Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Continue Implementation and Administration of California Renewables Portfolio Standard Program.	Rulemaking 11-05-005 (Filed May 5, 2011)

DECISION GRANTING INTERVENOR COMPENSATION TO CLEAN COALITION FOR SUBSTANTIAL CONTRIBUTION TO DECISION 14-12-081

Intervenor: Clean Coalition	**For contribution to Decision (D.) 14-12-081**
Claimed: $6,610.00	**Awarded: $4,627.50** (reduced 30%)
Assigned Commissioner: **Carla J. Peterman**	**Assigned Administrative Law Judges (ALJ):** **Anne E. Simon & Robert Mason**

PART I: PROCEDURAL ISSUES

A. Brief description of Decision.	The decision implements provisions of Senate Bill (SB) 1122 (Rubio), stats. 2012, ch. 612, which amends the feed-in-tariff provisions of California's renewables portfolio standard program. The decision set the quantities of each type of eligible generation to be procured by each of the three investor-owned utilities.

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	June 13, 2011	July 11, 2011
2. Other specified date for NOI:	n/a	
3. Date NOI filed:	July 8, 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:	Rulemaking (R.) 10-05-006	Verified.
6. Date of ALJ ruling:	July 19, 2011	Verified.
7. Based on another California Public Utilities Commission (Commission) determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		Yes, Clean Coalition demonstrated appropriate customer-related status.
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.10-05-006	Verified.
10. Date of ALJ ruling:	July 19, 2011	Verified.
11. Based on another Commission determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes, Clean Coalition demonstrated significant financial

		hardship.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.14-12-081	Verified.
14. Date of issuance of Final Order or Decision:	December 26, 2014	Verified.
15. File date of compensation request:	February 24, 2015	Verified.
16. Was the request for compensation timely?		Yes, Clean Coalition timely filed the request for compensation.

PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(i), § 1803(a), and D.98-04-059).

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
1. The Clean Coalition commented on the proposed implementation of SB 1122 and recommended increasing the limit on the number of Megawatt (MW) that can be offered in each program period in order to avoid delaying procurement. The Clean Coalition's proposal argued that the majority of projects participating in the relevant procurement are either 1.5 MW or 3 MW, which caused problems with the previous bimonthly 5	"Clean Coalition suggests that the maximum number of MW offered for the bioenergy FiT be changed to a multiple of 3, in order to maximize the opportunity for economies of scale in bioenergy facilities. Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (SCE) would thus offer 6 MW, and San Diego Gas & Electric Company (SDG&E) would remain at 3 MW. No parties oppose this suggestion. It is a reasonable adjustment that could help to improve the prospects for projects eligible under SB 1122, and is adopted." D.14-12-081 at 50. *See also* Clean Coalition Opening Comments on ALJ's Ruling Seeking Comments on Staff Proposal on Implementation of Senate Bill 1122	Clean Coalition made a substantial contribution on this issue, as discussed in D.14-12-081 at 50.

MW allocation. The decision accepted our reasoning, and increased the limit for PG&E and SCE to 6 MW for each bimonthly allocation.	at 3–4 (Dec. 20, 2013).	
2. The Clean Coalition also commented on supplementing the "strategically located" determination with consideration of locational value in order to improve ratepayer value by focusing on serving local load in accord with Assembly Bill (AB) 327. Although our recommendations regarding locational benefits were not adopted by the Decision, it enriched the record that was relied upon in making the determination. The Clean Coalition was an early advocate for a better accounting of locational benefits, and the ongoing work in the Distribution Resources Plan proceeding (R.14-08-013) should eventually be incorporated into this proceeding and the definition of "strategically located."	*See* D.14-12-081 at 46–48.	Clean Coalition substantially contributed in part by spotting this issue. However, portions of Clean Coalition's participation on this issue did not substantially contribute as they were not useful to the proceeding at this point in time and were unlikely to be adopted.

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

	Intervenor's Assertion	CPUC Discussion
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?	**No**	Verified.
c. If so, provide name of other parties:		
d. Intervenor's claim of non-duplication: Other parties sharing similar interests to the Clean Coalition were engaged in the proceeding; however, the Clean Coalition was the only party that proposed the maximum number of MW offered for the FIT to be modified to a multiple of 3, in addition to providing a unique perspective on locational benefits. Our organization developed these policy recommendations and independently contributed them to the proceeding.		Verified.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

a. Intervenor's claim of cost reasonableness:	**CPUC Discussion**
The Clean Coalition developed our policy position after devoting time and resources researching SB 1122 and possible refinements to its implementation. The Clean Coalition provided a unique perspective in this proceeding, and our policy positions were informed by our outreach to developers	Verified.

