

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 NATURAL RESOURCES DEFENSE COUNCIL FOR SUBSTANTIAL CONTRIBUTION
DECISION 14-03-004**

Claimant: Natural Resources Defense Council	For contribution to Decision (D.) 14-03-004
Claimed: \$27,775.00	Awarded: \$19,040.00 (reduction of 31.4%)
Assigned Commissioner: Michel Florio	Assigned ALJ: David M. Gamson

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	D.14-03-004 authorizes long term procurement for resource needs in local capacity areas in Southern California. It authorizes Southern California Edison (SCE) to procure between 500 and 700 Megawatts (MW) of capacity and San Diego Gas & Electric Company (SDG&E) to procure between 500 and 800 MW of capacity by 2022 to meet local capacity needs resulting from the retirement of the San Onofre Nuclear Generation Stations (SONGS).
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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:	n/a	
3. Date NOI Filed:	May 18, 2012	Yes
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.09-08-009	Yes
6. Date of ALJ ruling:	January 28, 2010	Yes
7. Based on another CPUC determination (specify):	n/a	
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:	<i>See Part I.C #1</i>	
10. Date of ALJ ruling:	<i>See Part I.C #1</i>	
11. Based on another CPUC determination (specify):	n/a	
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.14-03-004	Yes
14. Date of Issuance of Final Order or Decision:	March 14, 2014	Yes
15. File date of compensation request:	May 13, 2014	Yes
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Claimant	CPUC	Comment
1	NRDC		While NRDC has repeatedly been found to show financial hardship, none of the findings are within the required one-year time frame of this claim. In NRDC’s recent notices of intent to claim compensation in R.13-12-011, we provide our full bylaws and articles of incorporation and request a ruling of financial hardship. Here, we provide a link to the Notice to File Intervenor

			Compensation, filed March 13, 2014, which includes our full bylaws for reference. We are awaiting a ruling on NRDC’s showing of financial hardship: http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M088/K991/88991641.PDF .
6		X	NRDC’s May 18, 2012 NOI explains its request for Category 3 customer status. No ruling was issued in this proceeding regarding its customer status but we find here that NRDC is a Category 3 customer. This is affirmed by similar findings of customer status in other matters (e.g., Ruling dated January 28, 2010 in R.09-08-009; Ruling dated February 21, 2013 in A.10-07-007/A.11-09-016). Moreover, it is affirmed by the award of intervenor compensation earlier in this proceeding (D.14-12-067 for contributions to D.13-02-015 in R.12-03-014).
12		X	NRDC included its showing of significant financial hardship in its May 18, 2012 NOI. No ruling was issued in this proceeding regarding its asserted financial hardship but we find here that NRDC has demonstrated a significant financial hardship. This is based on the economic interest of individual NRDC members being small in comparison to the costs of effective participation in this proceeding. (PU Code Section 1802(g).) This is affirmed by similar findings (e.g., Ruling dated January 28, 2010 in R.09-08-009; Ruling dated February 21, 2013 in A.10-07-007/A.11-09-016). Moreover, it is affirmed by the award of intervenor compensation earlier in this proceeding (D.14-12-067 for contributions to D.13-02-015 in R.12-03-014).

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 Contributions	Discussion CPUC
<ul style="list-style-type: none"> • The following italicized headers correspond to the substantive issue areas used to categorize staff timesheets. • Where no page numbers are indicated, the entire document (or a majority of the document) supports the substantive claim. 		
<p><i>A. Implementing the State’s Loading Order for preferred resources</i></p> <p>NRDC advocated throughout the proceeding to ensure that any authorization for long term procurement in the local areas comply with the State’s Loading Order, which requires that all cost-effective energy efficiency be procured before any conventional resources. NRDC strongly advocated for compliance with the Loading Order, a cornerstone of the proposed authorizations. The</p>	<p>D. 14-03-004, COL 3: “The Loading Order, first set forth in the Commission’s 2003 Energy Action Plan, and presented in the Energy Action Plan II adopted by this Commission and the CEC in October 2005, established that the state, in meeting its energy needs, would invest first in energy efficiency and demand-side resources, followed by renewable resources, and only then in clean conventional electricity supply.”</p> <p>D. 14-03-004, COL 37: “It is prudent to promote preferred resources to the greatest extent feasible, subject to ensuring a continued high level of reliability.”</p> <p>D. 14-03-004, COL 41: “SCE’s proposal to add its additional Track 4 procurement requirements to its Track 1 authorization from D.13-02-015, without any</p>	<p>Yes, but duplicative of other parties.</p>

