

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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

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

**DECISION GRANTING COMPENSATION TO DEFENDERS OF WILDLIFE FOR
SUBSTANTIAL CONTRIBUTION TO DECISION 14-11-042**

Intervenor: Defenders of Wildlife	For contribution to Decision (D.) 14-11-042
Claimed: \$23,017.30	Awarded: \$20,961.20 (reduced 8.93%)
Assigned Commissioner: Carla J. Peterman	Assigned Administrative Law Judge (ALJ): Anne E. Simon

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	Decision 14-11-042 conditionally accepts the draft 2014 Renewables Portfolio Standard (RPS) Procurement Plans, including the related solicitation protocols, filed by Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company. This decision also adopts certain aspects of the Energy Division's April 8, 2014 proposal to reform parts of the RPS procurement review process. This decision addresses the Commission's Renewable Auction Mechanism, the RPS procurement program created by the Commission in D.10-12-048.
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**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):		
2. Other specified date for NOI:	May 14, 2013 (per ALJ Ruling,	May 16, 2013

	April 16, 2013)	
3. Date NOI filed:	May 13, 2013	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:		
6. Date of ALJ ruling:		
7. Based on another California Public Utilities Commission (Commission) determination (specify):	No ruling was rendered on the NOI timely submitted. We respectfully ask the Commission make that determination at this time.	<i>See Below.</i>
8. Has the Intervenor demonstrated customer or customer-related status?		Yes, <i>See Part A Below.</i>
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:		
10. Date of ALJ ruling:		
11. Based on another Commission determination (specify):	No ruling was rendered on the timely submitted NOI, including the showing of significant financial hardship. We respectfully ask the Commission make that determination at this time.	<i>See Below.</i>
12. Has the Intervenor demonstrated significant financial hardship?		Yes, <i>See Part A Below.</i>
Timely request for compensation (§ 1804I):		
13. Identify Final Decision:	D.14-11-042	Verified.
14. Date of issuance of Final Order or Decision:	November 24, 2014	Verified.
15. File date of compensation request:	January 23, 2014	January 23, 2015
16. Was the request for compensation timely?		Yes.

C. Additional Comments on Part I:

#	Intervenor’s Comment(s)	CPUC Discussion
2	Defenders of Wildlife inadvertently checked Box A3 in Part III of the NOI. Instead Box A2 in Part III of the NOI should have been checked. Defenders of Wildlife respectfully seeks compensation as discussed in Part III. B.	Pursuant to Public Utilities Code Section 1804(a)(2)(B), an NOI may include a showing of significant financial hardship. Alternatively, such a showing may be included in the request for compensation.
7	Defenders of Wildlife timely submitted its Notice of Intent to Claim Intervenor Compensation. We are not aware that the ALJ has ruled on the NOI, and respectfully request that determination be made in the context of this claim.	The Commission finds that Defenders of Wildlife has demonstrated significant financial hardship. The Commission also finds Defenders of Wildlife to be a Category 3 “Customer” under Public Utilities Code Section 1802. Defenders of Wildlife is eligible to claim intervenor compensation.
11	Defenders of Wildlife timely submitted its Notice of Intent to Claim Intervenor Compensation, including the showing of significant financial hardship. We are not aware that the ALJ has ruled on the NOI, and respectfully request that determination be made in the context of this claim.	

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
<p>1. The Joint Conservation Parties developed the “application deemed complete” bid requirement for RPS procurement, which was ultimately adopted by the Commission. The elements of the “application deemed complete” include:</p> <ul style="list-style-type: none"> • a benchmark for project 	<p>OVERALL: APPLICATION DEEMED COMPLETE</p> <p><i>Joint Conservation Parties, Opening Comments of The Nature Conservancy, Defenders of Wildlife, and Natural Resources Defense Council on the Assigned Commissioner’s Ruling Identifying Issues and Schedule of Review for 2014 Renewables Portfolio Standard Procurement Plans, P. 1 (July 2, 2014):</i></p>	<p>Yes, but unreasonably duplicative of the Nature Conservancy, the Farm Bureau, and NRDC with regard to the use of Initial Studies issue. This demonstrates that</p>

