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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Continue Implementation and Administration of the California Renewables Portfolio Standard Program.

Rulemaking 11-05-005
(Filed May 5, 2011)

**DECISION GRANTING INTERVENOR COMPENSATION TO L. JAN REID
FOR CONTRIBUTION TO DECISIONS D.12-05-35, D.12-06-38, D.13-05-034, AND
D.12-11-016**

Claimant: L. Jan Reid	For contribution to: D.12-05-035, D.12-06-038, D.13-05-034, and D.12-11-016
Claimed: \$35,164.79	Awarded: \$33,813.29 (reduced 3.8%)
Assigned Commissioner: Carla J. Peterman	Assigned ALJ: Anne E. Simon

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	D.12-05-035 adopted a new pricing mechanism for the Commission's § 399.20 Feed-in Tariff (FiT) Program. D.12-06-038 implemented changes to the rules for retail sellers' compliance with the renewables portfolio standard (RPS) program made by Senate Bill (SB) 2 (1X) (Simitian), Stats. 2011, ch. 1. D.13-05-034 ordered Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E) to revise their Feed-in Tariff (FiT) programs to include a new standard contract and revised tariffs. ALJ De Angelis' August 2, 2012 Ruling (Ruling) adopted a renewable net short calculation methodology, incorporated the methodology into the record, and extended the dates for filing updates to the 2012 RPS Plans. This methodology was utilized to calculate RPS Procurement Plans in D.12-11-016.
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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:	July 11, 2011	Verified
2. Other Specified Date for NOI:		
3. Date NOI Filed:	July 5, 2011	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:		R.10-05-006
6. Date of ALJ ruling:		March 10, 2011
7. Based on another CPUC determination (specify):	D.11-03-019, Conclusion of Law 1, slip op. at 16	Verified
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.10-05-006
10. Date of ALJ ruling:		March 10, 2011
11. Based on another CPUC determination (specify):	D.11-03-019, slip op. at 6, and D.11-03- 019, Conclusion of Law 1, slip op. at 16	Verified
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	N/A See comment below.	
14. Date of Issuance of Final Order or Decision:	N/A	May 24, 2012; June 27, 2012 November 14, 2012 May 30, 2013
15. File date of compensation request:	October 1, 2013	Verified
16. Was the request for compensation timely? Yes.		Yes

C. Additional Comments on Part I:

#	Claimant	CPUC	Comment
13	L. Jan Reid		A final decision closing proceeding R.11-05-005 has not been issued. Therefore, the request is timely pursuant to Public Utilities Code § 1804(c).
		13-16	Although the proceeding remains active, Reid's Intervenor Compensation Claim will be analyzed based on contribution to decisions D.12-05-035 (May 31, 2012), D.12-06-038 (June 27, 2012), D.13-05-034 (May 30, 2013), and D.12-11-016.

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).**

Contribution	Specific References to Claimant's Presentations and to Decision	Showing Accepted by CPUC
1. Market Based FIT Program	<p>Reid recommended that the Commission adopt a market-based FIT program. In support of his recommendation, Reid argued that (Comments of L. Jan Reid on Renewable FIT Staff Proposal, November 2, 2011 (Reid Comments), p. 4)</p> <p>"The Commission has wisely expressed a preference for market-based solutions to regulatory issues. In the decision that established the Renewable Auction Mechanism (RAM), the Commission found that: (Decision (D.) 10-12-048, Finding of Facts 1 and 2, slip op. at 81)"</p> <p>"1. A fundamental assumption underlying the adopted RAM is that competition is, and will remain, vigorous in this market, resulting in just and reasonable rates and optimal resource outcomes."</p> <p>"2. The RPS statute and program is premised upon employing competition to reach optimal outcomes."</p> <p>The Commission effectively agreed with Reid when it established the market-</p>	Yes.

	<p>based Re-MAT program. (D.12-05-035, slip op. at 2)</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Market Based FIT Program issue in D.12-05-035.</p>	
2. CAISO Market Proxy	<p>Reid opposed the use of the CAISO market as a proxy for other types of procurement. (Reid Comments, pp. 4-5)</p> <p>The Commission did not use the CAISO markets as a proxy for other types of markets when it designed the Re-MAT program. (See D.12-05-035)</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Market Proxy issue in D.12-05-035.</p>	Yes.
3. Product Categories	<p>Reid argued that “There is no good reason for the Commission to establish different products for different time periods, because the value of energy in different time periods can be accounted for via the TOD factors; and because there is a first-come-first-served requirement.” (Reid Comments, pp. 5-6)</p> <p>Although the Commission did not agree with Reid on this issue, Reid made a substantial contribution to the Commission’s resolution of the Product Categories issue in D.12-05-035.</p>	Yes.
4. Peak Demand Offset	<p>Reid commented that (Reid Comments, p. 8)</p> <p>“Staff states that ‘The CPUC can provide an additional payment based on the avoided costs of a Renewable FIT Generator located in a high value location that will generate during peak demand periods.’ (Staff Proposal, p. 6)”</p> <p>“The CPUC could provide an additional payment based on this type of avoided cost, but it is not legally required to do so. The Commission is only required to</p>	Yes.