<p>Commission agreed, reduced the amount of conventional resource authorization from the proposed decision, and allocated a set amount of capacity authorizations to preferred resources. The Commission also noted its grant of procurement authority must account for energy efficiency first, before procuring non-preferred resources. NRDC took the lead among the stakeholders with similar positions to analyze, research, and advocate for efficiency as a preferred resource.</p>	<p>specification of resource type, is not consistent with Commission policies to adhere to the Loading Order.”</p> <p>D.14-03-004, p. 87: “NRDC, Sierra Club, CEJA, and EDF all urge that any procurement authorized by the Commission should include preferred resources only.”</p> <p>D.14-03-004, FOF 29: “It is likely that the procurement of preferred resources and/or transmission solutions will develop sufficiently over time to mitigate the need for further resources.”</p> <p>NRDC, <i>Opening Brief of the Natural Resources Defense Council on Track 4 Issues</i>, p. 17 (November 25, 2013): “In order to comply with the State’s loading order, the Commission must include a reasonable estimate of energy efficiency and demand response before authorizing any additional need.... The Legislature could not be clearer in stating that need assessments must first rely on cost-effective energy efficiency as the top priority procurement resource. Therefore, we recommend that the Commission make the adjustments recommended in Section II....”</p> <p>NRDC, <i>Reply Brief of the Natural Resources Defense Council on Track 4 Issues</i>, p. 7 (December 16, 2013): “If the Commission makes an interim or final decision to authorize resources contrary to our recommendation, then we urge the Commission authorize resources according to the State’s Loading Order. The State’s Loading Order requires that the utilities procure all cost-effective energy efficiency and demand response before procuring any gas-fired generation.”</p>	
<p><i>B. Whether California ISO's model results and SCE/SDG&E's model results contain a reasonable amount of energy efficiency and demand response</i></p> <p>NRDC advocated that ISO and SCE’s model results omitted substantial amounts of incremental naturally-occurring savings and incompletely assessed energy efficiency potential. NRDC also advocated for the CPUC to adjust its authorizations to account for the fact that</p>	<p>D.14-03-004, p. 35: “NRDC contends the energy efficiency estimates that the ISO and SCE relied on: (i) were based on an incomplete assessment of energy efficiency potential; (ii) omitted incremental “naturally-occurring” savings that are by definition reasonably expected to occur; and (iii) incorrectly used a low estimate of efficiency in SDG&E’s local area instead of the mid estimate.”</p> <p>D.14-03-004, p. 35: “NRDC claims that including these additional energy efficiency savings increases the energy efficiency assumptions used in the ISO’s and SCE’s modeling by 885 MW in the SONGS study area, with 543 MW in the LA Basin and 342 MW in the San Diego local area.”</p> <p>D.14-03-004, p. 36: “We find based on the record that updates to the demand forecast are reasonably likely</p>	<p>Yes, with some duplication.</p>

