

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Develop a Successor to Existing Net Energy Metering Tariffs Pursuant to Public Utilities Code Section 2827.1, and to Address Other Issues Related to Net Energy Metering.	Rulemaking 14-07-002 (Filed July 10, 2014)
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**DECISION GRANTING COMPENSATION TO VOTE SOLAR
FOR CONTRIBUTION TO DECISION 16-01-044**

Intervenor: Vote Solar	For contribution to Decision (D.) 16-01-044
Claimed: \$102,843.50	Awarded: \$103,503.30
Assigned Commissioner: Michael Picker	Assigned ALJ: Anne E. Simon

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	D.16-01-044 implements some of the provisions of Assembly Bill (AB) 327 (Perea), Stats. 2013, ch. 611. AB 327, among other things, adds Section 2827.1 to the Public Utilities Code, requiring the Commission to develop “a standard contract or tariff, which may include net energy metering (NEM), for eligible customer-generators with a renewable electrical generation facility that is a customer of a large electrical corporation.”
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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):	10/30/2014	Verified
2. Other specified date for NOI:		

3. Date NOI filed:	11/20/2014	Verified
4. Was the NOI timely filed? Yes		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 12, 2014	Verified
7. Based on another CPUC determination (specify):	Please see Part C for additional information regarding Vote Solar's status	
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:	12/12/2014	Verified
11. Based on another CPUC determination (specify):	See also D.15-06-022, D.13-07-046	
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.16-01-044	Verified
14. Date of issuance of Final Order or Decision:	2/5/2016	Verified
15. File date of compensation request:	4/4/2016	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor's Comment(s)	CPUC Discussion
	<p>Regarding Vote Solar's customer status, at the start of 2015, Vote Solar amended and restated its bylaws and articles of incorporation. These amended governance documents were submitted to the Commission on March 20, 2015 as part of Vote Solar's NOI in R.14-10-003.</p> <p>Through the revised NOI in R.14-10-003, Vote Solar reaffirms its status as a "Category 3" customer as its articles of incorporation and</p>	

	<p>bylaws continue to provide that the organization is authorized to represent the interest of its members that receive residential electric service in proceedings before state agencies when related to Vote Solar’s organizational purpose. The Administrative Law Judge for R.14-10-003 has not issued a determination on Vote Solar’s revised NOI at the time of the submission of this claim for compensation.</p>	
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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>Issue A. Whether the Commission should preserve the basic net metering structure as the successor tariff, with some possible modifications, as an appropriate way to meet the key statutory requirements of Section 2827.1</p> <p>Vote Solar proposed that the successor tariff should preserve the basic net metering structure, with some possible modifications (described below), because doing so will fulfill the key statutory requirements in Section 2827.1(b) to “ensure that customer-sited renewable distributed generation continues to grow sustainably” and to adequately balance the costs and benefits to all IOU ratepayers.</p> <p>Vote Solar/SEIA</p>	<p>D.16-01-044, pdf, p.86: “We therefore choose to continue the basic NEM structure, while aligning the responsibilities of NEM customers more closely with those of other customers in their customer class. This approach will result in rates for customer-generators that are just and reasonable.”</p> <p>D.16-01-044 Finding of Fact 32, p.110: “Continuing net energy metering with NEM successor tariff customers paying reasonable charges for interconnection and paying nonbypassable charges for all electricity consumed from the grid, as well as being on an applicable TOU rate, is likely to allow customer-sited renewable DG to continue to grow sustainably.”</p> <p>D.16-01-044, pdf, p. 113 (Concl. Of Law 1): “In order to ensure that customer-sited renewable DG continues to grow sustainably, the successor to the current NEM tariff</p>	<p>Verified.</p>

<p>(collectively, “Solar Parties”) Proposal, Aug 3, 2015, p ii: “AB 327... provides that the successor NEM tariff adopted by the Commission must ensure that the DG industry continues to ‘grow sustainably.’ ... the overall level of DG adoption that the Public Tool models, assuming continuation of NEM, is about 8,000 MW (8 GW) installed from 2017-2025. This 8 GW is, however, at the low end of what we consider to be sustainable for the industry and for attaining the state’s clean energy and GHG goals. This result underscores the need for the Commission to maintain the basic, time-tested structure of NEM, without the inevitable disruption that would occur with a move to a completely new compensation paradigm.”</p> <p>Vote Solar/SEIA Proposal, Aug 3, 2015, p.2: “The Solar Parties’ proposal for a NEM successor tariff is to continue the basic structure of NEM in California – that is, to allow a DG customer to use the production from its own DG system to offset its on-site electric use, and, when DG output exceeds on-site use and the customer’s meter rolls backward, to receive a rate credit based on the volumetric components of the customer’s retail rate. Continuing to offer NEM is justified from a cost-benefit perspective when one evaluates the impacts on</p>	<p>should be a tariff using net energy metering, with modifications.”</p>	
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<p>all of the customers of the investor-owned utilities (IOUs).”</p> <p>Vote Solar/SEIA Proposal, Aug 3, 2015, p.i: “The results of the Solar Parties’ Base Case modeling with the Public Tool demonstrate that our NEM successor tariff satisfies the metrics adopted in AB 327 [P.U. Code §2827.1(b)(1),(3), (4), and (5)]. The results of the Total Resource Cost (TRC) and Societal tests show benefit/cost ratios greater than 1.0, indicating that our proposed tariff will result in a reasonable balance of total benefits and total costs “to all customers and the electrical system,” as required by §2827.1(b)(4). Continuing NEM will result in about \$900 million per year in net benefits for all ratepayers over the 2017-2025 period, in the form of lower overall bills for electric service.”</p>		
<p>Issue B. Whether certain fee adjustments are appropriate in conjunction with preserving net metering to meet the key statutory requirements of Section 2827.1— namely, assessing four specific non-bypassable charges (NBCs) on all energy purchases from the utility, and requiring customers using the successor tariff to pay interconnection costs</p> <p>Vote Solar/SEIA Proposal,</p>	<p>The decision removed the 2 categories of NBCs that we opposed in the PD, and approved including those NBCs that we supported.</p> <p>D.16-01-044, pdf, Finding of Fact 43: It is reasonable for a NEM successor tariff customer to pay the nonbypassable charges identified in this decision on the customer’s total consumption from the grid in each metered interval.</p> <p>D.16-01-044, pdf, pp. 89-90: “NEM successor tariff customers must pay nonbypassable charges on each kWh of electricity they consume from the grid in</p>	<p>Verified.</p>

