

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U338-E) for Approval of its Charge Ready and Market Education Programs.

Application 14-10-014
(Filed October 30, 2014)

**DECISION GRANTING COMPENSATION TO THE NATURAL RESOURCES
DEFENSE COUNCIL FOR SUBSTANTIAL CONTRIBUTION TO DECISION 16-01-023**

Intervenor: Natural Resources Defense Council	For contribution to Decision (D.) 16-01-023
Claimed: \$20,225	Awarded: \$20,225.00
Assigned Commissioner: Carla J. Peterman	Assigned ALJ: Darwin E. Farrar

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	<p>D.16-01-023 modifies and adopts the terms of the joint party Proposed Settlement regarding Southern California Edison Company's (SCE) application for its Charge Ready and Market Education Programs. On October 30, 2014, Southern California Edison Company (SCE) filed Application (A.) 14-10-014, seeking approval of its Charge Ready and Market Education Programs. SCE proposed a two-part program, with Phase 1 consisting of a one-year pilot to deploy up to 1,500 electric vehicle (EV) charging stations and expanded market education and outreach in support of electric transportation.</p> <p>SCE is authorized to collect \$22 million in revenue requirement to implement the Phase 1 pilot Charge Ready and complementary Market Education Programs.</p> <p>D.16-01-023 modifies the Proposed Settlement terms governing the rebate amount, reporting requirements, cost management, regulatory and transition processes, and load management.</p>
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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):	February 2, 2015	Verified
2. Other specified date for NOI:	n/a	
3. Date NOI filed:	March 3, 2015	Verified
4. Was the NOI timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R.14-07-002	Verified
6. Date of ALJ ruling:	December 18, 2014	Verified
7. Based on another CPUC determination (specify):	n/a	
8. Has the Intervenor demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.14-07-002	Verified
10. Date of ALJ ruling:	December 18, 2014	Verified
11. Based on another CPUC determination (specify):	n/a	
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804I):		
13. Identify Final Decision:	D. 16-01-023	Verified
14. Date of issuance of Final Order or Decision:	January 25, 2016	Verified
15. File date of compensation request:	March 25, 2016	Verified
16. Was the request for compensation timely?		Yes

PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a), and D.98-04-059). (For each contribution, support with specific reference to the record.)

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
(A) <i>General Issues</i> NRDC engaged on all issues involved in this application, both in the	<ul style="list-style-type: none"> D. 16-01-023: “On July 9, 2015, SCE and other parties filed a motion (Motion) requesting that the Commission adopt a Settlement Agreement Resolving Phase 1 of 	Verified. NRDC’s representation of the terms of the settlement approved

<p>formal proceedings and in the settlement negotiations that led to the final adopted decision. While it would violate CPUC Rule 12 governing settlements to disclose all of the specific contributions NRDC made to the final settlement agreement, those contributions were numerous. Throughout the settlement process, NRDC led a coalition comprised of the Greenlining Institute, Sierra Club, Environmental Defense Fund, Plug In America, the Coalition of California Utility Employees, Honda Motor Company, General Motors, and the Alliance of Automobile Manufacturers. NRDC’s leadership and coordination of this broad and diverse coalition streamlined the settlement negotiation process and facilitated a near all-party settlement because the coalition negotiated as a block, providing collective, consensus-based demands and unified edits to settlement documents.</p>	<p>Southern California Edison Company’s (U338E) Application for Approval of its Charge Ready and Market Education Programs (Proposed Settlement). The settling parties are SCE, American Honda Motor Co., Inc. (American Honda), CALSTART, California Energy Storage Alliance (CESA), ChargePoint, Inc. (ChargePoint), Coalition of California Utility Employees, Environmental Defense Fund (EDF), General Motors, LLC, Greenlining Institute, Natural Resource Defense Council (NRDC), NRG Energy, Inc., Office of Ratepayer Advocates (ORA), Plug In America, Sierra Club, The Utility Reform Network (TURN), and Vote Solar (collectively referred to as “Joint Settling Parties” or “Settling Parties”).” Pages 2-3.</p> <ul style="list-style-type: none"> • See also Attachment 2, <i>Response of Public Interest, Automaker, and Labor Groups to Motions to Consolidate Proceedings</i>, filed by NRDC on April 27, 2015. 	<p>in D.16-01-023 is accurate and its description of its prior litigation positions is also accurate. Pursuant to D.94-10-029, the Commission has discretion to award compensation to parties who participated in settlement agreements, when there is a finding that they made a substantial contribution to a decision. We find that NRDC’s participation in the settlement made a substantial contribution to D.16-01-023</p>
<p><i>(B) Increasing access in disadvantaged communities</i></p> <p>On behalf of the five steering committee members of Charge Ahead California Campaign (NRDC, The</p>	<ul style="list-style-type: none"> • D. 16-01-023: Rebates for charging stations in disadvantaged communities should cover 100% of the base charging station cost. (p. 62) • D. 16-01-023: “Finding of Fact 12. Customer participants located in disadvantaged communities may not have adequate private capital to invest in EV 	<p>Verified</p>