<p>SDG&E’s service territory is equivalent to its local area and should therefore rely on the mid-level of additional achievable energy efficiency assumptions. NRDC also argued for more robust assumptions on Demand Response, including relying on second contingency resources. In the final decision, the Commission did adjust SDG&E’s energy efficiency numbers, and accounted for NRDC’s additional energy efficiency and demand response findings as a directional indicator, justifying less authorization overall.</p> <p>While the decision did not explicitly note agreement with NRDC’s arguments in their entirety, NRDC advocacy in support of the final decision was noted throughout. In addition, as seen from the identified testimony, NRDC’s advocacy directly led to modification of the final decision, reducing SDG&E’s authorizations by 152 MW and contributing to overall reductions in authorization of between 1,322 to 1,797 MW. See D. 14-03-004, p. 77.</p>	<p>to lower LCR needs . . . these factors give us more confidence that it is not necessary at this time to authorize the utilities to procure all of the resources indicated to be necessary in the ISO’s study.”</p> <p>D.14-03-004, p. 53: “NRDC argues that all of the model results presented by the ISO and the utilities should be adjusted downward in order to account for the amount of demand response that is reasonably expected to occur. NRDC contends that the ISO only used the ‘first contingency’ resources in its studies, which NRDC contends are only a portion of the demand response input assumptions that the revised Scoping Memo directed it to use in its studies.”</p> <p>D.14-03-004, FOF 47: “It is reasonable to expect that, in the future, some amount of what is now considered ‘second contingency’ demand response resources can be available to mitigate the first contingency, and therefore meet LCR needs.”</p> <p>NRDC, <i>Track 4 Opening Testimony of the Natural Resources Defense Council</i>, p. 4 (September 30, 2013): “The local capacity needs identified in the California Independent System Operator’s model results should be decreased by 543 MW in the LA Basin and 342 MW in the San Diego local area (for a total of 885 MW in the SONGS study area) to account for energy savings that are reasonably expected to occur but that were omitted from the energy efficiency (EE) assumptions used in ISO’s power flow studies.”</p> <p>NRDC, <i>Track 4 Opening Testimony of the Natural Resources Defense Council</i>, p. 4 (September 30, 2013): “The local capacity needs identified in SCE’s model results should be decreased by 543 MW in the LA Basin to account for energy savings that are reasonably expected to occur but that were omitted from the energy efficiency assumptions.</p> <p>NRDC, <i>Track 4 Opening Testimony of the Natural Resources Defense Council</i>, p. 4 (September 30, 2013): “The local capacity needs identified in SDG&E’s model results should be decreased by 211 MW in the San Diego area to account for energy savings that are reasonably expected to occur but that were omitted from the energy efficiency assumptions.”</p>	
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<p>C. <i>Ensuring that authorization in the LA Basin relies on a reasonable amount of energy efficiency and other preferred resources</i></p> <p>NRDC proposed that the CPUC should authorize local capacity resources in the LA Basin only after incorporating the full amounts of reasonably expected to occur energy efficiency, second contingency demand response, and other non-fossil based resources. NRDC found that the best available data did not show clear need to authorize new resources, but if the Commission were to allow new authority, they should only be preferred resources. The Commission agreed in part with NRDC’s recommendation, adjusting its authorizations downward to account for energy efficiency and demand response and allocating a set amount for preferred resources.</p>	<p>D.14-03-004, p. 71: “...but agree with NRDC that more aggressive energy efficiency assumptions worth up to 733 MW are appropriate.”</p> <p>D.14-03-004, p. 75: “We have determined that it is reasonable to assume that some combination of these and other (e.g., energy efficiency, energy storage) resources will be available and will mitigate LCR needs.”</p> <p>D.14-03-004, FOF 71: “A proxy for calculating a minimum LCR need level is to calculate the LCR impact of any two likely potential scenarios (load-shedding, Mesa Loop-In, additional energy efficiency impacts, ‘second contingency’ demand response, energy storage, ‘second contingency’ solar PV) should occur.</p> <p>D.14-03-004, COL 19: “The likelihood that some demand response resources, currently considered ‘second contingency’ resources, will be available to meet LCR needs in the future provides more confidence that it is not necessary at this time to authorize the utilities to procure all of the resources indicated to be necessary in the ISO’s study.”</p> <p>NRDC, <i>Opening Brief of the Natural Resources Defense Council on Track 4 Issues</i>, p. 2 (November 25, 2013): “If the Commission makes an interim or final decision now, contrary to NRDC’s recommendation, any authorizations should be reduced at least by reasonable amounts of preferred resources, updated for the CEC Revised Demand Forecast for years 2014-2024 and should be procured in the form of a “living pilot” for preferred resources.”</p> <p>NRDC, <i>Reply Brief of the Natural Resources Defense Council on Track 4 Issues</i>, p. 2 (December 16, 2013): “If the Commission makes an interim or final decision now, we urge the Commission to account for all reasonably expected to occur energy efficiency; We disagree with IEP’s recommendation to reduce a second time NRDC’s recommendation of 885 MW of energy efficiency because NRDC has already reduced the amount of energy efficiency down from an original amount of service territory-wide efficiency of 1,611 MW.”</p>	<p>Yes, with some duplication.</p>
<p>D. <i>Ensuring that authorization in the San Diego local area relies on a reasonable amount of energy efficiency and other preferred resources</i></p>	<p>D.14-03-004, FOF 52: “The revised Scoping Memo erroneously used the low-level uncommitted energy efficiency estimate instead of the mid-level uncommitted energy efficiency level, because the latter is consistent with the fact that SDG&E’s</p>	<p>Yes, with some duplication.</p>