<p>readiness for contract consideration, as well as a demonstrable step toward site control;</p> <ul style="list-style-type: none"> • a simple and effective means of demonstrating compliance with the requirement; • variability in the use of Initial Studies would impact the Commission’s proposal to set a bid development requirement based on this stage of the land use entitlement process; and • the requirement is consistent with the Long Term Procurement Plan Proceeding 	<p>“...the Joint Conservation Parties respectfully propose an alternative permitting-related requirement for consideration by the Commission. Specifically, the Commission should adopt the alternative permitting-related project development requirement – completion of the “application deemed complete” stage of the land use entitlement process – as a screen for RPS RFO bidding and bilateral transactions.”</p> <p>D. 14-11-042, at 47 – “The Nature Conservancy, Defenders of Wildlife, and Natural Resources Defense Council (Joint Conservation Parties) jointly support the proposal in concept but suggest an alternative requirement of “application deemed complete.””</p> <p>D. 14-11-042, at 48 – “We agree with the Joint Conservation Parties that a requirement to have, at a minimum, “application deemed complete” (or equivalent)¹²⁰ status within the land use entitlement process as a prerequisite to participating in the 2014 solicitation is a reasonable added requirement that could increase overall project viability while not unnecessarily restricting project participation in the solicitation. This requirement would mean that a project must submit the documentation required by the land use permitting agency showing that the project’s application is deemed by the permitting agency to have sufficient information to begin the permitting review process. The Joint Conservation Parties’ recommendation addresses the concerns expressed in comments that not all projects have Initial Studies.”</p> <p>D. 14-11-042, at 46: “In this decision, we require the IOUs’ bid solicitation materials be modified to include a bid requirement that projects have, at a minimum, achieved the “application deemed complete” (or equivalent) status under the land use entitlement process by the agency</p>	<p>these parties failed to adequately coordinate.¹</p>
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¹ 2015 Cal. PUC LEXIS 264 (Cal. PUC 2015).