[1] The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to SB 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

who provide expertise from the field. Further, our extensive work on Rule 21 and interconnection issues helped shape our policy position. Our contribution will lead directly to ratepayer benefits. Bimonthly allocations that are incompletely filled, which would have occurred under the prior limits and absent our intervention, would have negatively impacted ratepayers or market participants by hindering the ability of the price adjustment mechanism to effectively poll the market for the lowest viable price. Further, the Clean Coalition's involvement will result in increasingly cost-effective renewable energy for all ratepayers in California. Our efforts will also result in environmental benefits from decreasing California's reliance on traditional energy resources, which emit greenhouse gases, ozone, particulate matter, and hazardous air pollutants.	
b. Reasonableness of hours claimed: Clean Coalition staff worked on a discrete issue in this proceeding that we have developed significant expertise around. We ensured that only personnel essential to these matters worked on the issue. The claimed hours are reasonable in light of the significance of this proceeding and the ratepayer benefits described above. The hours devoted to this proceeding reflect work on one written filing, research, and coordination time. Although we have spent a significant amount of time developing expertise in this policy area and researching on-the-ground conditions for developers, only those staff hours spent specifically developing our policy position and commenting in this proceeding are part of this compensation request. Director of Economics and Policy Analysis Kenneth Sahm White took the lead in drafting comments. Mr. White's established rate of $290 reflects the significant level expertise he has developed working on energy issues over more than 15 years, including 5 years practicing in front of the Commission. Policy Director Stephanie Wang reviewed the	Verified. Regarding Korpics' hourly rate, *see* Part III.D., below.

comments and coordinated with the rest of the Clean Coalition team. We are requesting a rate increase of $25 for Ms. Wang to reflect a step increase as well as a cost-of-living adjustment from her hourly rate of $305 in 2013. Ms. Wang's resume is attached. Policy Manger Brian Korpics prepared the intervenor compensation claim. Mr. Korpics is requesting a rate of $200 in this proceeding. He graduated from New York University School of Law in 2012, and has over 2 years of experience working on environmental and energy issues since graduating from law school. Although he is not yet admitted to practice law in California, he has passed the California Bar Exam (http://apps.calbar.ca.gov/exam/calbar-exam-27729.txt) and is waiting to be sworn in once his application is processed. His resume is attached.	
c. Allocation of hours by issue: This request for compensation covers two issues: (1) increasing the maximum number of MW offered for the bioenergy FIT in a ReMAT program period, and (2) supplementing the "strategically located" determination with consideration of locational value in order to improve ratepayer value by focusing on serving local load in accord with AB 327. The Clean Coalition spent approximately 50% of its time on each issue.	Verified.

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Hours**	**Rate $**	**Total $**
Stephanie Wang	2013	1.5	$330	D.14-12-075 and ALJ-303	$495	1.125[B]	$305.00[2]	$343.13
K. Sahm White	2013	18.5	$290	D.13-12-023 and ALJ-287	$5,365	13,875 [B]	$285.00[3]	$3,954.38
					***Subtotal:* $5,860**			***Subtotal:* $4,297.50**
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Hours**	**Rate $**	**Total $**
Brian Korpics	2015	7.5	$100	n/a[4]	$750	4.00	$82.50[A]	$330.00
					***Subtotal:* $750**			***Subtotal:* $330.00**
					TOTAL REQUEST: $6,610			**TOTAL AWARD: $ 4,627.50**

*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. Intervenor'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.

**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate

ATTORNEY INFORMATION

[2] Approved in D.14-12-075.

[3] Approved in D.15-04-016

[4] In future requests, we ask clean coalition to cite to a specific decision to stipulate the basis for an hourly rate.

Attorney	Date Admitted to CA BAR[5]	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Stephanie Wang	September 29, 2008	257437	No
Brian Korpics	June 2, 2015	303480	No

C. CPUC Disallowances and Adjustments:

Item	Reason
A.	Clean Coalition requests an hourly rate of $200 for Brian Korpics in 2015. Korpics passed the California Bar Exam and was admitted to practice on June 2, 2015. As such, Korpics falls within the 0-2 year range for attorneys per Resolution ALJ-308. Due to Korpics' limited participation in this proceeding, and the early stage of his career as a practicing attorney, we find requested rate of $200 to be excessive. As such, we adopt the rate of $165 per hour for Korpics for 2015. The rate of $165 is reflective of Korpics' years of experience and work in this proceeding. Note, the half-hourly rate for Korpics is reflected as $82.50.
B	Reduction of 25% to all hours for partial contribution on Issue 2 as discussed above.

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.

FINDINGS OF FACT

1. Clean Coalition has made a substantial contribution to D.14-12-081.

[5] This information may be obtained through the State Bar of California's website at http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch.

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 $4,627.50.

CONCLUSION OF LAW

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

2. The comment period should be waived and today's decision should be made effective immediately, to facilitate prompt payment of the award.

ORDER

1. Clean Coalition shall be awarded $4,627.50.

2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company shall pay 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 May 10, 2015, 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 _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		**Modifies Decision?**	No
Contribution Decision(s):	D1412081		
Proceeding(s):	R1105005		
Author:	ALJ Mason and ALJ Simon		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Clean Coalition	2/24/2015	$6,610.00	$4,627.50	N/A	Change in hourly rates and reduction for partial contribution.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Stephanie	Wang	Attorney	Clean Coalition	$330.00	2013	$305.00
Kenneth	Sahm-White	Expert	Clean Coalition	$290.00	2013	$285.00
Brian	Korpics	Attorney	Clean Coalition	$200.00	2015	$165.00

(END OF APPENDIX)