<p>NRDC proposed that the CPUC authorize capacity resources in the San Diego local area only after adjusting authorizations to use the mid-level energy efficiency estimate instead of the low-level estimate. The Commission agreed, reducing its authorization by 152 MW to account for this adjustment. Similar to the LA Basin, NRDC also advocated for the CPUC to incorporate the full amount of reasonably expected to occur energy efficiency, second contingency demand response, and other non-fossil based resources. The Commission agreed in part with NRDC’s recommendation, adjusting its authorizations downward for energy efficiency and demand response and allocating a set amount of authorizations for preferred resources.</p>	<p>territory is co-existent with its part of the SONGS service territory.”</p> <p>D.14-03-004, FOF 53: “LCR study data from SDG&E shows the LCR difference is 152 MW for the more appropriate mid-level energy efficiency estimate.”</p> <p>D.14-03-004, COL 22: “The revised Scoping Memo should have used the mid-level uncommitted energy efficiency estimate for SDG&E instead of the low-level estimate.”</p> <p>D.14-03-004, COL 23: “It is reasonable to adjust the ISO study results by 152 MW consistent with the mid-level uncommitted energy efficiency level for SDG&E.”</p> <p>D.14-03-004, p. 62: “NRDC agrees with SDG&E’s methodology, arguing that the Commission should reduce ISO’s need estimates by 152 MW in the San Diego local area because the evidence in this proceeding demonstrates that the revised Scoping Memo mistakenly assumed that SDG&E’s local area was different from its service territory area... As NRDC’s witness Martinez testified, ‘The amount included in the local area should simply be the amount reasonably expected to occur in SDG&E’s service territory, since they are the same geographical area...’ We agree with SDG&E and NRDC that the revised Scoping Memo should have used a different methodology with the mid-level energy efficiency estimate.”</p> <p>NRDC, <i>Opening Brief of the Natural Resources Defense Council on Track 4 Issues</i>, p. 7: “The Commission should reduce CAISO’s need estimates by 152 MW in the San Diego local area because the evidence in this proceeding demonstrates that the Revised Scoping Memo mistakenly assumed that SDG&E’s local area was different from its service territory area.”</p> <p>NRDC, <i>Opening Brief of the Natural Resources Defense Council on Track 4 Issues</i>, p. 18: “If the Commission finds a need for San Diego, contrary to NRDC’s recommendation, we urge the CPUC to authorize procurement of only preferred resources at this time.”</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	Yes
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Yes
c. If so, provide name of other parties: To some extent: Sierra Club California, Center for Energy Efficiency and Renewable Technologies (CEERT), California Environmental Justice Alliance (CEJA), and the Vote Solar Initiative.		Yes
<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>NRDC worked with environmental stakeholders throughout the proceeding to avoid redundancy, find common ground and put forth joint compromise positions that resolved issues before reaching the formal Commission process. This was in accordance with general Commission direction for the parties to work together to advocate as effectively and efficiently as possible in the proceeding. NRDC worked cooperatively with other parties to ensure no duplication in our separate comments and NRDC developed unique recommendations for consideration in the proceeding. In particular, we coordinated with ORA and numerous other environmental organizations to discuss our positions in the proceeding and divide our focus by subject area. NRDC claims zero hours for work coordinating with other parties and only claims for time writing actual comments and reviewing parties' opening comments.</p> <p>NRDC initiated and participated in coordination calls with groups that have similar interests on numerous occasions to ensure that parties (including CEERT, Sierra Club/Earthjustice, CEJA, TURN, CEEIC, UCS, Clean Coalition, EDF, and Vote Solar) were not duplicating work. No time is claimed for these coordinating calls even though they substantially contributed to reduced duplication among the parties. E.g., on August 8, 2013, we had a call to discuss which parties would focus on which issues in the proceeding and how to coordinate. On August 29, 2013, we had a call to discuss SCE's and ISO's testimonies and to prepare for the September 4 pre-hearing conference. On September 6, 2013, we had a coordination call to discuss positions on LTPP proposed schedules and alterations, in advance of opening comments on those issues. On October 18, 2013, we had a coordination call in advance of the October 22 pre-hearing conference to discuss rebuttal testimonies, plans for cross examination, and simplification of work. In addition, NRDC emailed with various parties throughout the</p>		Yes, but some duplication still resulted.