	<p>consider the value associated with a generator being located in a high value location.”</p> <p>The Commission agreed with Reid that a peak demand offset is an optional input. (D.12-05-035, p. 17, Item (8))</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Peak Demand Offset issue in D.12-05-035.</p>	
<p>5. Adders</p>	<p>Reid argued that: (Reid Comments, p. 9, footnote omitted)</p> <p>“Ratepayers pay for the salaries and benefits of utility procurement and planning staff as well as for some of the salaries and benefits of Commission staff. In essence, ratepayers make an investment in the development of renewable resources. Ratepayers have the right to earn a return on their investment through avoided costs, resource adequacy, locational value, and other benefits. Thus, the value of avoided costs becomes ratepayer property, and it would be unfair for the Commission to transfer wealth from ratepayers to unregulated developers.”</p> <p>The Commission agreed with Reid when it stated that “We do not adopt other components of the Renewable FiT Staff Proposal, including the location adder or a transmission adder because we find these components either inconsistent with existing law or requiring more development.” (D.12-05-035, slip op. at 37)</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Adders issue in D.12-05-035.</p>	<p>Yes.</p>
<p>6. Price Adjustment</p>	<p>Staff recommended that the Renewable FIT price for each product category for each IOU should be increased or decreased after a certain subscription (or</p>	

	<p>lack thereof) occurs.</p> <p>Reid opposed the Staff recommendation and argued that: (Reid Comments, p. 10)</p> <p>“The Commission should give FIT generators a fair opportunity to participate in the program, but the Commission should not raise the price to unreasonable levels just to meet the 750 megawatt (MW) goal. The Commission should update the FIT base price once a year using the average base price from the most recent RAM auction.”</p> <p>In part, the Commission agreed with Reid when it found that the Re-MAT “starting price should be based on the weighted average contract price of Pacific Gas and Electric Company, Southern California Electric Company, and San Diego Gas & Electric Company’s highest priced executed contract resulting from the Commission’s Renewable Auction Mechanism auction held in November 2011.” (D.12-05-035, slip op. at 2)</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Price Adjustment issue in D.12-05-035.</p>	<p>Yes.</p>
<p>7. Avoided Cost</p>	<p>Reid argued that “the Commission is not required to set a market price that is lower than avoided costs consistent with PURPA.” (Reid Comments, p. 7)</p> <p>The Commission effectively agreed with Reid when it failed to adopt an avoided cost-based pricing mechanism and when it denied a motion by the Joint Parties for further consideration of an Avoided Cost based pricing mechanism. (D.12-05-035, slip op. at 104)</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Avoided Cost issue in D.12-05-035.</p>	<p>Yes.</p>

<p>8. Development Deposit</p>	<p>Staff proposed that the IOUs should require a \$20/kW development deposit for projects less than 1 MW and a \$50/kW development deposit for projects between 1 MW and 3 MW.</p> <p>Reid argued that: (Reid Comments, p. 12)</p> <p>“If the Commission adopts Staff’s proposal, the developer of a 1 MW project will pay a development deposit of \$20,000 and the developer of a 2 MW project will pay a development deposit of \$100,000. Clearly, it is not reasonable for a 2 MW project to be charged a development deposit five times greater than the deposit for a 1 MW project.”</p> <p>The Commission did not adopt Staff’s recommendation concerning development deposits.</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Development Deposit issue in D.12-05-035.</p>	<p>Yes.</p>
<p>9. Transition Issues</p>	<p>Parties raised the issue of whether rules under the existing AB 1969 program apply to projects now in the queue or whether the rules adopted today apply.</p> <p>Reid argued that: (Reid Comments, p. 13)</p> <p>It is important that all FIT generators operate under the same rules. Otherwise, it would be possible for two essentially identical generators to be paid different prices for their output even when that output was delivered during the same time periods.</p> <p>The Commission effectively agreed with Reid when it found that “projects in the queue and without a contract must comply with the new rules adopted today.” (D.12-05-035, slip op. at 103)</p>	<p>Yes.</p>