<p>Greenlining Institute, Environment California, Communities for a Better Environment, and the Coalition for Clean Air), which sponsored the Charge Ahead California Initiative (Senate Bill 1275, De León, 2014), NRDC filed both an extensive response to the Charge Ready application of Southern California Edison (SCE) and a pre-hearing conference statement, which included extensive comments on the importance of increasing access to EVs in disadvantaged communities identified pursuant to the Senate Bill 535 (De León, 2013) and to further and complement the goals of Senate Bill 1275. Likewise, we also recommended extensive education and outreach, especially in disadvantaged communities.</p>	<p>charging stations, which could discourage program participation by customer participants in disadvantaged communities.” (p. 54)</p> <ul style="list-style-type: none"> • D. 16-01-023: “Finding of Fact 22. Senate Bill 535 requires that 10% of the Greenhouse Gas Reduction Fund be allocated to projects located in disadvantaged communities. The Proposed Settlement term to deploy at least 10% of charging stations in disadvantaged communities is uncontested.” (p. 55) • D. 16-01-023: “Finding of Fact 24. The Proposed Settlement term requiring supplier diversity is uncontested.” (p. 56) • D. 16-01-023: “Conclusion of Law 23. It is reasonable for the Charge Ready Program to support SCE’s companywide Diversified Business Enterprise 40% diverse spending goal.” (p. 59) • D. 16-01-023: “Finding of Fact 28. SCE intends to invest \$3 million in education and outreach for Phase 1, which represents a significant commitment to education and outreach that can be enhanced and improved in Phase 2.” (p. 56) • D. 16-01-023, p. 8, Settlement Guiding Principles: “11. Support SCE’s companywide Diversified Business Enterprise spending goal of 40%. 12. Provide services in line with legislative goals [e.g., Senate Bill (SB) 535 (de León, 2013) and SB 1275 (de León, 2014)] to serve disadvantaged communities and increase access to clean transportation. 13. Complement other utility clean energy programs and other non-utility programs, such as those being implemented pursuant to the Charge Ahead California Initiative established by SB 1275, which will build consumer demand for clean energy and clean vehicles.” 	
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<p><i>(C) Load Management and Fuel Cost Savings</i></p> <p>In the response to SCE’s application filed by NRDC on behalf of the Charge Ahead California Campaign, and in the opening testimony served by NRDC, we repeatedly stressed the need for load management to realize the long-term vision of transportation electrification that avoids negative impacts on the grid and provides grid benefits. (Response, p7; Opening Testimony, pp. 12-16)</p> <p>In opening testimony, NRDC also provided evidence that realizing fuel cost savings relative to gasoline will be critical to accelerating the EV market (Opening Testimony, p. 14)</p>	<ul style="list-style-type: none"> • D. 16-01-023: “Finding of Fact 19. Load management is critical to materializing grid benefits of EV charging, and necessary to avoid any negative impacts on the grid.” (p. 59) • D. 16-01-023 p. 8, Settlement Guiding Principle 6: “Provide for management of EV load to support the grid in a manner that delivers benefits to SCE customers.” • D. 16-01-023 p. 8, Settlement Guiding Principle 7: “Evaluate customer participant strategies that provide EV drivers the opportunity to maximize fuel cost savings relative to conventional transportation fuels • Settlement Agreement Load Management Section: “If there is evidence that load is not being adequately managed to avoid adverse grid impacts from EV charging by Customer Participants, or that EV drivers who charge in a manner that avoids adverse grid impacts are not provided with the opportunity to realize fuel cost savings, or if charging is not leveraging available opportunities to integrate renewable energy, then SCE will consider program modifications, such as a more dynamic price signal seen by EV drivers, or other load management strategies, to be incorporated in Phase 2.” (p. 10) 	<p>Verified</p>
<p><i>(D) The Importance of Both Workplaces and Multi-Unit Dwellings</i></p> <p>In opening testimony, NRDC provided extensive evidence to support deployment in both multi-unit dwellings and workplaces, supported by the consensus of state and national experts. Other parties opposed the deployment of charging stations at workplaces. (NRDC Opening Testimony, pp. 4-11)</p>	<ul style="list-style-type: none"> • Both the settlement agreement and D. 16-01-023 retained the focus on both workplaces and multi-unit dwellings. (Settlement Agreement, p. 3) 	<p>Verified</p>

