

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 AWARDING INTERVENOR COMPENSATION TO ENVIRONMENTAL DEFENSE FUND FOR SUBSTANTIAL CONTRIBUTION TO DECISION 16-01-023

Intervenor: Environmental Defense Fund	For contribution to Decision (D.) 16-01-023
Claimed: \$41,530	Awarded: \$40,415.00 (reduced 2.6%)
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, the 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:		
3. Date NOI filed:	March 3, 2015	Verified.
4. Was the NOI timely filed?		Yes, Environmental Defense Fund (EDF) timely filed the notice of intent to claim intervenor compensation.
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R. 12-06-013	Verified.
6. Date of ALJ ruling:	February 25, 2013	Verified.
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		Yes, EDF is a customer, as defined in Pub. Util. Code § 1802(b)(1)(C).
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A. 14-11-003/A.14-11-004	Verified.
10. Date of ALJ ruling:	April 1, 2015	Verified.
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes, EDF demonstrated a rebuttable presumption of significant financial hardship.

Timely request for compensation (§ 1804(c)):		
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:		February 26, 2016
16. Was the request for compensation timely?		Yes, EDF timely filed the claim for intervenor 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
<p>1. Scope of Settlement</p> <p>EDF actively participated from the inception of the proceeding and in the settlement of the Phase 1 issues.</p>	<p>1. Procedural Background</p> <p>“On July 9, 2015, SCE and other parties filed a motion (Motion) requesting that the Commission adopt a Settlement Agreement Resolving Phase 1 of Southern California Edison Company’s (U338E) Application for Approval of its Charge Ready and Market Education Programs (Proposed Settlement).</p> <p>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> <p>3.3 Rebate Amount</p> <p>“EDF’s testimony supports rebates and argues that site</p>	<p>Environmental Defense Fund’s representation of the terms of the settlement approved 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</p>

<p>2. Benefits of Rebates</p> <p>EDF provided testimony on the benefits of rebates for host sites. EDF argued that site hosts will be hesitant to purchase charging stations if they are too costly, but that it is also important for the site host to have a financial stake as a recipient of any ratepayer subsidies beyond the responsibility of operations and maintenance.</p>	<p>hosts will be hesitant to purchase charging stations if they are too costly, but that it is also important for the site host to have a financial stake as a recipient of any ratepayer subsidies beyond the responsibility of operations and maintenance. EDF suggested that after Phase 1 concludes, SCE should evaluate whether giving partial or full rebates to site hosts for charging station purposes is resulting in stations that are used and useful.²³ EDF suggests that rebates be designed on a sliding scale based on need, and that a rebate of at least 50% would strike a balance between ensuring the site host has an interest in the success of the charging station and still providing a high enough incentive to promote charging station purchases.²⁴</p> <p>²³ <i>Rebuttal Testimony of Environmental Defense Fund</i> (EDF-02) at 10.</p> <p>²⁴EDF-02 at 11.” Page 11.</p> <p>“We agree with EDF and TURN that SCE should use Phase 1 to evaluate whether the rebate levels are appropriate. Because the market is relatively new, it makes sense to test rebates at levels that can change as we collect data about what works.” Pages 13-14.</p>	<p>they made a substantial contribution to a decision. We find that Environmental Defense Fund’s participation in the settlement made a substantial contribution to D.16-01-023.</p> <p>Verified, at Page 16.</p>
<p>3. Regulatory Process and Transition</p> <p>EDF advocated for a regulatory process and transition from Phase 1 to Phase 2 that did not impede the momentum of the project.</p>	<p>3.8 Regulatory Process and Transition</p> <p>“TURN recommends in its testimony that SCE amend and re-file the Phase 2 portion of its testimony after Phase 1 is completed. ...</p> <p>EDF responds that TURN’s recommendations would lead to inappropriate delay. Instead, EDF states that Phase 2 should continue without a loss of momentum from Phase 1, and agrees with SCE that the Commission should call for Phase 2 testimony and hearings, if necessary, as soon as SCE files its pilot report and any revisions to its Phase 2 testimony.⁶⁶</p> <p>⁶⁶ EDF-02 at 12.” Page 25</p> <p>“We agree with SCE that certain efficiencies may exist in moving seamlessly from a pilot to full-scale deployment, and we are sympathetic to parties’ calls for rapid movement. However, we cannot abdicate our</p>	<p>Verified, at Pages 29-30.</p> <p>Verified, at Pages 30-31.</p>