	<p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Transition Issues in D.12-05-035.</p>	
<p>10. Expedited Interconnection</p>	<p>Staff proposed that the Commission defer addressing the expedited interconnection issue.</p> <p>Reid argued that: (Reid Comments, p. 14)</p> <p>“This issue should not be deferred as suggested by Staff. PUC § 399.20(e) requires the IOUs to (a) provide expedited interconnection procedures if the generator provides electricity which offsets peak demand on the distribution circuit; and (b) determine whether the FIT generator will adversely affect the distribution grid. Since the statute requires expedited interconnection procedures, deferral is not an option.”</p> <p>The Commission addressed the expedited interconnection issue as suggested by Reid. See D.12-05-035, slip op. at 97-100.</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Expedited Interconnection issue in D.12-05-035.</p>	<p>Yes.</p>
<p>11. Bid Fee</p>	<p>Reid argued that: (Reid Comments, p. 16)</p> <p>“A bid fee could help mitigate against contract failure, because only the most serious developers would be willing to pay the bid fee. However, in this case it is more important to waive the bid fee, thereby encouraging program participation.”</p> <p>“The bid fee is not a requirement in the RAM program, and there is no good reason that a bid fee should be levied in the FIT program.”</p> <p>Although the Commission did not agree with Reid on this issue, Reid made a</p>	<p>Yes.</p>

	substantial contribution to the Commission's resolution of the Bid Fee issue in D.12-05-035.	
12. Seller Concentration	<p>Staff recommended a seller concentration limit. Reid recommended a seller concentration limit of 10 MW per seller and argued that: (Reid Comments, p. 12)</p> <p>“The purposes of a seller concentration limit are (a) to prevent larger entities from dominating the FIT program to the detriment of small developers; and (b) to ensure that the FIT program contains a diverse mix of electricity generation plants. Staff's recommendation is simply too high and does not accomplish either of these goals.”</p> <p>The Commission set a seller concentration limit of 10 MW per seller.</p> <p>Thus, Reid made a substantial contribution to the Commission's resolution of the Seller Concentration issue in D.12-05-035.</p>	Yes.
13. Program Cap	<p>Reid argued that: (Reply Comments of L. Jan Reid on Renewable FIT Staff Proposal, November 14, 2011 (Reid Reply), p. 3)</p> <p>“The statute [PUC Section 399.20] does not implicitly or explicitly prohibit the counting of existing generation toward the 750 megawatt (MW) FIT cap. However, it is clear that the cap applies to FIT tariff generation and not to all FIT generation. In order for existing generation to count toward the 750 MW cap, the IOU must offer the tariff to existing FIT generators, and the existing FIT generators must switch to the new FIT tariff program.”</p> <p>Although the Commission did not agree with Reid on this issue, Reid made a substantial contribution to the Commission's resolution of the Program Cap issue in D.12-05-035.</p>	Yes.

14. Cost-Based Tariff	<p>The California Wastewater Climate Change Group (CWCCG) and the Sustainable Conservation/Green Power Institute (SusCon/GPI) argued in favor of a cost-based FIT tariff.</p> <p>Reid opposed their recommendation because it was based on statutory language that no longer exists. (See Reid Reply, pp. 4-5)</p> <p>The Commission effectively agreed with Reid when it failed to establish a cost-based tariff.</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Cost-Based Tariff issue in D.12-05-035.</p>	Yes.
15. Strategic Location	<p>CWCCG argued that some biogas projects are expected to be remotely located, yet they need to be accommodated as renewable energy resource centers.</p> <p>Reid opposed CWCCG’s recommendation and argued that: (Reid Reply, p. 5)</p> <p>“State law prohibits the Commission from specifically accommodating remotely located generation facilities. Pursuant to PUC § 399.20(b)(3), such remotely located centers shall not be considered to be an electric generation facility. Thus, such facilities are not eligible to participate in the FIT tariff.”</p> <p>The Commission effectively agreed with Reid when it affirmed that FIT generators must be strategically located. (See D.12-05-035, Ordering Paragraph 8, slip op. at 125)</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Strategic Location issue in D.12-05-035.</p>	Yes.
16. JP Motion	Reid urged the Commission to reject the motion of the Joint Parties (JP).	

