

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Create a Consistent Regulatory Framework for the Guidance, Planning, and Evaluation of Integrated Demand-Side Resource Programs	Rulemaking 14-10-003 (Issued October 8, 2014)
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**DECISION GRANTING COMPENSATION TO NATURAL RESOURCES DEFENSE COUNCIL FOR SUBSTANTIAL CONTRIBUTION TO DECISION 15-09-022**

<b>Intervenor: Natural Resources Defense Council (NRDC)</b>	<b>For contribution to Decision (D.) 15-09-022</b>
<b>Claimed: \$20,250.00</b>	<b>Awarded: \$19,575.00</b> (reduced 3.3%)
<b>Assigned Commissioner: Michel P. Florio</b>	<b>Assigned ALJ: Kelly A. Hymes</b>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	This decision fundamentally changes the scope of this proceeding to focus on how to value and integrate a wide range of distributed energy resources (DERs) into the grid. It also adopts a definition and goal for the Integration of Distributed Energy Resources (IDER).
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:**

	<b>Intervenor</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference (PHC):	December 5, 2014	December 5, 2014
2. Other specified date for NOI:	n/a	
3. Date NOI filed:	January 5, 2014	January 5, 2015
4. Was the NOI timely filed?		Yes. See I.C., Comments

<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	R.09-08-009	R.14-07-002
6. Date of ALJ ruling:	January 28, 2010	December 18, 2014
7. Based on another CPUC determination (specify):	n/a	
8. Has the Intervenor demonstrated customer or customer-related status?		Yes.
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	R.14-07-002	R.14-07-002
10. Date of ALJ ruling:	December 18, 2014	December 18, 2014
11. Based on another CPUC determination (specify):	n/a	
12. Has the Intervenor demonstrated significant financial hardship?		Yes.
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.15-09-022	D.15-09-022
14. Date of issuance of Final Order or Decision:	September 22, 2015	September 22, 2015
15. File date of compensation request:	November 20, 2015	November 20, 2015
16. Was the request for compensation timely?		

**C. Additional Comments on Part I:**

<b>#</b>	<b>Intervenor’s Comment(s)</b>	<b>CPUC Discussion</b>
1		Public Utilities (P.U.) Code 1804 provides that a customer seeking intervenor compensation shall file 30 days after the scheduled prehearing conference. As the 30 <sup>th</sup> day after the December 5, 2014 prehearing conference falls on a Sunday, NRDC’s NOI filed on Monday, January 5, 2015, is considered timely.

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

<b>Intervenor’s Claimed Contribution(s)</b>	<b>Specific References to Intervenor’s Claimed Contribution(s)</b>	<b>CPUC Discussion</b>
<i>(B) Scope (e.g., shaping the OIR, refining goals, setting definitions, etc.)</i>	<ul style="list-style-type: none"> <li>NRDC was a strong advocate for expanding the scope of the proceeding and exploring the range of system needs relevant to distributed energy resources throughout the process. The</li> </ul>	Verified.

<p><i>(C) Technical questions (e.g., exploration of system needs for better distributed resource integration)</i></p>	<p>scope was expanded in the decision in the way NRDC suggested – to include the full range of DERs and focus on system needs and climate goals. Our contribution was demonstrated through:</p> <ul style="list-style-type: none"> <li>○ NRDC presentation on the existing barriers to resource integration in California at the 1/22/15 workshop</li> <li>○ Our comments were cited in the decision (D.15-09-022) at pages 9, 13, 19, 21, and 22.</li> <li>○ Additionally our Joint IDSR Parties comments on the PD were cited as a source of clarifying the scope, as cited by the decision (D.15-09-022) at page 24.</li> </ul> <ul style="list-style-type: none"> <li>● NRDC participated in the workshop to define the definition and goal for IDER, and offered suggestions for the definition and goal that were very similar to the final definition and goal adopted:             <ul style="list-style-type: none"> <li>○ Our comments related to the definition and goal were cited in the decision (D.15-09-022) at pages 19 and 21.</li> <li>○ In addition, NRDC and the Sierra Club made specific suggestions on the definition and goal for IDER in our comments on the proposed decision (e.g. see page 3), and in the final decision the revised definition included our suggestion of adding “the environment”</li> </ul> </li> </ul>	
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**B. Duplication of Effort (§ 1801.3(f) and § 1802.5):**

	<b>Intervenor’s Assertion</b>	<b>CPUC Discussion</b>
<b>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?</b>	Yes	Yes.
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes	Yes.
<b>c. If so, provide name of other parties:</b> Sierra Club, California Independent System Operator (CAISO), Bloom Energy, Center for Sustainable Energy, Clean Coalition, Community Choice		Verified.