	<p>designated by the California Environmental Quality Act or National Environmental Policy Act as the <i>lead agency</i> to be eligible to bid into the annual RPS solicitation.”</p> <p><u>A Benchmark For Project Readiness For Contract Consideration, As Well As A Demonstrable Step Toward Site Control</u></p> <p>Joint Conservation Parties, <i>Opening Comments, at 2</i> (July 2, 2014): “A project development requirement for bid eligibility provides a much needed benchmark for project readiness for contract consideration.”</p> <p>D. 14-11-042, at 46 – “This new requirement provides IOUs with an indication of project readiness of the project to move forward and, as such, is a reasonable requirement for projects that intend to be successfully developed.”</p> <p>Joint Conservation Parties, <i>Opening Comments, at 3</i> (July 2, 2014): “Using land use application deemed complete as a screen allows for documentation of demonstrable progress toward true site control inclusive of land use permits.”</p> <p>D. 14-11-042, FOF 22. “Adopting the requirement that the project demonstrates it has reached the “application deemed completed “(or equivalent) status within the applicable land use entitlement process by the agency designated as the <i>lead agency</i> under CEQA as a prerequisite to bidding into the RPS solicitation is likely a demonstrable step toward site control and should provide increased assurance that project is progressing towards development at the time of bidding.”</p> <p>D. 14-11-042, at 48 – “...this added requirement is a demonstrable step toward site control and ensures that projects are progressing towards development at the time of bidding.”</p> <p>D. 14-11-042, COL 26. It is reasonable to require projects to demonstrate, at a minimum, an “application deemed complete” (or equivalent) status within the</p>	
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	<p>applicable land use entitlement process by the agency designated by the California Environmental Quality Act or National Environmental Policy Act as the <i>lead</i> agency as a prerequisite to participating in the 2014 RPS solicitations because this added requirement may increase overall project viability.</p> <p><u>A Simple And Effective Means Of Demonstrating Compliance With The Requirement</u></p> <p>Joint Conservation Parties, <i>Opening Comments, at 2</i> (July 2, 2014): “Put simply, this means that the applicant has submitted the documentation necessary, and required, by the land use authority (e.g. Local Government, California Energy Commission, Bureau of Land Management) to initiate the land use permitting process.”</p> <p>D. 14-11-042, at 46 - This means that project’s application has been deemed by the lead land use authority (e.g., Local Government, California Energy Commission, Bureau of Land Management) to have sufficient information to initiate the land use permitting process.</p> <p>Joint Conservation Parties. <i>Comments on Decision, at 3</i> (November 10, 2014): “We respectfully recommend the Proposed Decision be modified at 47, final paragraph, to clarify that compliance with this requirement can simply be fulfilled by providing a copy of the letter from the land use permitting agency documenting that the land use permit application for the project has been “deemed complete” to begin the permitting review process.”</p> <p>D. 14-11-042, at 49 – “This requirement may be fulfilled by the developer providing a copy of the letter from the land use permitting agency documenting that the land use permit application for the project has been “deemed complete” to begin the permitting review process.”</p>	
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	<p>D. 14-11-042, COL 28. It is reasonable that the “application deemed complete” (or equivalent) requirement may be fulfilled by the developer providing a copy of the letter from the land use permitting agency documenting that the land use permit application for the project has been “deemed complete” to begin the permitting review process or by other reasonable means.</p> <p><u>Variability In The Use Of Initial Studies Would Impact The Commission’s Proposal To Set A Bid Development Requirement Based On This Stage Of The Land Use Entitlement Process</u></p> <p>Joint Conservation Parties, <i>Opening Comments, at 2</i> (July 2, 2014): “However, there is considerable variability in the use of Initial Studies by lead agencies and not all projects have Initial Studies prepared during the California Environmental Quality Act (CEQA) process. We respectfully propose an alternative permitting-related requirement for consideration.”</p> <p>D. 14-11-042, at 47-48 - The Joint Conservation Parties agree with the majority of parties that not all projects would have Initial Studies under CEQA or NEPA and suggest that an “application deemed complete” (or equivalent) requirement strikes the right balance between indicating project readiness and supporting a robust RPS market.”</p> <p>D. 14-11-042, FOF 23. Not all projects require an Initial Study under the CEQA or under the National Environmental Policy Act. (at 113)</p> <p><u>The Requirement Is Consistent With The Long Term Procurement Plan Proceeding</u></p> <p>Joint Conservation Parties, <i>Reply Comments, at 2</i> (July 30, 2014): “The concept of a permitting-related project development requirement is not new to procurement processes and many parties have experience with such a requirement.</p>	
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	<p>For example, the Long Term Procurement Plan Proceeding (LTPP) uses a permitting-related project development requirement to establish the “Discounted Core” (i.e., “resources assumed as very likely to be constructed”). Per the Commission, “Discounted Core projects meet two milestones: (1) an executed Power Purchase Agreement, and (2) a complete (i.e. data adequate) application for a major environmental permit.”</p> <p>D. 14-11-042, at 48-49 – “Finally, as the Joint Conservation Parties state, the requirement would be similar to the development of the “discounted core” portfolio of projects in R.13-12-010, the Long-Term Procurement Planning proceeding, where projects that have a power purchase agreement and a complete (i.e., data adequate) application for a major environmental permit are included.”</p>	
<p>2. The Joint Conservation Parties advocated for establishing environmental data requirements in RPS procurement. (B)</p> <p>The Joint Conservation Parties provided comprehensive opening and reply comments in May 2014, which bolstered and brought specific expertise to the discussion and evaluation of the Commission’s environmental data requirements proposal, as well as opening and reply comments to the Proposed Decision in November 2014. Within these comments, the Joint Conservation Parties advocated for establishing environmental data requirements in RPS procurement, including the GIS data requirement.</p> <p>The Proposed Decision originally did not include adoption of the GIS data requirement, but was modified after the Joint Conservation Parties presented a clear and compelling case in opening comments as to why the</p>	<p>Joint Conservation Parties. Comments on Decision. at 3 (November 10, 2014): “We respectfully request the Commission modify the Proposed Decision to adopt item (a) of the Energy Division’s proposal: GIS file of the project location⁷.”</p> <p>Joint Conservation Parties. Comments on Decision. at 4 (November 10, 2014): “Project location data is critical to informing planning processes and tools, such as the RPS Calculator, which is used in long-term energy and transmission planning.”</p> <p>D. 14-11-042, at 66 – “We adopt the Energy Division’s proposal to require the utilities to provide the Commission with a Geographic Information System (GIS) file of the project boundaries and associated gen-tie for all projects that currently have an RPS PPA and for all future RPS bids submitted to an annual RPS solicitation or other RPS procurement program.”</p> <p>D. 14-11-042, FOF 32. Additional data related to the GIS files of PG&E, SCE, and SDG&E will promote a greater understanding by the Commission of RPS</p>	<p>Yes.</p>