	<p>(Response of L. Jan Reid to the Motion of the Joint Parties, January 10, 2012, p. 1)</p> <p>The Commission effectively agreed with Reid when it rejected the JP's motion. (D.12-05-035, slip op. at 104-105)</p> <p>Thus, Reid made a substantial contribution to the Commission's resolution of the JP Motion issue in D.12-05-035.</p>	Yes.
17. APT Deficits	<p>The Commission stated that: (D.12-06-038, slip op. at 16-17)</p> <p>"The most direct and transparent method for closing the books, as suggested by AReM, PG&E, and Reid, is a process by which a retail seller would 'net out' its APT deficits for 2010 and all earlier years and submit its calculations of its netted out positions (closing report) to the Director of Energy Division. The closing report process accelerates what would have been the process of determining and making up APT deficits under the prior flexible compliance rules."</p> <p>Thus, Reid made a substantial contribution to the Commission's resolution of the APT Deficits issue in D.12-06-038.</p>	Yes.
18. Banked Procurement	<p>The Commission noted that "Other parties, including AReM, Calpine, DRA, Noble Solutions, PacifiCorp, Reid, and Shell, argue that prior banked procurement may be carried over to 2011 and later years in at least some circumstances." (D.12-06-038, slip op. at 33)</p> <p>The Commission found that "Thus, the broad scope of Section 399.16(d) operates to preserve the value for RPS compliance of procurement from contracts signed prior to June 1, 2010. The quantity of procurement from contracts signed prior to June 1, 2010, that can be carried forward will be identified in a</p>	Yes.

	<p>retail seller’s closing report.” (D.12-06-038, slip op. at 33)</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Banked Procurement issue in D.12-06-038.</p>	
19. Compliance Deficits	<p>The Commission noted that Reid and other parties “agree that Section 399.15(b)(9) refers to compliance deficits for a compliance period set by SB 2 (1X), i.e., 2011-2013, 2014-2016, 2017-2020, or 2021 and later years.” (D.12-06-038, slip op. at 11 and footnote 21)</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Compliance Deficits issue in D.12-06-038.</p>	Yes.
20. Safe Harbor	<p>The Commission noted that DRA, IEP, PacifiCorp, Reid, and TURN/CUE “advocate that only actual procurement in 2010 may count toward the 14% safe harbor requirement.” (D.12-06-038, slip op. at 21 and footnote 37)</p> <p>The Commission found that “It is reasonable to interpret the legislative language as requiring that a retail seller at least have enough in 2010 current RPS procurement to approach its APT obligation in 2010, in order to use the safe harbor.” (D.12-06-038, slip op. at 23)</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Safe Harbor issue in D.12-06-038.</p>	Yes.
21. Minimum Quantity	<p>The Commission stated that “The minimum quantity requirement in D.07-05-028 is based on contracts signed by the retail seller in the year in which it procures short term contracts for RPS compliance, rather than on acquisition of the energy from the contract.” (D.12-06-038, slip op. at 36)</p>	

	<p>Reid and other parties supported continuing the contract signing basis of the minimum quantity requirement. (D.12-06-038, slip op. at 36 and footnote 51)</p> <p>The Commission decided to continue the current system of accounting for the minimum quantity requirement.</p> <p>Thus, Reid made a substantial contribution to the Commission's resolution of the Minimum Quantity issue in D.12-06-038.</p>	Yes.
22. Excess Procurement	<p>The Commission stated that Reid and other parties argued that "procurement from both short term contracts and long term contracts for procurement meeting the criteria of Section 399.16(b)(3) should be completely excluded from the calculation of excess procurement." (D.12-06-038, slip op. at 63 and footnote 85)</p> <p>In part, the Commission found that no procurement meeting the criteria of Section 399.16(b)(3) will be counted as excess." (D.12-06-038, p. 65)</p> <p>Thus, Reid made a substantial contribution to the Commission's resolution of the Excess Procurement issue in D.12-06-038.</p>	Yes.
23. Interest Payment	<p>The Commission has noted that Reid identified a citation error related to the payment of interest on collateral. (D.13-05-034, slip op. at 59)</p> <p>The Commission stated that: (D.13-05-034, slip op. at 59)</p> <p>"Accordingly, to correct this citation error, the IOUs shall change Section 13.5.3 of the July 18, 2012 draft joint standard contract to read 'Payment of Interest. Buyer shall pay simple interest on cash held to satisfy the Collateral Requirements at the rate and in the man-</p>	Yes.

	<p>ner set forth in Section 3.7.9.” (D.13-05-034, slip op. at 59)</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Interest Payment issue in D.13-05-034.</p>	
24. Termination	<p>The Commission noted that: (D.13-05-034, slip op. at 60)</p> <p>“Reid states that the 60-day notice provisions in the draft joint standard contract at Section 14.9.1 that provides the buyer the right to terminate the contract after the seller provides the results of certain interconnection studies is too long. Reid requests a 30-day notice period.”</p> <p>Although the Commission did not adopt Reid’s recommendation, Reid made a substantial contribution to the resolution of the Termination issue in D.13-05-034.</p>	Yes.
25. Cost Recovery	<p>The Commission noted that “Reid states that the recovery of costs by a prevailing party to a dispute should be limited to reasonable costs.” (D.13-05-034, slip op. at 63)</p> <p>Although the Commission did not adopt Reid’s recommendation, Reid made a substantial contribution to the resolution of the Cost Recovery issue in D.13-05-034.</p>	Yes.
26. Amendments	<p>The Commission stated that: (D.13-05-034, slip op. at 64)</p> <p>“Section 20.3 addresses additions or modifications to the joint standard contract. Reid requests that this provision be stricken.”</p> <p>The Commission found that: (D.13-05-034, slip op. at 64)</p> <p>“The contract that we approve today is a standard contract. The objectives of a standard contract are to promote</p>	Yes.

