement programs, and thus a better idea of how future programs will fiscally impact ratepayers.” (Clean Coalition Comments on Track 3 Issues at 7)</p> <p>“Bids and offers into request for offers (RFOs) should be released online. While security and privacy concerns are primary with respect to better transparency, there are many ways to address these concerns. For areas in which consumer privacy is a legitimate concern, data can be anonymized and/or aggregated, though aggregation should only be done as a last resort because key information may be omitted with aggregation.” (Clean Coalition Comments on Track 3 Issues at 7 & 8)</p>	<p>“Clean Coalition supports the Commission’s presumption that that information should be publicly disclosed. All pricing information for all power purchase agreements (PPAs) should be transparent to serve the interests of ratepayers. ” (Decision at 20)</p> <p>“Sierra Club recommends that this information be made public on the Commission website. The data should include bids, offers, price, volume, location, and date of delivery. Clean Coalition agrees that bids and offers into RFOs should be released online.” (Decision at 22).</p>	
<p>Track 4</p> <p><i>Clean Coalition Comments</i></p> <p><i>-Comments of the Natural Resources Defense Council, the California Energy Efficiency Industry Council,, the Vote Solar Initiative and the Clean Coalition on the</i></p>	<p><i>Commission Decision</i></p>	<p>Verified, although duplication occurred with other intervenors.</p>

<p><i>Schedules Proposed at the September 4, 2013 Prehearing Conference, dated September 10, 2013</i></p> <p><i>-Clean Coalition Reply Testimony (Kenneth Sahn White), dated September 30, 2013</i></p> <p><i>- Notice of Ex Parte Communication by Sierra Club California, the Environmental Justice Alliance, Natural Resources Defense Council, Environmental Defense Fund, Clean Coalition, Communities for a Better Environment, the Vote Solar Initiative and the Asian Pacific Environmental Network, dated December 23rd, 2013</i></p> <p>The Clean Coalition submitted comments and testimony in Track 4 to support the use of local preferred resources and storage to replace the San Onofre Nuclear Generating Station (SONGS) and other resources scheduled for retirement. Our involvement included testimony regarding the value of advanced inverters, ex parte meetings with Commission staff, collaboration with other organizations to ensure that our efforts added value without duplicating efforts.</p> <p><i>Preferred Resources</i></p> <p>The Clean Coalition has been a consistent advocate for the increased use of local preferred resources, as evidenced in our testimony.</p>		
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<p>“All procurement should be informed by an accurate assessment of the full value of preferred resources and should have the objective of maximizing the use of cost- effective preferred resources to meet local area needs. The Clean Coalition urges the joint agencies to not rush to support new conventional generation and transmission investments before updating assumptions about the value and availability of preferred resources and system needs assessments through public procurement and planning processes. This “no regrets” approach is consistent with the Loading Order and will best serve the interests of ratepayers.” (Clean Coalition Reply Testimony at 7)</p> <p>“This proceeding should be developed with the objective of maximizing the use of cost-effective preferred resources to meet local area needs, and especially taking advantage of advanced inverter technologies and capabilities.” (Clean Coalition Reply Testimony dated September 30, 2013)</p>	<p>“We will modify SCE’s proposal to ensure that SCE procures a higher percentage of authorized resources from preferred resources and energy storage. For SCE (and SDG&E as delineated below), we will not require any specific incremental procurement from gas-fired resources. This means that all incremental procurement as a result of this decision may be from preferred resources.” (Decision at 93)</p> <p>“First, the Commission and parties must be diligent in moving ahead to develop the necessary programs that can participate with other supply-side resources (such as demand response) and that will provide load-shaping demand-side benefits (such as energy efficiency and small PV) with the necessary locational data that the ISO can use in its local area capacity studies to offset the need for conventional infrastructure. “ (Decision at 88)</p>	
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹	Yes	Verified.
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified.
c. If so, provide name of other parties: NRDC, Sierra Club California, Vote Solar, California Environmental Justice Alliance		Verified.
d. Intervenor’s claim of non-duplication: The Clean Coalition developed joint comments with the above listed parties to specifically avoid duplication. The Clean Coalition focused reply comments on informing the proceeding about advanced inverters for PV and storage to avoid duplication with other parties.		Verified, although some duplication occurred.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