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>proceeding to ensure proper coordination.</p> <p>In addition, NRDC’s advocacy was primarily spearheaded by one representative – Sierra Martinez - eliminating internal duplication. Relatively minimal hours are claimed for other staff members who contributed substantial work in this proceeding.</p>	
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PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

<p>a. Intervenor’s Cost of Reasonableness:</p> <p>Throughout the LTPP proceeding, NRDC advocated for policies to ensure that the local energy needs track to replace the SONGS retirement relied on future demand forecasts that include a reasonable amount of energy efficiency, the most up-to-date transmission and forecast assumptions, and that any remaining need be served with preferred resources. Including energy efficiency assumptions is critical for making a well-informed decision about whether new local resources are needed, and if so, what resources will best meet the Commission’s criteria.</p> <p>NRDC’s participation in these proceedings directly contributed to the CPUC’s decision to rely on mid-level estimates of uncommitted energy efficiency in the San Diego local area. NRDC’s participation also resulted in the CPUC’s decision to adjust its authorizations downward based on NRDC’s findings that the models conducted an incomplete assessment of EE potential and omitted a substantial amount of incremental naturally-occurring savings. NRDC also recommended incorporation of second contingency demand response resources.</p> <p>The original direction of the Commission was to omit these energy efficiency and demand response assumptions and thus authorize additional conventional power, which would have been more costly and polluting. NRDC provided detailed information about the ability of energy efficiency to reduce expected demand and therefore the need for local resources, which the Commission adopted in part and will save customers money and reduce pollution. Specifically, NRDC’s recommendations resulted in a certain need reduction of 152 MW and substantially contributed to the Commission’s decision to reduce authorization levels by 1,322 to 1,797 MW. <i>See</i> D. 14-03-004, p. 77. In total, this amount is equivalent to more than two large power plants of 500 MW each—and their associated emissions and costs.</p> <p>The contribution of NRDC was substantive and required significant staff hours to ensure productive recommendations. NRDC presented unique recommendations to advance customer and environmental interests, which were distinct from other competing proposals in the proceeding. This ensured a robust record from which the Commission had sufficient information to determine a local needs assessment that included reasonable amounts of energy efficiency and demand response to reduce the amount of conventional power being authorized.</p>	<p>CPUC Verified</p> <p>Yes.</p>
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<p>NRDC’s contribution to the record and final decision in this proceeding vastly exceeds the cost of NRDC’s participation.</p>	
<p>b. Reasonableness of Hours Claimed. <i>NRDC’s Claims are Reasonable and Conservative</i></p> <p>Sierra Martinez led NRDC’s efforts in this proceeding and worked closely with Maria Stamas and Devra Wang to produce comments and briefs. In turn, Mr. Martinez and Ms. Stamas worked closely with multiple NRDC staff who consulted regularly on the issues at stake in the proceeding, provided substantive work, technical support, and/or guidance particular to their area of expertise. However, minimal hours claimed are from time spent by staff other than Mr. Martinez, we claim no time spent coordinating between Mr. Martinez and Ms. Stamas, and we claim zero hours for the substantive input from multiple other NRDC staff members. Additionally, wherever Mr. Martinez and Ms. Stamas both attended a PUC event, hours are claimed for only one person.</p> <p>The rates requested by NRDC are purposefully conservative and low on the ranges approved by the Commission, even though the levels of expertise would justify higher rates. NRDC maintained detailed time records indicating the number of hours that were devoted to proceeding activities. All hours represent substantive work related to this proceeding.</p> <p>The amounts claimed are further conservative for the following reasons: (1) No time is claimed for internal coordination, only for substantive policy development; (2) although NRDC spent time developing and coordinating positions with other stakeholders, we claim no hours for this coordination over the entire proceeding; (3) we do not claim time for substantive review by NRDC staff other than the active staff noted above, even though their expertise was critical to ensuring productive recommendations; (4) we do not claim time for regulatory requirements associated with our advocacy (e.g., time spent writing ex parte notices for the proceeding), (5) we claim no time for travel, and (6) no time was claimed for advocacy blogs to influence the outcome of the Commission’s final decision, even though they were used as advocacy similar to comment writing in the formal proceeding.</p> <p>In addition, we do not claim all the time needed to prepare for this claim. D.14-03-004 reached more than 140 pages, all of which Ms. Stamas reviewed to determine which substantial contributions were integrated into the final decision. We also do not claim for ongoing timekeeping or maintenance related to intervenor compensation, even though it is extremely time consuming.</p> <p>The amount requested preparing this claim is also conservative because NRDC is only claiming time spent by Ms. Stamas - who was the main author of the claim - even though others helped compile various sections of the claim.</p> <p>In sum, NRDC made numerous and significant contributions on behalf of environmental and customer interests, all of which required extensive research and analysis. We took every effort to coordinate with other stakeholders to reduce duplication and increase the overall efficiency of the proceeding. Since our work was efficient, hours extremely conservative, and billing rates low, NRDC’s request for compensation should be granted in full.</p>	<p>Yes.</p>