	<p>administrative ease, reduce transaction costs, and protect the rights of the parties. If amendments are permitted, on even seemingly minor matters, our efforts to balance these objectives may be compromised.”</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Amendments issue in D.13-05-034</p>	
<p>27. Developer Experience</p>	<p>The Commission noted that:</p> <p>“Reid states that PG&E’s interpretation of Developer Experience, as requiring a member of the development team to have completed at least one project sized no more than one megawatt smaller than the proposed project, is overly restrictive.” (D.13-05-034, slip op. at 69)</p> <p>“Reid states that PG&E’s distinction should be deleted as little difference exists between the complexity of a 1 MW project and, for example, a 3 MW project.” (D.13-05-034, slip op. at 70)</p> <p>The Commission found that “We agree that PG&E’s interpretation of this provision is overly restrictive.” (D.13-05-034, slip op. at 70)</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Developer Experience issue in D.13-05-034.</p>	<p>Yes.</p>

<p>28. COD</p>	<p>Regarding the Commercial Operation Date (COD), Reid argued that: [Comments of L. Jan Reid on Revised Standard Contracts and Proposed Tariffs (Reid RSC Comments), p. 3]</p> <p>“The IOUs have provided no justification for a 60-day notice period. A 30-day notice period is standard in many contracts, and the Commission should mandate its use here. A 30-day notice period will protect ratepayers by ensuring that PG&E receives more timely information, and it will allow the IOUs adequate time to incorporate the new generators into their distribution systems.”</p> <p>Although the Commission did not adopt Reid’s recommendation, Reid made a substantial contribution to the resolution of the COD issue in D.13-05-034.</p>	<p>Yes.</p>
<p>29. IOU Payment</p>	<p>Reid argued that: (Reid RSC Comments, p. 5)</p> <p>“Section 3.7.5 mandates payment terms of net 10 days, as opposed to the more standard payment term of net 30 days. The time value of money (e.g., interest) on this 20-day difference (30 days minus 10 days) constitutes a transfer of wealth from ratepayers to plant owners.”</p> <p>Although the Commission did not adopt Reid’s recommendation, Reid made a substantial contribution to the resolution of the IOU Payment issue in D.13-05-034.</p>	<p>Yes.</p>

30. Force Majeure	<p>Reid argued that “The Commission should order the IOUs to modify the RSC and remove the term ‘strike or labor dispute’ from section (c) above.” (Reid RSC Comments, p. 4)</p> <p>Although the Commission did not adopt Reid’s recommendation, Reid made a substantial contribution to the resolution of the Force Majeure issue in D.13-05-034.</p>	Yes.
31. Annual Reporting	<p>Reid argued that: (Comments of L. Jan Reid on Renewable Net Short Calculation, July 18, 2012 (RNS Comments), p. 3)</p> <p>“It is appropriate to measure RNS on an annual basis. Annual measurement is both efficient and consistent with state law. It would be especially burdensome for small retail sellers to provide the Commission with compliance or reporting filings more frequently than once per year.”</p> <p>The Commission effectively agreed with Reid when it established annual RNS reporting requirements. (See Ruling, Attachment A, p. 3)</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Annual Reporting issue in ALJ DeAngelis’ Ruling.</p>	Yes; however, the contribution is to D.12-11-016.
32. Confidentiality	<p>Reid recommended that:</p> <p>“The Commission can best address the issue of confidentiality versus transparency by the language that it uses in its final decision on RNS calculation. In that decision, the Commission should state that ‘Nothing in this decision changes or modifies the requirements of D.06-06-066.’ ” (RNS Comments, p. 5)</p> <p>The Commission agreed with Reid when it found that “Nothing in this</p>	Yes; however, the contribution is to D.12-11-016.