<p>Aug 3, 2015, p ii: “The Solar Parties also examined a sensitivity case that includes two possible modifications to NEM that shift some costs to participants while retaining the retail rate credit that is the essence of NEM. The first change is to remove non-bypassable public purpose program, nuclear decommissioning, competition transition charges, and Department of Water Resources bond costs from the retail rate credit for exported power. Such an adjustment to NEM may be viewed as more equitable, since it would result in DG customers contributing to these programs based on their total rather than their net use of power from the utility system. The second modification that the Solar Parties include in this sensitivity case is for new DG customers to begin to pay upfront for the interconnection and processing costs associated with connecting their systems to the grid, so that non-participants do not pay for NEM program costs.”</p> <p>Vote Solar, TASC, SEIA and CALSEIA (collectively “Joint Solar Parties” or “JSP”) Comments on the PD, Jan 7, 2016, p. 7: “...the text of the PD states generally that it is reasonable for NEM customers to pay NBCs because “nonbypassable charges support important programs that are used by and benefit all ratepayers, including NEM customers” and “this is a</p>	<p>each metered interval. This will eliminate the reduction in available kWh on which to pay the nonbypassable charges that now occurs when such charges are assessed only on the netted-out volume of electricity consumed from the grid, by mandating payment of nonbypassable charges on the full amount of electricity the NEM successor tariff customer receives from the grid, as with other customers. For purposes of the NEM successor tariff, the relevant nonbypassable charges are: Public Purpose Program Charge; Nuclear Decommissioning Charge; Competition Transition Charge; and Department of Water Resources bond charges... Because these are the charges that were modeled as “nonbypassable” in the Public Tool, parties’ analysis of their proposals incorporated these four charges as the relevant nonbypassable charges. The use of these four generally well-understood charges in the Public Tool provides a sound basis for specifying them as nonbypassable for the NEM successor tariff.” [Fn 102: The term nonbypassable charges is also used for a larger group of charges found in economic development rates. (See, e.g., D.13-10-019.) Because this expanded version of nonbypassable charges was not part of the development of proposals in this proceeding, we do not use it for the NEM successor tariff.]</p> <p>D.16-01-044, pdf, p. 113, Conclusion of Law 5: “In order to better align the charges for customers using the NEM tariff with charges for other customers, NEM customers should pay a reasonable fee for interconnection of their systems.”</p> <p>D.16-01-044, pdf, p. 114, Conclusion</p>	
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<p>reasonable change to the NEM tariff regime that is unlikely to have a significant impact on the economics of customer generation systems.” While these statements are justified with respect to PPP, ND, CTC and DWR charges, based on Commission precedent and the Public Tool modeling contained in the record, they are not justified with respect to the transmission and the New System Generation charges.”</p>	<p>of Law 7. “In order to ensure that interconnection fees for NEM customers are just and reasonable, any such fees for systems smaller than 1 MW in size should be based on each IOU’s costs of interconnection, using the actual costs recorded in their respective June 2015 advice letters, filed in compliance with D.14-05-033 and Res. E-4610. The actual amount of the fee should include only the following costs from the advice letter filings: NEM Processing and Administrative Costs, Distribution Engineering Costs, and Metering Installation/Inspection and Commissioning Costs.”</p>	
<p>Issue C. Whether the successor tariff structure and additional charges proposed by PG&E fulfill the key statutory requirements of Section 2827.1. In addition, whether PG&E’s proposed demand charge is appropriate for residential NEM customers.</p> <p>JSP Comments on Party Proposals, Sept 1, 2015, p. 65: “Using the JSP’s reasonable assumptions in the Public Tool, with or without DG/RPS Parity, the RIM results from the proposals of other parties are, in almost all cases, generally much higher than 1.0, which indicates an unwarranted cost shift from solar customers to nonparticipating ratepayers... Proposals with RIM results significantly higher than 1.0 should be rejected. California’s clean energy goals will be delayed and</p>	<p>D.16-01-044, pdf, p.65: “The Solar Parties and TURN oppose PG&E’s proposal to institute a demand charge. They argue that it is complex and conceptually difficult to understand for residential customers, asserting that such customers spend only a few minutes a year focused on their utility bills. They also state that the Commission rejected a demand charge as too complex a proposal in R.12-06-013, the residential rates proceeding. In addition, the Solar Parties state that PG&E’s proposed demand charge would overcharge NEM customers for their use of the distribution system.”</p> <p>D.16-01-044, pdf, p.108, Finding of Fact 15: “PG&E has not demonstrated in this proceeding that residential customers taking service under a NEM successor tariff would understand its proposed demand charges any more readily than other residential customers understand demand charges.”</p> <p>D.16-01-044, pdf, pp.66-67: “Since PG&E’s proposal is expressed as the</p>	<p>Verified.</p>