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?	Yes	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified
<p>c. If so, provide name of other parties: As noted above, NRDC led a coalition comprised of the Greenlining Institute, Sierra Club, Environmental Defense Fund, Plug In America, the Coalition of California Utility Employees, Honda Motor Company, General Motors, and the Alliance of Automobile Manufacturers. Given the broad and diverse nature of this coalition, there were substantial differences in positions with respect to many program design elements, however, we remained unified around the principle that the Commission should test different models to accelerate transportation electrification to meet California’s air quality, equity, and climate goals, to support the electric grid, and provide consumers with a cleaner, cheaper alternative to petroleum based fuels. (See Attachment 2: <i>Response of Public Interest, Automaker, and Labor Groups to Motions to Consolidate Proceedings</i>, filed by NRDC on April 27, 2015)</p>		Verified
<p>d. Intervenor’s claim of non-duplication: NRDC’s advocacy was not duplicative as NRDC coordinated and led a coalition comprised of the Greenlining Institute, Sierra Club, Environmental Defense Fund, Plug In America, the Coalition of California Utility Employees, Honda Motor Company, General Motors, and the Alliance of Automobile Manufacturers. NRDC’s leadership and coordination of this broad and diverse coalition streamlined the settlement negotiation process and facilitated a near all-party settlement because the coalition negotiated as a block, providing collective, consensus-based demands and unified edits to settlement documents. While numerous parties will be claiming for this effort, each party held a unique view and contributed important substantive positions, discussions, etc. There should be no duplication on behalf of NRDC with these other parties. NRDC hosted several of the key settlement negotiations at our office in San Francisco. All meetings and calls with other parties were focused on resolving key issues ahead of time and were kept as brief as possible. In addition, the hours claimed by NRDC are extremely conservative as it takes a substantial amount of time to work with multiple parties (who traditionally do not work together) to resolve issues in order to arrive at one cohesive substantive position and develop documents that all parties could be comfortable with presenting on or submitting. NRDC also shared summaries of key issues at hand, discussed initial responses, and resolved as many issues as possible with other parties before submitting documents to the PUC or to the other settling parties.</p>		Verified