C. Allocation of Hours by Issue:				Yes.
A	Implementing the State's Loading Order for preferred resources			
B	Whether California ISO, SCE and SDG&E's model results contain a reasonable amount of energy efficiency and demand response			
C	Ensuring that authorization in the LA Basin relies on a reasonable amount of energy efficiency			
D	Ensuring that authorization in the San Diego local area relies on a reasonable amount of energy efficiency			
E	General issues (e.g. attending general meetings such as PHC and hearings, as well as overarching issues not otherwise delineated)			
Total				

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
S. Martinez	2013	67.6	\$290	D.13-05-032 Resolution ALJ - 287 D.08-04-010	\$19,604	55.33 [A]	\$230.00 [B]	\$12,726.00
S. Martinez	2014	6.2	\$305	D.13-05-032 Resolution ALJ - 287 D.08-04-010	\$1,891	4.90 [A]	\$235.00 [B]	\$1,152.00
M. Stamas	2013	16.0	\$135	Resolution ALJ - 287 D.08-04-010	\$2,160	13.25 [A]	\$135.00	\$1,789.00
M. Stamas	2014	10.0	\$145	Resolution ALJ - 287 D.08-04-010	\$1,450	8.25 [A]	\$145.00	\$1,196.00
D. Wang	2013	11.0	\$190	D.13-08-018 Resolution ALJ - 287 D.08-04-010	\$2,090	8.19 [A]	\$195.00 [C]	\$1,597.00
Subtotal: \$27,195.00						Subtotal: \$ 18,460.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								

Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
M. Stamas	2014	8	72.50	½ of lowest billable rate	580.00	8	72.50	\$580
Subtotal: \$580.00						Subtotal: \$ 580.00		
TOTAL REQUEST: \$27,775.00						TOTAL AWARD: \$19,040.00		
<p>When entering items, type over bracketed text; add additional rows as necessary. *If hourly rate based on CPUC decision, provide decision number; otherwise, attach rationale. **Travel and Reasonable Claim preparation time are compensated at ½ of preparer's normal hourly rate.</p>								
Attorney		Date Admitted to CA BAR²		Member Number		Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation		
Sierra Martinez		December 2008		260510		No		

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

Comment #	Intervenor's Comment(s)
Comment 1	<p>Rationale for Sierra Martinez's rate</p> <p>2013 Rationale: Sierra Martinez was previously awarded intervenor compensation at an hourly rate of \$215 in D.13-05-032 for work performed in 2012. In 2013, Mr. Martinez was a fifth year attorney. We therefore requested an hourly rate of \$290 for work done in 2013 in our claim in R.12-01-005, dated October 24, 2013. As noted in D.08-04-010 (p.8), intervenors can qualify for a rate increase when "moving to a higher experience level: where additional experience since the last authorized rate moved a representative to a higher level of experience." (See Resolution ALJ-287 attorney range of \$290-\$310)</p> <p>2014 Rationale: In 2014, Sierra Martinez is now a 6th year attorney. We request the hourly rate of \$305 for work done in 2014, which includes the first of two allowable 5% step increases within "any given level of experience" per D.08-04-010 (p.8). (\$290*1.05=\$304.5).</p> <p>Mr. Martinez represents NRDC at state and local fora to promote clean energy solutions to climate change. Mr. Martinez is the Legal Director of California Energy Projects at NRDC and holds a J.D. from Stanford Law School and a B.A. from Stanford University.</p>
Comment 2	<p>Rationale for Maria Stamas' rate</p> <p>2013 Rationale: Although Maria Stamas is a first year attorney and passed the BAR, she has not yet been assigned a member number. Therefore, we request an hourly rate of \$135, which is the low end of 2013 rates published for experts in Resolution ALJ-287 (April 29, 2013).</p> <p>2014 Rationale: Per D.08-04-010 (p.8), we apply the first of two allowable 5% step increases within "any given level of experience." Per Resolution ALJ -287, we also apply 2.2% for COLA. This results in a 2014 rate request of \$145. (\$135*1.05 = \$141.75; \$141.75*1.022 = \$144.86, rounded to \$145)</p> <p>Maria Stamas is an attorney with expertise in energy policy and analysis and holds a joint M.A.</p>