<p>GIS data requirement was needed to improve renewable energy procurement and planning. The result was that the Proposed Decision was modified so that D.14-11-042 reflected this new requirement.</p>	<p>procurement needs.</p> <p>D. 14-11-042, COL 35. It is reasonable to request PG&E, SCE, and SDG&E to provide the GIS file regarding certain data to promote the Commission’s understanding of procurement needs.</p> <p>D. 14-11-042, COL 34. With regard to the Energy Division’s proposal that environmental data adequacy requirements apply to procurement review, it is reasonable to not adopt the suggestions by the Energy Division, with one exception, based on concerns that the recommended additional data requirements are duplicative of the existing environmental permitting process in California and the need to better understand the impact on the entire permitting process that may result from requiring the additional environmental requirements suggested by the Energy Division. (at 121)</p>	
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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? ²	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: Natural Resources Defense Council, Defenders of Wildlife		Verified.
<p>d. Intervenor’s claim of non-duplication: The Nature Conservancy, Defenders of Wildlife, and NRDC (collectively, “Joint Conservation Parties”) worked extensively together to ensure maximum collaboration and coordination to ensure there was no duplication, as discussed in detail below in Part III.A. The Joint Conservation Parties actively worked together to: (1) develop joint comments (as opposed to filing individual similar sets of comments for each Joint Conservation Parties organization), (2) design consistent advocacy and strategy efforts, and (3) streamline work wherever possible. The vast majority of work and</p>		Verified, but duplication with other non-joint parties occurred.

² The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

<p>resources went to substantive contributions to comment letters, thereby minimizing duplication as well as ensuring resolution of any differences between parties, therefore reducing the time needed by the Commission and other parties to address differing viewpoints. The benefits from the Joint Conservation Parties efforts are described in more detail below (<i>See</i> III.A.b).</p>	
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C. Additional Comments on Part II:

#	Intervenor’s Comment
D	<p>The following three “Joint Conservation Parties” collaborated and advocated as one group: The Nature Conservancy, Natural Resources Defense Council, and Defenders of Wildlife.</p> <p>Because our work was closely coordinated and all of our comments were jointly written and filed, Defenders of Wildlife and The Nature Conservancy coordinated our request for intervenor compensation. As such we are using the same issue areas and same numbered substantial contributions (included above in Part II.A). While each organization in the Joint Conservation Parties spent differing times on each issue (which reduced duplication and was one of the key benefits of collaboration), all organizations reviewed, analyzed, and approved of our positions in each area. For this reason, the contributions and benefits reflect the impacts of our joint filings, though each organization is only claiming hours for the time required for its unique additions to the proceeding.</p>
D	<p>The two substantive contributions (detailed in IIA) are quite complex: both proposals (application deemed complete (A), environmental data requirements (B)) were made up of multiple components that spanned multiple regulatory agencies and renewable energy planning and permitting processes. The process to evaluate the staff proposals, research and develop alternatives, and provide clear, actionable recommendations in comments, required the unique expertise of the Joint Conservation Parties. The substantive contributions that were adopted by the Commission are of value to the Commission, other regulatory agencies, and the customer. The two substantive contributions (detailed in IIA) are important to improving how the RPS procurement process aligns with permitting and planning for renewable energy build out, which improves RPS procurement portfolio viability, makes progress towards minimizing risks and uncertainties associated with permitting related project delays, and in the case of the GIS data requirement, improves the Commission’s ability to plan for future renewable energy needs.</p>

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

a. Intervenor’s claim of cost reasonableness:	CPUC Discussion
<p>Defenders consistently advocates for policies to reduce the long term societal costs of electric generation while protecting the environment for future generations. Defenders’ continued focus in this and other proceedings is on policies that ensure a reliable, affordable, and environmentally sustainable energy resource portfolio that should have lasting benefits to bill payers. Defenders contributed substantially to the resolution of all environmentally-focused issues addressed in D. 14-11-042, which address renewable energy procurement.</p> <p>The interests represented by Defenders are unique and are not adequately represented by other parties that have intervened in this proceeding. Defenders is the only conservation organization in this proceeding with extensive understanding of the California Endangered Species/Federal Endangered Species laws and processes, California land use planning law and procedures, and the Permit Streamlining Act (California Government Code § 65920 et seq.). Defenders’ unique experience and understanding of the complexities of endangered species law, land use planning, CEQA/NEPA compliance, and environmental permitting resulted in important recommendations to D. 14-11-042 with minimal duplication of the positions, rationales, and recommendations brought forth by the other environmental advocates.</p> <p>Defenders used our land use planning and permitting knowledge and our active engagement in local land use planning and permitting for renewable energy projects and transmission to identify and lead the Joint Conservation Parties’ proposed the “application deemed complete” alternative which was ultimately adopted by D. 14-11-042. Defenders drafted the approach, reached out to other Parties such as Farm Bureau, and, importantly, state and local land use planning agencies to test viability of the proposal and gain their support.</p> <p>California has been a leader in the deployment of renewable energy with procurement policies playing a key role in program implementation. In our comments we present a strong case for adopting the “application deemed complete” permitting-related bid requirement as a measure of project readiness for contract consideration (A); and advocate for adoption of the GIS environmental data requirement, to ensure that the Commission has the best available renewable energy generation project location data to inform and improve the accuracy of critical energy planning processes (B).</p>	<p>Verified.</p>