<p>4. Load Management</p> <p>EDF advocated for an adequate dynamic rate component as a price signal to EV drivers for charging that assists in load management.</p> <p>In addition, EDF advocated for metrics to determine the effectiveness of managing the charge load.</p>	<p>responsibility as a regulatory agency or relinquish the process needed to adequately review a proposal for Phase 2 deployment. ...</p> <p>That being said, we do find it reasonable to minimize the regulatory delay to the extent feasible. Thus, as noted above, SCE must submit a pilot report after at least 12 months of program implementation and at least 1,000 charging station installations, but in any event, within 24 months of program implementation.” Page 26</p> <p>3.9 Load Management</p> <p>“EDF explains that EVs can result in a range of environmental and grid benefits, such as responding to ramping needs and assisting in renewable integration. EDF claims that SCE’s proposal is missing an adequate dynamic rate component⁷³ and expresses concerns that the TOU rate proposed by SCE will not necessarily result in a price signal to EV drivers to charge at a particular time, which will not result in grid benefits. EDF recommends SCE go beyond requiring Level 2 charging stations be demand response-capable, proposing that SCE require station vendors to charge EV drivers based on a dynamic rate that is visible to EV drivers, such as day-ahead hourly or volumetric rate, or a TOU rate with a critical peak pricing component.⁷⁴ In response to NRDC’s testimony, EDF states that SCE’s proposal to not require that site hosts pass through TOU price signals to EV drivers is problematic, and suggests SCE do more to ensure managed EV charging.⁷⁵</p> <p>⁷³EDF-01 at 6 – 7.</p> <p>⁷⁴EDF-01 at 22 – 23.</p> <p>⁷⁵EDF-02 at 5 – 6.” Page 29.</p> <p>“Load management is not only critical to materializing grid benefits of EV charging, but also necessary to avoid any negative impacts on the grid. EDF and GPI’s arguments that a dynamic rate of some sort for EV drivers may be necessary to achieve grid benefits may have merit, but we won’t know that for sure until we test various ways to achieve grid benefits available through EV charging in the market segments being offered. There is limited information on the charging behaviors of EV drivers that live in Multi-Unit Dwellings.” Page 30.</p>	<p>Verified at Pages 34-35.</p> <p>Verified, at Page 36.</p> <p>Verified, at Page 36-37.</p>
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	<p>“The Proposed Settlement provides that SCE will educate site hosts about TOU rates and other programs that encourage EV charging in a way that supports the electrical grid, and will evaluate and compare different site host load management strategies, including whether price signals are being passed to the driver. The Proposed Settlement states that SCE will consider program modifications for Phase 2 if there is evidence that load is not being adequately managed to avoid adverse grid impacts from EV charging or customer participants, if 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 does not leverage available opportunities to integrate renewables. The Proposed Settlement states that SCE agrees to create, or have identified and adopted, a demand response program, as detailed in SCE’s application, within three years of the Proposed Settlement being adopted by the Commission, subject to any necessary regulatory approvals.” Page 31.</p> <p>“Furthermore, we direct SCE to work with the Advisory Board to determine metrics needed to evaluate the effectiveness of the Load Management strategies in achieving the Guiding Principles of the Settlement.¹ Energy Division is authorized to modify and approve the Load Management metrics recommended by the Advisory Board, and informally communicate any such modification or approval via its participation on the Advisory Board. EDF suggests metrics that serve as a starting point for measuring the effect of managing the EVs’ charging load.⁸³ Further refinements to these metrics were suggested by the Settling Parties in their comments on the proposed decision.</p> <p>⁸³EDF-02 at 31.” Page 32.</p>	<p>Verified, at Page 38.</p>
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¹ Guiding Principles 6, 7, and 1c relate to Load Management in that a site host’s strategy should adverse grid impacts, realize cost savings, and integrate renewable energy or complement other clean energy programs.

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.
c. If so, provide name of other parties: Natural Resources Defense Council, Sierra Club, Greenlining Institute.		Yes.
d. Intervenor's claim of non-duplication: EDF's advocacy was not duplicative of other parties' efforts. EDF produced stand-alone documents and presentation materials during the proceeding that emphasized the importance of load management. More specifically, EDF was a staunch advocate for ensuring that SCE makes every effort to ensure that electric vehicles are encouraged to charge at times when energy usage is not at peak levels or when there is an abundance of renewable energy on the grid – whether it is through SCE's TOU pricing structure or some other load management technique. EDF's efforts in this realm were pivotal to how these items were characterized in the final Settlement Agreement and the Commission's subsequent Final Decision with respect to the Settlement Agreement. In addition, EDF's testimony in this proceeding, which laid out metrics that the Commission could use to evaluate whether SCE's programs were successful were included, with modifications negotiated between EDF and SCE, in the final decision.		Agreed, EDF did not engage in duplicative participation.