	<p>ruling changes or modifies the requirements of D.06-06-066.” (Ruling, Attachment A, p. 3)</p> <p>Thus, Reid made a substantial contribution to the Commission’s resolution of the Confidentiality issue in ALJ DeAngelis’ Ruling.</p>	
33. Sales Forecast	<p>Reid argued that “Since the Commission-authorized system of RNS calculation will presumably be ongoing, retail sellers should use the most recent Commission-approved methodology to forecast bundled retail sales.” (RNS Comments, p. 6)</p> <p>Although the Commission did not adopt Reid’s recommendation, Reid made a substantial contribution to the resolution of the Sales Forecast issue in ALJ DeAngelis’ Ruling.</p>	Yes; however, the contribution is to D.12-11-016.
34. Over Procurement	<p>Reid opposed an over procurement margin and argued that “An over procurement margin does not appear to be necessary.” (RNS Comments, p. 8)</p> <p>Although the Commission did not adopt Reid’s recommendation, Reid made a substantial contribution to the resolution of the Over Procurement issue in ALJ DeAngelis’ Ruling.</p>	Yes; however, the contribution is to D.12-11-016.
35. Risk Adjustment	<p>Reid argued that: (RNS Comments, p. 10)</p> <p>“Thus, electrical corporations must include a risk assessment methodology as part of their plan. The Commission must then review the plans and approve a plan for each electrical corporation. If an electrical corporation has not included a risk assessment methodology as part of their plan, they should be allowed to submit a risk assessment methodology as part of their RPS plan update on August 1, 2012.”</p>	Yes; however, the contribution is to D.12-11-016.

	<p>Although the Commission did not adopt Reid’s recommendation, Reid made a substantial contribution to the resolution of the Risk Adjustment issue in ALJ DeAngelis’ Ruling.</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)¹ a party to the proceeding?	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: DRA and TURN.		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>Reid met with the DRA and TURN throughout the course of the proceeding to better understand the nature of their comments and pleadings, and thus to avoid duplication. Reid does not seek compensation for most of these meetings. As a matter of personal policy, Reid does not participate in Commission proceedings where his showing is likely to duplicate the showings of other consumer representatives such as DRA and TURN. For example, Reid did not serve testimony in Phase 2 of A.12-04-018 because his showing would likely have duplicated the showings of the DRA and TURN.</p> <p>Reid had similar positions to DRA and TURN on a minority of the issues identified by Reid in Section II.A above. For example:</p> <ul style="list-style-type: none"> ● Reid supported a FIT base price based on the last RAM auction while TURN supported a FIT base price based on the MPR. (D.12-05-035, slip op. at 20). The DRA supported a FIT price based on the net energy metering net surplus compensation rate. (D.12-05-035, slip op. at 17) ● Reid, but not DRA or TURN, recommended that a retail seller would “net out” its APT deficits for 2010 and all earlier years and submit its calculations of its netted out positions (closing report) to the Director of Energy Division. (D.12-06-038, slip op. at 16). 		Verified.

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.

- Reid, but not DRA or TURN, argued that prior banked procurement may be carried over to 2011 and later years in at least some circumstances. (D.12-06-038, slip op. at 33).
- Reid and the DRA supported “continuing the contract signing basis of the minimum quantity requirement.” (D.12-06-038, slip op at. 36, and footnote 51). TURN/CUE proposed a procurement based method. (D.12-06-038, slip op at. 36)
- Reid and TURN argued that “procurement from both short term contracts and long term contracts for procurement meeting the criteria of Section 399.16(b)(3) should be completely excluded from the calculation of excess procurement.” (D.12-06-038, slip op. at 63, and footnote 85). DRA argued that a retail seller’s prior deficit should be determined by using the prior flexible compliance rules. (D.12-06-038, D.12-06-038, slip op. at 15)
- Reid argued that “a retail seller no longer needs to meet the minimum quantity requirement once that retail seller has RPS-eligible procurement equal to 33% of retail sales in a compliance period.” (D.12-06-038, slip op. at 42, and footnote 61) DRA recommended “that the minimum quantity requirement should end in 2020.” (D.12-06-038, slip op. at 43) TURN’s position was not mentioned in D.12-06-038.
- Reid, but not DRA or TURN, raised an issue related to the payment of interest on collateral. (D.13-05-034, slip op. at 59)
- Reid, but not DRA or TURN, proposed a 30-day termination notice period in the FIT Joint Standard Contract. (D.13-05-034, slip op. at 60)
- Reid, but not DRA or TURN, proposed that the recovery of costs by a prevailing party to a dispute should be limited to reasonable costs. (D.13-05-034, slip op. at 63)
- Reid, but not DRA or TURN, raised an issue related to the Developer Experience criteria. (D.13-05-034, slip op. at 69-70)

Reid’s compensation in this proceeding should not be reduced for any duplication with respect to the showings of other parties. In a proceeding with subject matter as complex as in this one and with multiple parties, it would have been virtually impossible for Reid or any party to fully anticipate where showings of other parties might have duplicated some of Reid’s showings, especially in view of the need to make a coherent and sufficient showing on the issues Reid addressed.