a. Intervenor’s claim of cost reasonableness The Clean Coalition has been an active participant in the LTPP process and has provided this Commission with recommendations that have been incorporated into the long term planning assumptions and scenarios in all four tracks of this proceeding. The Clean Coalition leveraged its rare combination of technical, policy, and project development experience to inform the proceeding. The Clean Coalition's Hunters Point Community Microgrid Project, in partnership with Pacific Gas & Electric, will show how local preferred resources like demand response and energy storage can integrate high levels of local renewables while maintaining or improving grid reliability. Our staff works with companies to improve power-flow modeling tools to enable greater visibility into the distribution grid and optimization of portfolios of integrated local resource solutions. Recently, the Clean Coalition made a presentation to the California Energy Commission to show how intelligent grid solutions such as advanced inverters and demand response can integrate higher levels of renewable generation and address “Duck” chart concerns.	CPUC Verified Verified.
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¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

<p>The Clean Coalition is also the only nonprofit organization participating in the CPUC working group to revise technical standards to allow advanced inverters to provision reactive power and ride through voltage events, which will result in enhanced value of clean local energy and allow for far higher levels of intermittent renewables. We educated the LTPP proceeding about the voltage control capabilities of distributed solar and storage facilities to prevent the Commission from committing to unnecessary investments in centralized voltage control solutions at this time. The benefits provided to the Commission by our participation in this proceeding are reflected in the Final Decisions issued for Tracks 3 and 4.</p>	
<p>b. Reasonableness of Hours Claimed. Pursuant to the Clean Coalition Notice of Intent to Claim Intervenor Compensation, our comments focused on very specific issues. In this case, the issues were: (a) greater transparency in forward procurement, and (b) feasibility relying on local preferred resources to replace the San Onofre Nuclear Generating Station (SONGS) and other resources scheduled for retirement. We leveraged our deep technical expertise to inform the LTPP proceeding about how local preferred resources can meet system needs for both power balancing and voltage control.</p>	<p>Verified. Because of the duplication regarding transparency issues, a 10% reduction has been made to the hours from issue (a) and a 25% reduction has been made to issue (b). <i>See</i> CPUC Disallowances and Adjustments, below.</p>
<p>c. Allocation of Hours by Issue The Clean Coalition focused resources on the issues described above. This included: development of comments, coordination with other parties and relevant research. We were careful to assign tasks to appropriate staff members. Policy Manager Dyana Delfin-Polk took the lead on comments as well as the compensation claim. Policy Director and Attorney Stephanie Wang contributed to comments and provided oversight of activities. Economics and Policy Analysis Director Kenneth Sahm White assisted with testimony and made himself available for cross examination during evidentiary hearings.</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 \$
Kenneth Sahm White	2012	3	\$185	CPUC Published Hourly Rates (updated 9/13)	\$555	2.7	\$280.00 See D.13-12-023	\$756.00
Kenneth Sahm White	2013	3.75	\$270	Resolution ALJ-287/D. 13-12-023	\$1012.5	2.81	\$285.00 [1]	\$800.85
Dyana Delfin-Polk	2013	7	\$190	Resolution ALJ-287/D.13-12-021	\$1330	5.45	\$195.00 [2]	\$1062.75
Dyana Delfin-Polk	2014	2	\$190	Resolution ALJ-287/D.13-12-021	\$380	2	\$200.00 [3]	\$400.00
Stephanie Wang	2013	17	\$305	Resolution ALJ-287	\$5185	13.62	\$305.00 See D.14-12-075	\$4,154.10
Subtotal: \$8462.5						Subtotal: \$7,173.70 [4]		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Dyana Delfin-Polk	2014	10	\$95	Resolution ALJ-287 D.13-12-021	\$950	10	\$100.00	\$1,000.00
Stephanie Wang	2014	8	\$152.5	Resolution ALJ-287	\$1220	4 [5]	\$157.50 [6]	\$630.00
Subtotal: \$2170						Subtotal: \$1,620.00		
TOTAL REQUEST: \$10,632.50						TOTAL AWARD: \$8,798.70		
<p>*We remind all intervenors that Commission staff may audit its 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, fee 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>**Approved Travel and Reasonable Claim preparation time compensated 1/2 of preparer's approved hourly rate.</p>								