<p>While it is challenging to quantify the benefits of renewable energy procurement reform, there are several important direct benefits that will accrue to Californians directly from process improvements; these include an increase in the overall viability of the pool of projects that bid into renewable energy solicitations, and improving the quality of the renewable energy project location data used by the Commission in key energy planning processes, such as the RPS Calculator. These two renewable energy procurement process modifications will help California set the stage for renewable energy planning and procurement beyond the current 33 percent mandate.</p> <p>The final decisions closely tracked our recommendations in most areas and, where there were differences or the Commission ultimately decided against our position, our advocacy shaped the analysis and discussion, ultimately improving the final outcome for customers.</p>	
<p>b. Reasonableness of hours claimed:</p> <p>The substantial contributions to Commission policy described above would not have been possible without the individual contributions of each of the Joint Conservation Parties organizations.</p> <p>The Joint Conservation Parties worked together throughout the proceeding to avoid redundancy, find common ground and put forth joint 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.</p> <p>The time and resources needed to ensure such a coordinated effort are far less than the time it would have taken for each organization to participate. The hours claimed and resources expended by the members of the Joint Conservation Parties were also highly leveraged and streamlined as much as possible to reduce duplication. Where more than one party worked on a single issue area, it was because the parties were adding new research and information specific to the individual strengths and expertise of varying organizations or were working out differences in advance of filing comments. This provided the Commission with a single strong recommendation.</p> <p>Furthermore, each of the Joint Conservation Parties possessed particular expertise in distinctly different areas (e.g. The Nature Conservancy – conservation science, NRDC – legal and RPS program structure, Defenders – land use permitting & wildlife laws), providing all of the Joint Conservation Parties with information that each would have had to individually research.</p>	<p>Verified.</p>

<p>All hours represent substantive work related to this proceeding. When staff ‘reviewed’ or ‘edited’ other staff work, this involved detailed comments, additional language, clarity of position, and effectiveness of recommendations to ensure that the work product delivered to the Commission was substantive and useful. This activity added significant value to the end product.</p> <p>Because the Joint Conservation Parties filed only one set of comments representing three parties, other parties and the Commission did not have to spend time reviewing two additional sets of comments each time they were required.</p> <p>Ultimately, the Joint Conservation Parties truly captured the essence of productive, beneficial collaboration. Robust and substantial contributions were made through exceptionally efficient resource sharing and allocation, that resulted in real policy benefits and outcomes, as demonstrated in Part IIA.</p> <p>The amounts claimed by Defenders of Wildlife are further conservative for the following reasons: (1) None of the hours were claimed from time spent by other Defenders staff who consulted regularly on this proceeding; (2) This included Erin Lieberman (Western Policy Advisor, Renewable Energy and Wildlife), Jeff Aardahl (California Representative), Stephanie Dashiell (California Desert Representative), all of whom provided substantive work and/or guidance particular to their area of expertise and (3) no time was claimed for pure coordination among Defenders of Wildlife staff.</p> <p>This is Defenders of Wildlife’s first claim for intervenor compensation. We have worked diligently to limit the time spent preparing the claim, which is our first claim submission. We hope the Commission will recognize this in reviewing our request. Furthermore, since the Joint Conservation Parties also worked together on identifying the substantive contributions of our efforts, Part II.A is consistent across all three organization’s intervenor compensation claims. This reduced the time each party would have had to claim to draft Part II.A and also reduced time for the Intervenor Compensation staff as they do not need to spend time reconciling Part II.A across two submissions.</p>	
<p>c. Allocation of hours by issue: <i>See Attachment A.</i></p>	<p>Verified.</p>