Given these circumstances, no reduction to Reid’s requested compensation due to duplication is warranted, pursuant to the standards adopted by the Commission in D.03-03-031.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

a. Intervenor’s General Claim of Cost Reasonableness:	CPUC Verified
<p>Reid contributed to the proceeding in a manner that was productive and will result in benefits to ratepayers that exceed the cost of Reid’s participation.</p> <p>In consolidated Rulemaking 97-01-009 and Investigation 97-01-010, the Commission required intervenors seeking compensation to show that they represent interests that would otherwise be underrepresented and to present information sufficient to justify a finding that the overall benefits of a customer's participation will exceed the customer's costs. (D.98-04-059, 79 CPUC2d 628, Finding of Fact 13 at 674, Finding of Fact 42 at 676) The Commission noted that assigning a dollar value to intangible benefits may be difficult.</p> <p>As mentioned previously, Reid made a substantial contribution to the proceeding. It is reasonable to assume that the resolution of the issues raised by Reid in this proceeding will benefit ratepayers in the future.</p> <p>If the Commission had established an administratively determined FIT price, rather than using the last RAM auction as recommended by Reid, and this had resulted in an increase of just \$2/megawatt hour (MWh) for renewable facilities that produced 100 gigawatt hours (GWh) of electricity annually, ratepayers would have paid an additional \$200,000 annually—more than five times the compensation that Reid has requested in this proceeding.</p> <p>The Commission can safely find that the participation of Reid in this proceeding was productive. Overall, the benefits of Reid’s justify compensation in the amount requested.</p>	<p>Yes.</p>
<p>b. Reasonableness of Hours Claimed.</p> <p>All of Reid’s work in this proceeding was performed by L. Jan Reid. Thus, no unnecessary internal duplication took place.</p> <p>In this pleading, Reid requests compensation in the total amount of \$35,164.79 for time reasonably devoted to this proceeding. A detailed breakdown of the time devoted to this proceeding by Reid is provided in Attachment A to this pleading.</p> <p>Reid’s work was performed efficiently. L. Jan Reid is a former Commission employee who has testified on many occasions on issues such as renewables procurement, cost-of-capital, utility finance, and electricity and natural gas procurement issues.</p>	<p>Yes.</p>

Reid has allocated his professional time to major subjects, except for general activities that cannot reasonably be assigned to substantive issues. During the course of this proceeding, Administrative Law Judges (ALJs) issued rulings which requested that parties answer a number of questions. Therefore, general activities include some of the time that was spent answering these questions and responding to the answers of other parties.

Daily listings of the specific tasks performed by Reid in connection with this proceeding are available in Attachment A to this pleading. The costs listings demonstrate that the hours claimed are reasonable given the scope and timeframe of this part of the instant rulemaking.

No compensation for administrative time is requested, in accordance with Commission practice. (D.99-06-002, discussion, slip op. at 8-10) I understand that the Commission may audit my books and records to the extent necessary to verify the basis for any award, pursuant to PU Code §1804(d).

The direct expenses of \$34.29, or 0.1% of the total compensation request, are reasonable and were necessary for the substantial contribution of Reid in this proceeding. Copying costs are computed at 8 cents per page. Postage costs are included at actual costs. I request compensation in full for these expenses without reduction for any adjustment in compensation hours that the Commission might impose. Such compensation is consistent with past Commission practice.

c. Allocation of Hours by Issue	Yes.
1. Market Based FIT Program	2.37%
2. CAISO Market Proxy	1.18%
3. Product Categories	1.72%
4. Peak Demand Offset	0.89%
5. Adders	7.88%
6. Price Adjustment	2.67%
7. Avoided Cost	1.01%
8. Development Deposit	0.77%
9. Transition Issues	1.01%
10. Expedited Interconnection	1.78%
11. Bid Fee	0.95%
12. Seller Concentration	1.01%
13. Program Cap	1.30%
14. Cost-Based Tariff	2.61%
15. Strategic Location	1.30%
16. JP Motion	4.56%
17. APT Deficits	3.50%
18. Banked Procurement	2.37%
19. Compliance Deficits	2.73%
20. Safe Harbor	2.49%
21. Minimum Quantity	1.60%
22. Excess Procurement	1.78%
23. Interest Payment	0.59%
24. Termination	1.18%
25. Cost Recovery	0.59%
26. Amendments	1.18%
27. Developer Experience	1.18%
28. COD	1.30%
29. IOU Payment	1.18%
30. Force Majeure	1.78%
31. Annual Reporting	2.07%
32. Confidentiality	2.67%
33. Sales Forecast	2.67%
34. Over Procurement	3.26%
35. Risk Adjustment	1.18%
General	31.69%