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

	in Energy and Resources and J.D. degree from the University of California, Berkeley. She also has passed the California Bar Exam. Ms. Stamas has over four years of experience working on energy policy and analysis.
Comment 3	<p>Rationale for Devra Wang's rate</p> <p>2013 Rationale: Devra Wang was previously awarded intervenor compensation at a 2011 hourly rate of \$170 in D.13-08-018 for work done in R.10-05-006. We requested a rate of \$185 for Devra Wang's work in 2012 in our claim in R12-01-005, dated October 24, 2013. This included the second (and final) 5% increase within any given level of experience as well as a 2.2% COLA per Resolution ALJ-281 [$\\$170 * 1.05 = 178.50$ (rounded to 180). $\\$180 * 1.022 = \\183.96 (rounded to \$185)]. While D.13-08-018 awarded Devra Wang a rate of \$170, that rate did not take into account her second and last 5% increase per D.08-04-010 (p. 8). We therefore requested that increase for her work done in 2012. To derive Ms. Wang's 2013 rate for this claim, we assume approval of a 2012 rate of \$185. After applying the 2.2% COLA as authorized by Resolution ALJ-287, we request a rate of \$190 for Devra Wang's work in 2013 ($\\$185 * 1.022 = \\189.07, rounded to \$190).</p> <p>Ms. Wang has over twelve years of experience working on energy and environmental policy and holds a Master's degree in Energy and Resources and a Bachelor's degree in Bioengineering, both from the University of California at Berkeley.</p>

D. CPUC Disallowances and Adjustments:

Item	Reason
A	Reduction of 50% in hours for Issue A, and 25% in hours for Issues B, C, and D due to duplication with the work of other parties. NRDC had similar and duplicative positions as some other parties relative to the loading order, demand forecast data, transmission data, model results, and inclusion of reasonable amounts of energy efficiency (e.g., ISO, ORA, Sierra Club, TURN, Vote Solar). Proportionate reductions are made in the intervenor compensation claims of parties who took positions that became duplicative, and thereby unproductive and unnecessary with a cumulative burden on the record. In addition regarding Issue A, the Commission would have followed the Loading Order even without intervenor argument. The Commission therefore reduces a total of 20.89 hours for Issues A, B, C and D. No reduction is made in the hours devoted to Issue E. Nearly 90% of Issue E hours were devoted to attendance at the PHC and hearings, plus reviewing many pages of comments, testimony, briefs and proposed decisions, with those hours not reasonably allocable to Issues A, B, C, and D. The disallowance of 20.89 hours is an overall reduction of 18.9% to the total 110.8 hours for Issues A, B, C, D, and E.
B	Rate of \$230 adopted in D.14-12-067 for work in 2013. COLA of 2.58% applied to 2013 rate to determine 2014 rate.
C	Rate of \$195 adopted in D.14-12-067 for work in 2013.

PART IV: OPPOSITIONS AND COMMENTS

Within 30 days after service of this Claim, Commission Staff
or any other party may file a response to the Claim (see § 1804(c))

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

FINDINGS OF FACT

1. NRDC has made a substantial contribution to D.14-03-004.
2. The requested hourly rates for NRDC 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 \$19,040.00.

CONCLUSION OF LAW

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

ORDER

1. Natural Resources Defense Council is awarded \$19,040.00.
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 Natural Resources Defense Council 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 27, 2014, the 75th day after the filing of Natural Resources Defense Council'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):	D1403004		
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
Natural Resources Defense Council	02/22/2013	\$27,775.00	\$19,040.00	No	<i>See CPUC Disallowances and Adjustments, above.</i>

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Sierra	Martinez	Attorney	NRDC	\$290.00	2013	\$230.00
Sierra	Martinez	Attorney	NRDC	\$305.00	2014	\$235.00
Maria	Stamas	Attorney	NRDC	\$135.00	2013	\$135.00
Maria	Stamas	Attorney	NRDC	\$145.00	2014	\$145.00
Devra	Wang	Expert	NRDC	\$190.00	2013	\$195.00

(END OF APPENDIX)