Attorney	Date Admitted to CA BAR ²	Member Number	Actions Affecting Eligibility
Stephanie Wang	9/28/2008	#257437	No

C. CPUC Disallowances and Adjustments:

Item	Reason
[1]	The Commission applied the cost-of-living adjustment (2%) established in Res. ALJ-287 to White's 2012 rate. After rounding, the Commission sets White's 2013 rate at \$285.
[2]	The Commission applied the cost-of-living adjustment (2%) established in Res. ALJ-287 to Delfin-Polk's 2012 rate. After rounding, the Commission sets Delfin-Polk's 2013 rate at \$195.
[3]	The Commission applied the cost-of-living adjustment (2.58%) established in Res. ALJ-303 to Delfin-Polk's 2013 rate. After rounding, the Commission sets Delfin-Polk's 2014 rate at \$200.
[4]	Because of the duplication between Clean Coalition and other parties regarding transparency issues, 10% of Clean Coalition's hours on Track 3 have been disallowed, resulting in the following reductions: .3 hours from White's 2012 claim; 0.225 hours from Wang's 2013 claim; 0.3 hours from Delfin-Polk's 2013 claim. The 25% disallowance in Tract 4 results in the following reductions: 0.94 hours from White's 2013 claim; 3.13 hours from Wong's 2013 claim; 1.25 hours from Delfin-Polk's 2013 claim.
[5]	Clean Coalition claims an excessive amount of hours in preparing the claim for intervention compensation. 4 hours have been removed from Wang's total.
[6]	The Commission applied the cost-of-living adjustment (2.58%) established in Resolution ALJ-303 to Wang's 2013 rate. After rounding, the Commission sets Wang's 2014 rate at \$315. Half of this rate, for intervenor compensation preparation purposes, is \$157.50.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?

No.

B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(C)(6))?

Yes.

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

FINDINGS OF FACT

1. Clean Coalition has made a substantial contribution to D.14-02-040 and D. 14-03-004.
2. The requested hourly rates for Clean Coalition's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$8,793.70.

CONCLUSION OF LAW

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

ORDER

1. Clean Coalition is awarded \$8,793.70.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric, and Southern California Edison Company shall pay Clean Coalition their respective shares of the award, based on their California-jurisdictional electric revenues for the 2013 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning July 16, 2014, the 75th day after the filing of Clean Coalition'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 _____, 2015, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	
Contribution Decision(s):	D1302015; D1402040		
Proceeding(s):	R1203014		
Author:	ALJ Gamson		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric, and Southern California Edison Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Clean Coalition	5/2/14	\$10,632.50	\$8,793.70	N/A	Duplication; excessive hours claimed

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Dyana	Delfin-Polk	Paralegal	Clean Coalition	\$190	2013	\$195.00
Dyana	Delfin-Polk	Paralegal	Clean Coalition	\$190	2014	\$200.00
Kenneth Sahn White	White	Expert	Clean Coalition	\$185	2012	\$280.00
Kenneth Sahn White	White	Expert	Clean Coalition	\$270	2013	\$285.00
Stephanie	Wang	Attorney	Clean Coalition	\$305	2013	\$305.00
Stephanie	Wang	Attorney	Clean Coalition	\$305	2014	\$315.00

(END OF APPENDIX)