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Kim Delfino	2014	12.0	\$290	Res ALJ-303	\$3,480.00	11.32	\$290.00 ^[A]	\$3,282.80
Kate Kelly	2014	57.75	\$290	Res ALJ-303	\$16,746.05	54.96	\$290.00 ^[B]	\$15,938.40
Subtotal: \$ 20,226.05						Subtotal: \$19,221.20		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Kim Delfino	2014	.5	\$290	½ Rate; Res ALJ 303	\$72.50	.5	\$145.00	\$72.50
Kate Kelly	2014	18.75	\$290	½ Rate; Res ALJ 303	\$2,718.75	11.5 ^[C]	\$145.00	\$1,667.50
Subtotal: \$2,791.25						Subtotal: \$1,740.00		
TOTAL REQUEST: \$23,017.30						TOTAL AWARD: \$20,961.20		

*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. Intervenors' 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			
Attorney	Date Admitted to CA BAR ³	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Kimberley Delfino	December 27, 1993	168561	Inactive

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

Attachment or Comment #	Description/Comment
1	Certificate of Service
Attachment A	Issue areas and Staff timesheet
Attachment B	Resumes of K. Delfino and K. Kelly

³ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch> .

Comment #1	<p>Rational for Kim Delfino Hourly Rates</p> <p>Mrs. Delfino holds a B.A. in Political Science, Public Service from the University of California-Davis and a J.D. from McGeorge School of Law at the University of the Pacific. Ms. Delfino is an active member of the District of Columbia Bar Association since 1994 and is currently an inactive member of the California Bar Association. Ms. Delfino has been the California Program Director for Defenders of Wildlife since 2000. Prior to joining Defenders of Wildlife, Kim worked for the U.S. Public Interest Research Group as a staff attorney and for CALPIRG as Legislative Director. She began her career as an associate attorney in Washington, D.C. with the public interest law firm of Meyer & Glitzenstein, where she specialized in cases involving the Endangered Species Act, Clean Water Act and other environmental laws including NEPA. As the California Program Director for Defenders of Wildlife Mrs. Delfino applies environmental law and policy to renewable energy siting issues in the California and the West. She is a designated stakeholder for the California Desert Renewable Energy Conservation Plan (DRECP) and co-author of <i>Smart from the Start: Responsible Renewable Energy Development in the Southern San Joaquin Valley</i> which has been cited in the California Energy Commission’s Integrated Energy Policy Reports (IEPR).</p> <p>Ms. Delfino was Defenders of Wildlife’s principal representative for all filings with the Commission. She had final responsibility for analyzing issues, developing oral and written contributions, and notifying the Joint Conservation Partners of wildlife and endangered species issues related renewable energy development procurement regulations proposed by developments in the case.</p> <p>Mrs. Delfino is new representative seeking intervenor compensation and does not have an authorized rate. Per D.08-04-010, “Intervenor representatives who previously have not appeared before the Commission must make a showing in the compensation request to justify their proposed hourly rate. The requested rate must be within the established range of rates for any given level of experience, and, consistent with the guidelines in D.05-11-031, must take into consideration the rates previously awarded other representatives with comparable training and experience, and performing similar services.”</p> <p><u>2014 Requested Rate:</u> Mrs. Delfino has 20 years of experience working on environmental, wildlife and energy issues.</p> <p>Per Resolution ALJ-303, the hourly range for experts with 13+ years of experience is \$170-420 (Table 1, at 8). As Ms. Delfino is not currently practicing law in California we request an “expert” rate of \$290 for Mrs. Delfino in 2014. This is the midrange and is consistent with rates previously awarded to other representatives with comparable training and experience, and performing similar services.</p> <p>Rationale for Kate Kelly Hourly Rates</p> <p>Ms. Kelly has a BA in Anthropology from California State University – Chico and Graduate Studies in City and Regional Planning at Cal Poly San Luis Obispo.</p>
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<p>Comment #2</p>	<p>Ms. Kelly is a land use and environmental planner with extensive public policy experience. While working for local government agencies and planning consulting firms she has reviewed and processed permits for a wide range of land development projects, drafted and reviewed CEQA documents, and developing land use and environmental policies for local government. Ms. Kelly has managed Defenders of Wildlife’s Central Valley Renewable Energy Program which is focused on incentivizing the siting of renewable energy projects in low-conflict areas and on impaired agricultural lands with low habitat value as a key strategy for accelerating renewable energy development and protecting vital natural resources. She is co-author of <i>Smart from the Start: Responsible Renewable Energy Development in the Southern San Joaquin Valley</i> which has been cited in the California Energy Commission’s Integrated Energy Policy Reports (IEPR).</p> <p>Ms. Kelly was Defenders of Wildlife’s primary representative with the Joint Conservation Partners and in meetings with the Commission. She had primary responsibility for analyzing issues, developing oral and written contributions, and notifying Ms. Delfino and the Joint Conservation Partners of land use policy issues related renewable energy development procurement regulations proposed by developments in the case.</p> <p>Ms. Kelly is new representative seeking intervenor compensation and does not have an authorized rate. Per D.08-04-010, “Intervenor representatives who previously have not appeared before the Commission must make a showing in the compensation request to justify their proposed hourly rate. The requested rate must be within the established range of rates for any given level of experience, and, consistent with the guidelines in D.05-11-031, must take into consideration the rates previously awarded other representatives with comparable training and experience, and performing similar services.”</p> <p><u>2014 Requested Rate:</u> Ms. Kelly has over 20 years of experience in land use and environmental planning, and public policy implementation. Per Resolution ALJ-303, the hourly range for experts with 13+ years of experience is \$170-420 (Table 1, pg. 8). We request a rate of \$290 for Ms. Kelly in 2014. This is the midrange and is consistent with rates previously awarded to other representatives with comparable training and experience, and performing similar services.</p> <p>Defenders of Wildlife submits that this information is more than sufficient for the Commission to grant the requested compensation. However, should the Commission disagree and believe that it needs more information to support the request, Defenders of Wildlife asks that we be informed of the additional information that is necessary and given an opportunity to provide that information before a draft decision issues on this compensation request.</p>
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D. CPUC Disallowances and Adjustments:

Item	Reason
A	<p>Defenders of Wildlife requests a rate of \$290.00 per hour for 2014 as an initial rate for Delfino. Defenders of Wildlife notes that Delfino has 20 years of experience working on environmental, wildlife and energy issues. Delfino has no formal graduate training in these matters, but is an experienced attorney. However, Delfino is currently inactive with the State Bar of California. The Commission therefore finds reasonable a rate of \$290.00 per hour for Delfino as an expert.</p> <p>Defenders of Wildlife requests a rate of \$290.00 per hour for 2014 as an initial rate for Kelly. Kelly has worked on land use and environmental planning issues for 24 years. The Commission therefore finds reasonable a rate of \$290.00 per hour for Kelly for 2014.</p>
B	<p>Defenders of Wildlife’s participation was duplicative on certain sub-issues concerning its “Application Deemed Complete/Initial Studies” (Issue A) participation. Defenders of Wildlife’s hours are reduced by 10% for hours related to Issue A. This results in a .68 hour reduction to Delfino’s total hours and a 2.79 hour reduction in Kelly’s hours.</p>
C	<p>Reviewing Defenders of Wildlife’s and The Nature Conservancy’s Intervenor Compensation Claims together shows that the two intervenors and NRDC worked together to file their claims. Given that the Substantial Contribution portion of each claim is the same, as are portions of other parts of the claim, the Commission denies 7.25 hours from Kelly’s intervenor compensation hours, so that both Defenders of Wildlife and The Nature Conservancy are compensated for 12 hours of time.</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 (see Rule 14.6(c)(6))?	Yes

FINDINGS OF FACT

1. Defenders of Wildlife has made a substantial contribution to D.14-11-042.
2. The requested hourly rates for Defender of Wildlife'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 \$20,961.20.

CONCLUSION OF LAW

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

ORDER

1. Defenders of Wildlife shall be awarded \$20,961.20.
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 Defenders of Wildlife their respective shares of the award, based on their California-jurisdictional electric and gas revenues for the 2014 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 April 08, 2015, the 75th day after the filing of Defenders of Wildlife's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. This decision is effective today.

Dated _____, 2015, at San Francisco, California

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	
Contribution Decision(s):	D1411042		
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
Defenders of Wildlife	January 23, 2015	\$23,017.30	\$20,961.20	N/A	Reductions for duplication.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Kim	Delfino	Expert	Defenders of Wildlife	\$290.00	2014	\$290.00
Kate	Kelly	Expert	Defenders of Wildlife	\$290.00	2014	\$290.00

(END OF APPENDIX)