<p>Partners, Comverge, Inc., EnergyHub, Environmental Defense Fund (EDF), Local Government Sustainable Energy Coalition, Marin Clean Energy, San Francisco Bay Area Regional Energy Network ("BayREN"), and Southern California Regional Energy Network.</p>	
<p><b>d. Intervenor’s claim of non-duplication:</b></p> <p>NRDC’s advocacy was not duplicative as we worked closely with other parties to collaborate and submit joint comments where possible. All calls with other parties were focused on resolving any key issues ahead of time and were kept as brief as possible.</p> <p>In our joint comments with Sierra Club we divided up responsibilities for writing comments so that we did not duplicate work. In the comments and replies we drafted separate sections to reduce total writing and editing time required. We also shared summaries of some of our review of comments, reducing the time needed for review. No time was claimed for administrative functions related to joint comments.</p> <p>We also wrote Joint IDSR Parties comments with EDF and several other parties. In this case, the joint comments described shared concerns and our individual comments focused on other issues that did not overlap with the joint comments (or in our case, our additional set of joint comments with the Sierra Club did not overlap with the Joint IDSR Parties comments). In addition, our Joint IDSR Parties comments were based on relevant joint work from the DRP proceeding (R.14-08-013) and so we only charged time for the hours directly writing the IDER comments and not any of the background work leading up to the development of those comments.</p> <p>In addition, NRDC took steps to ensure no duplication of work within our organization by assigning specific issues, tasks, and workshops/meetings to one team member.</p>	<p>Accepted.</p>

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

<p><b>a. Intervenor’s claim of cost reasonableness:</b></p> <p>NRDC consistently advocates for policies to maximize cost-effective procurement and use of clean energy resources, ensure that the benefits of clean energy resources are properly accounted for, and that policies and goals align to enable the utilities to use clean energy as their first energy resource choice (as required by California law). NRDC’s 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 customers. NRDC contributed substantially toward shaping the scope of this proceeding, as well as creating the definition of and goal for the Integration of Distributed Energy Resources</p>	<p><b>CPUC Discussion</b></p> <hr/> <p>Accepted.</p>
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<p>(IDER), such that this proceeding is now poised to better integrate a wide range of clean energy resources into our system and we can better meet our climate goals and benefit both grid functionality and customers.</p>	
<p><b>b. Reasonableness of hours claimed:</b></p> <p>The substantial contributions to Commission policy described above would not have been possible without the individual contributions of the following staff: 1) Maria Stamas, who has five years of experience in energy policy including representing NRDC regularly at the CPUC, provided insights into how to expand the OIR to better meet the Commission’s goals and the state’s climate targets; 2) Merrian Borgeson, who has worked on energy regulatory issues for 8 years both as an advocate on behalf of NRDC for the last year and half and as an adviser to Commissions across the U.S. as a scientist at Lawrence Berkeley National Laboratory, provided insights into the need for more comprehensive integration of distributed energy resources as well as specific guidance on the definition and goal of IDER which were largely adopted in the final decision.</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) 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; and (3) we claim no time for travel.</p> <p>In addition, the rates requested by NRDC are purposefully conservative and low on the ranges approved by the Commission, even though the levels of expertise of 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>In sum, NRDC made numerous and significant contributions on behalf of environmental and customer interests, all of which required 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>Accepted.</p>
<p><b>c. Allocation of hours by issue:</b>  <b>A (general) = 23%</b>  <b>B (scope) = 47%</b>  <b>C (technical questions) = 29%</b></p>	

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
M. Borgeson Expert	2014	7.00	\$180	Res ALJ-308	\$1,260	7.0	\$180	\$1,260.00
M. Borgeson Expert	2015	75.00	\$180	Res ALJ-308	\$13,500	75	\$180	\$13,500
M. Stamas Attorney	2014	24	\$190	Res ALJ-308	\$4,560	24	\$165	\$3,960
M. Stamas Attorney	2015	2.5	\$190	Res ALJ-308	\$475	2.5	\$165	\$412.50
<b>Subtotal: \$19,795.00</b>						<b>Subtotal: \$19,132.50</b>		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
M. Borgeson Expert	2015	4.0	\$90.00	Res ALJ-303	\$360.00	4.0	\$90	\$360.00
M. Stamas Attorney	2015	1.0	\$95.00	Res ALJ-303	\$95.00	1.0	\$82.50	\$82.50
<b>Subtotal: \$455.00</b>						<b>Subtotal: \$442.50</b>		
<b>TOTAL REQUEST: \$20,250.00</b>						<b>TOTAL AWARD: \$19,575.00</b>		
<p>**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.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at 1/2 of preparer's normal hourly rate</p>								
ATTORNEY INFORMATION								
Attorney	Date Admitted to CA BAR <sup>1</sup>			Member Number	Actions Affecting Eligibility (Yes/No?)			
Maria Stamas	October 17, 2014			298522	No			

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

<sup>1</sup> This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch> .