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

<p>a. Intervenor’s claim of cost reasonableness:</p> <p>Since the Commission initiated its “Order Instituting Rulemaking on the Commission’s own motion to consider alternative-fueled vehicle tariffs, infrastructure and policies to support California’s greenhouse gas emissions reduction goals” in 2009, NRDC has been consistently the most engaged public interest group on issues related to transportation electrification at the Commission.</p> <p>Well before it was even filed, NRDC’s vehicles and fuels team contributed substantially toward the design of SCE’s “ChargeReady” application, meeting with SCE’s transportation electrification team extensively to improve program design. Once filed in 2014, NRDC was actively engaged in every aspect of the Commission’s formal consideration of the application, while also leading a broad and diverse coalition in parallel settlement negotiations, helping to make a near all-party settlement possible. This claim is modest relative to the substantial contributions NRDC made to the application, the proceeding, the settlement agreement, and D. 16-01-023.</p>	<p style="text-align: center;">CPUC Discussion</p> <hr/> <p style="text-align: center;">Verified</p>
<p>b. Reasonableness of hours claimed:</p> <p>Many, if not most, of the hours required to build consensus positions within the large and diverse coalition led and coordinated by NRDC, which required multiple coalition meetings and calls, as well as numerous bilateral conversations, are not claimed here.</p> <p>In addition, no time is claimed for internal consultation with NRDC’s broad and experienced team of utility energy and transportation policy experts, many members of which provided advice and insight into the policy recommendations and negotiating positions taken by Max Baumhefner, the only practitioner for whom hours are claimed in this document.</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 even though their expertise was critical to ensuring productive recommendations; and (3) we claim no time for travel or any other related fees nor do we claim time for internal review of the intervenor compensation claim..</p> <p>In addition, the rates requested by NRDC are purposefully conservative and low on the ranges approved by the Commission, even though Mr. Baumhefner’s expertise and experience 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. NRDC took every effort to coordinate with other stakeholders to reduce duplication and increase the overall efficiency of the proceeding. Since NRDC’s work was efficient, hours extremely conservative, and billing rates low, NRDC’s request for compensation should be granted in full.</p>	<p style="text-align: center;">Verified</p>

<p>c. Allocation of hours by issue: Note: Hours related to confidential settlement negotiations are not allocated to specified individual issues, but included in the “General Issues” (A) category, per CPUC Rule 12 governing the confidentiality of settlement negotiations. A – 81% B - 10% C - 4% D - 5%</p>	<p>Verified</p>
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B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
M. Baumhefner Attorney	2014	22	\$225	D.15-09-020	\$4,950	22	\$225	\$4,950.00
M. Baumhefner Attorney	2015	63	\$235	D.15-09-020	\$14,805	63	\$235	\$14,805.00
M. Baumhefner Attorney	2016	1	\$235	D.15-09-020	\$235	1	\$235	\$235.00
Subtotal: \$19,990						Subtotal: \$19,990.00		
INTERVENOR COMPENSATION CLAIM PREPARATION**								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
M. Baumhefner Attorney	2016	2	\$117.50	Half of 2016 Rate Res ALJ-308	\$235	2	\$117.50	\$235.00
Subtotal: \$235						Subtotal: \$235.00		
TOTAL REQUEST: \$20,225						TOTAL AWARD: \$20,225.00		
<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. 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.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer’s normal hourly rate.</p>								

ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR ¹	Member Number	Actions Affecting Eligibility (Yes/No?)
Max Baumhefner	July, 2010	270816	No

C. Intervenor Comments on Part III:

Attachment or Comment #	Description/Comment
Comment #1	<p><u>Rate Rationale for Max Baumhefner:</u> Mr. Baumhefner has 6 years of experience in 2016.</p> <ul style="list-style-type: none"> • 2014: \$225 per D.15-09-020 • 2015: \$235 per D.15-09-020 • 2016: \$235 per D.15-09-020 as an updated resolution has not yet been issued to provide guidance on 2016 intervenor rates. NRDC reserves the right to file an amended claim when such guidance is issued.

PART IV: OPPOSITIONS AND COMMENTS

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

FINDINGS OF FACT

1. NRDC has made a substantial contribution to D.16-01-023.
2. The requested hourly rates for NRDC'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 \$20,225.00.

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

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 \$20,225.00.
2. Within 30 days of the effective date of this decision, Southern California Edison Company shall pay Natural Resources Defense Council (NRDC) the total award. 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 June 08, 2015, the 75th day after the filing of NRDC'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 Sacramento, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1601023		
Proceeding(s):	R1410014		
Author:	ALJ Farrar		
Payer(s):	Southern California Edison Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Natural Resources Defense Council	March 25, 2016	\$20,225.00	\$20,225.00	N/A	N/A

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Max	Baumhefner	Attorney	NRDC	\$225	2014	\$225
Max	Baumhefner	Attorney	NRDC	\$235	2015	\$235
Max	Baumhefner	Attorney	NRDC	\$235	2016	\$235

(END OF APPENDIX)