PART III: REASONABLENESS OF REQUESTED COMPENSATION**A. General Claim of Reasonableness (§ 1801 and § 1806):**

	CPUC Discussion
a. Intervenor's claim of cost reasonableness: EDF's costs were reasonable during Phase 1 of the proceeding. The office carefully considered its advocacy during Phase 1 and attempted to use cost-effective methods over the course of the proceeding.	Verified.
b. Reasonableness of hours claimed: EDF worked diligently throughout the process to only spend a reasonable and prudent amount of time.	Verified, but <i>see</i> CPUC Disallowances and Adjustments, below.
c. Allocation of hours by issue: All of EDF's work involved the implementation and benefits of electric vehicle charging in California, specifically in SCE's territory.	Verified.

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Steven Moss	2014	3	\$215	D. 16-01-042	\$645.00	8.00	215.00	\$1,720
Steven Moss	2015	5	\$215	D. 16-01-042	\$1,290	All hours worked in 2014.		\$00.00
Larissa Koehler	2014	6	\$222	D. 15-11-037	\$1,332	6.00	220.00 [1]	\$1,320.00
Larissa Koehler	2015	79.5	\$222	D. 15-11-037	\$17,649	78.5 [2]	220.00	\$17,270.00
Larissa Koehler	2016	2.5	\$222	D. 15-11-037	\$555.00	2.50	220.00	\$550.00
James Fine	2014	2	\$365	D. 16-01-042	\$730	2.00	365.00	\$730.00
James Fine	2015	28	\$365	D. 16-01-042	\$10,220	28.00	365.00	\$10,220.00
James Fine	2016	1	\$365	D. 16-01-042	\$365	1.00	365.00	\$365.00
Jennifer Weberski	2014	1	\$400	D. 15-11-037	\$400.00	1.00	400.00	\$400.00
Jennifer Weberski	2015	15.5	\$400	D. 15-11-037	\$6,200	15.50	400.00	\$6,200.00
Subtotal: \$39,386						Subtotal: \$38,775.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Jennifer Weberski	2016	6	\$200	D. 15-11-037	\$1,200	6.00	200.00	\$1,200.00
Larissa Koehler	2016	4	\$111	D. 15-11-037	\$444	4.00	110.00	\$440.00
Subtotal: \$1,644						Subtotal: \$1,640.00		

COSTS				
#	Item	Detail	Amount	Amount
1	Postage	Cost of mailing for duration of proceeding	\$500	\$00.00 [3]
TOTAL REQUEST: \$41,530			TOTAL AWARD: \$40,415.00	
<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 ²	Member Number	Actions Affecting Eligibility (Yes/No?)	
Larissa Koehler	June 4, 2013	289581	No	

C. CPUC Disallowances and Adjustments:

Item	Reason
[1]	The Commission notes a typographical error on page 5 of D.15-11-037, which states Koehler's 2014 rate is \$222. This should read \$220, as is reflected by the calculation of the award and the appendix to D.15-11-037.
[2]	The Commission does not compensate attorneys for work that is clerical, as compensation for such work has been factored into the approved rate. The Commission disallows 1 hour of Koehler's time for document filing, which is clerical, on June 5, 2015.
[3]	EDF did not provide receipts for the cost of the mailings. The Commission will not compensate for expenses without sufficient documentation.

² This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

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. EDF has made a substantial contribution to D.16-01-023.
2. The requested hourly rates for EDF'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 \$40,415.00.

CONCLUSION OF LAW

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

ORDER

1. Environmental Defense Fund shall be awarded \$40,415.00.
2. Within 30 days of the effective date of this decision, Southern California Edison Company shall pay Environmental Defense Fund 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 May 11, 2016, the 75th day after the filing of Intervenor's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. This decision closes the proceeding.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1601023		
Proceeding(s):	A1410014		
Author:	ALJ Farrar		
Payer(s):	Southern California Edison Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Environmental Defense Fund (EDF)	2/26/2016	\$41,530.00	\$40,415.00	N/A	See CPUC Disallowances and Adjustments, above.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Steven	Moss	Expert	EDF	\$215	2014	\$215.00
Steven	Moss	Expert	EDF	\$215	2015	N/A
James	Fine	Expert	EDF	\$365	2014	\$365.00
James	Fine	Expert	EDF	\$365	2015	\$365.00
James	Fine	Expert	EDF	\$365	2016	\$365.00
Jennifer	Weberski	Advocate	EDF	\$400	2014	\$400.00
Jennifer	Weberski	Advocate	EDF	\$400	2015	\$400.00
Jennifer	Weberski	Advocate	EDF	\$400	2016	\$400.00
Larissa	Koehler	Attorney	EDF	\$222	2014	\$220.00
Larissa	Koehler	Attorney	EDF	\$222	2015	\$220.00
Larissa	Koehler	Attorney	EDF	\$222	2016	\$220.00

(END APPENDIX)