Attachment or Comment #	Description/Comment
Attachment 1	Staff Hours and Issue Areas
Comment #1	<p><u>Merrian Borgeson Rate Rationale</u>: Merrian Borgeson is a Senior Scientist at NRDC focusing on renewable energy, energy efficiency, and climate policies. She has worked on energy and environmental policy for over 8 years, and prior to joining NRDC was a researcher and team lead in the Electricity Markets and Policy group at Lawrence Berkeley National Laboratory. Merrian holds a M.A. in Energy and Resources and an MBA from the Haas School of Business at the University of California, Berkeley. Her resume is attached. We request a rate of \$180, which is at the low end of experts with 7-12 years of experience per Resolution ALJ-308 (p.4).</p> <p><u>Maria Stamas Rate Rationale for 2014 and 2015</u>: Maria Stamas was admitted into the BAR in October of 2014. Therefore we request a rate of \$190, which is in line with the low-mid end of 2014 rates published for attorneys in Resolution ALJ-308 (p.4). This request is also in line with Max Baumhefner’s initial rate of \$175 when he was first admitted into the BAR in 2010 (see D.12-11-048 p.15), accounting for the increase in rates since that time. The range in 2010 was \$150-\$205 per Res ALJ 247. Max’s approved rate was \$25 above the lowest range. Maria Stamas’ requested rate is similarly \$25 above the lowest range in Res ALJ 308, which is listed as \$165. We request the same rate for Ms. Stamas’ work in 2015.</p> <p>Maria Stamas is an attorney with expertise in energy policy and analysis and holds a joint M.A. in Energy and Resources and J.D. degree from the University of California, Berkeley. While Maria was recently admitted to the BAR, she has over six years of experience working as an expert on energy policy and analysis. Prior to her time at NRDC, Ms. Stamas was an energy analyst for the Rocky Mountain Institute and previously worked at the CPUC.</p>

#### D. CPUC Disallowances and Adjustments:

Item	Reason
Merrian Borgeson’s Hourly Rate	Borgeson does not yet have an established rate at the Commission, but is a Senior Scientist at NRDC with 8 years of experience. The rate of \$180 per hour is reasonable and falls within the rate range of experts with 7-12 years of experience. As such, the Commission authorizes the rate of \$180 per hour for work Borgeson completed in 2015.
Maria Stamas’ Hourly Rate	NRDC requests a 2014 hourly rate of \$190 for Stamas, to reset her rate to mid-level within the rate range of \$165-220, for attorneys with 0-2 years of experience. Stamas has 1 year of experience, having become licensed in October 2014. As such, we find the rate of \$165 per hour to be reflective of Stamas’ year of experience and work completed in this proceeding.

**PART IV: OPPOSITIONS AND COMMENTS**

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

**FINDINGS OF FACT**

1. Natural Resources Defense Council has made a substantial contribution to Decision (D.) 15-09-022.
2. The requested hourly rates for Natural Resources Defense Council'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 \$19,575.00.

**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 shall be awarded \$19,575.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company shall pay Natural Resources Defense Council 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 February 3, 2016, the 75<sup>th</sup> 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.
4. This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

**APPENDIX**  
**Compensation Decision Summary Information**

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D1509022		
<b>Proceeding(s):</b>	R1410033		
<b>Author:</b>	Hymes		
<b>Payer(s):</b>	Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company		

**Intervenor Information**

<b>Intervenor</b>	<b>Claim Date</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier ?</b>	<b>Reason Change/Disallowance</b>
Natural Resources Defense Council (NRDC)	11/20/15	\$20,250.00	\$19,575.00	N/A	Change in hourly rate.

**Advocate Information**

<b>First Name</b>	<b>Last Name</b>	<b>Type</b>	<b>Intervenor</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Merrian	Borgeson	Expert	NRDC	\$180	2014	\$180
Merrian	Borgeson	Expert	NRDC	\$180	2015	\$180
Maria	Stamas	Attorney	NRDC	\$190	2014	\$165
Maria	Stamas	Attorney	NRDC	\$190	2015	\$165

**(END OF APPENDIX)**