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
L. Jan Reid, Expert and Advocate	2011	90.1	200	D.12-06-011, Appendix, Resolutions ALJ-281 and ALJ-287	18,020	90.1	\$185.00 ²	\$16,668.50
L. Jan Reid, Expert and Advocate	2012	76.2	200	D.12-06-011, Appendix, Resolutions ALJ-281 and ALJ-287	15,240	76.2	\$200.00 ³	\$15,240.00
L. Jan Reid, Expert and Advocate	2013	2.5	215	D.12-06-011, Appendix, Resolutions ALJ-281 and ALJ-287	537.50	2.5	\$215.00 ⁴	\$537.50
Subtotal: \$ 33,797.50						Subtotal: \$32,446.00		
INTERVENOR COMPENSATION CLAIM PREPARATION**								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
L. Jan Reid, Expert and Advocate	2013	12.4	107.50	D.12-06-011, Appendix, Resolutions ALJ-281 and ALJ-287	1,333	12.4	\$107.50	\$1,333.00
Subtotal: \$ 1,333						Subtotal: \$1,333.00		
COSTS								
#	Item	Detail			Amount	Amount		
1	Postage	Postage for 2011-2012 (See Attachment A)			11.41	\$11.41		
2	Copies	Copying costs for 2011-2012 (See Attachment A)			22.88	\$22.88		
TOTAL REQUEST: \$35,164.79						TOTAL AWARD: \$33,813.29		

² Approved in D. 12-01-029. There was no cost of living adjustment in 2011; See Res. ALJ -267.

³ Approved in D.13-12-018.

⁴ Approved in D.13-12-018.

*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

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

Attachment or Comment #	Description/Comment
1.	Certificate of Service
2.	Attachment A, A daily listing of the work performed by Reid.
3.	<p>Reid Hourly Rate</p> <p>Reid requests that the Commission authorize an hourly rate of \$200 for L. Jan Reid for 2011 and 2012 professional work and \$215 for 2013 professional work. Reid also requests an hourly rate for L. Jan Reid of \$100 for 2011-2012 compensatory time and \$107.50 for 2013 compensatory time.</p> <p>The Commission has previously awarded Reid compensation for 2010 professional work at a rate of \$185 per hour. (D.12-06-011, Appendix) Intervenor compensation rates for experts are separated into three tiers based on experience. The tiers are Tier I (0-6 years), Tier II (7-12 years), and Tier III (13 years and over). (See Resolution ALJ-281, slip op. at 5)</p> <p>Reid now has 14 full years of experience (1998-2012). Thus, Reid moved from Tier II to Tier III in 2011. The Commission has provided that intervenors will receive two step increases of 5% within each tier, rounded up to the nearest \$5 increment. (Resolution ALJ-281, Ordering Paragraph 2, slip op. at 7; and D.08-04-010, slip op. at 11-13) The Commission has also adopted two cost of living adjustments (COLAs): a 2.2% COLA for 2012 (See Resolution ALJ-281, slip op. at 1.) and a 2.0% COLA for 2013 (See Resolution ALJ-287, slip op. at 1).</p> <p>Thus, Reid should receive two increases for calendar year 2011: a 5% step increase and a 2.2% Cost of Living Adjustment. 5% of Reid's 2010 rate (\$185) is \$9.25, which rounds to an hourly increase of \$10 for a total rate of \$195/hr. for 2011-2012 work. 2.2% of \$195 is \$4.29, which rounds to an hourly increase of \$5 for a total rate of \$200/hr. for 2011-2012 work.</p> <p>For 2013, Reid should receive a step increase of 5% (\$5/hr.) for work performed in 2013 and a 2.0% COLA (\$5 hour). Thus, Reid should be awarded a 2013 rate of \$215/hr.</p>

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(2)(6))?	Yes

FINDINGS OF FACT

1. L. Jan Reid has made a substantial contribution to Decisions (D.) D.12-05-035, D.12-06-038, D.13-05-034, and D.12-11-016.
2. The requested hourly rates for L. Jan Reid 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 \$33,813.29.

CONCLUSION OF LAW

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

ORDER

1. L. Jan Reid is awarded \$33,813.29.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company shall pay L. Jan Reid 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 compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning December 15, 2013, the 75th day after the filing of L. Jan Reid'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?	
Contribution Decision(s):	D.12-05-035, D.12-06-038, D.13-05-034, and D.12-11-016		
Proceeding(s):	R1105005		
Author:	ALJ Simon		
Payer(s):	Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
L. Jan Reid	October 1, 2013	\$35,164.79	\$33,813.29	N/A	Reductions for lower hourly rate.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
L. Jan	Reid	Expert	L. Jan Reid	\$200	2011	\$185.00
L. Jan	Reid	Expert	L. Jan Reid	\$200	2012	\$200.00
L. Jan	Reid	Expert	L. Jan Reid	\$215	2013	\$215.00

(END OF APPENDIX)