<p>complicated if the NEM successor tariff requires solar customers to subsidize other ratepayers in addition to bearing the full cost of their DG systems.”</p> <p>JSP Comments on Party Proposals, Sept 1, 2015, pp.50-51: “There is no reason to think that residential customers considering installation of customer-sited renewable DG will be any less confused by the implementation of a demand charge than other residential customers. Indeed, these customers will be faced with trying to understand a demand charge in conjunction with the process of installing solar, which already is a complex transaction for most residential customers. ... Under the proposals that include demand charges, customers may find that their savings vary wildly depending on their demand profile. Savings volatility would adversely impact the ability of developers to reasonably predict savings and residential customers could be reluctant to put enough faith in those savings estimates to make a commitment of 20 years or more.”</p> <p>JSP Comments on Party Proposals, Sept 1, 2015, p.29: “Applying the Public Tool inputs explained in Section III above to other parties’ proposals demonstrates that</p>	<p>creation of a demand charge on a subset of residential customers— NEM residential customers—it is, in effect, an effort to revisit the Commission’s determination in D.15-07-001 that fixed charges, including demand charges, should not be imposed on residential customers before default TOU rates have been established in 2019. That decision was made after extensive party participation and Commission deliberation. It should not be revised through the back door of a demand charge in the NEM successor tariff. For these reasons, and those noted in Section 2.11.6, below, PG&E’s successor tariff proposal should not be adopted.”</p>	
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<p>adopting those proposals would have an excessively negative impact on the solar market, far more adverse than what is shown in those parties' Public Tool results. . . .</p> <p>these results show that, under the other parties' proposals to substantially change NEM in California, solar adoption in California over the nine years from 2017-2025 would, at best, only equal the approximate 5 GW that soon will be installed under the current NEM program. This would not represent an industry that "continues to grow," the goal that the Legislature set in AB 327."</p>		
<p>Issue D. Whether the successor tariff structure and additional charges proposed by SCE fulfill the key statutory requirements of Section 2827.1</p> <p>JSP Comments on Party Proposals, Sept 1, 2015, p.29: "Applying the Public Tool inputs explained in Section III above to other parties' proposals demonstrates that adopting those proposals would have an excessively negative impact on the solar market, far more adverse than what is shown in those parties' Public Tool results... these results show that, under the other parties' proposals to substantially change NEM in California, solar adoption in California over the nine years</p>	<p>D.16-01-044, pdf, pp. 107-108, Finding of Fact 13: "SCE has not demonstrated in this proceeding that its proposed fixed grid access charge for the NEM successor tariff is reasonable in light of the Commission's prior determinations about the timing of potential fixed charges for residential customers."</p> <p>D.16-01-044, pdf, p.114, Conclusions of Law 10: "In order to promote consistency with the Commission's process for making changes to the rate structure for residential customers, the NEM successor tariff should not include any fixed charges, including but not limited to demand charges, grid access fees, or similar charges, unless and until the Commission authorizes the introduction of fixed charges for all residential customers."</p>	<p>Verified.</p>

<p>from 2017-2025 would, at best, only equal the approximate 5 GW that soon will be installed under the current NEM program. This would not represent an industry that “continues to grow,” the goal that the Legislature set in AB 327.”</p> <p>JSP Comments on Party Proposals, Sept 1, 2015, pp.74-75: “While SCE makes a valiant effort to tie its installed capacity charge to costs, it ultimately fails. SCE claims that “system size can be used as an accurate proxy for on-site displaced energy as well as a proxy of the amount of grid services the customer obtains to support and backup its own system,” but all that SCE’s associated analysis proves is that the utility is recovering less revenue as a result of the NEM customer’s installation of solar, not that NEM customers are failing to pay for the cost of the infrastructure necessary to serve them.”</p>		
<p>Issue E. Whether the successor tariff structure and additional charges proposed by SDG&E fulfill the key statutory requirements of Section 2827.1. In addition, whether SDG&E’s proposed grid use charge is appropriate for residential NEM customers</p> <p>JSP Comments on Party Proposals, Sept 1, 2015, p.29:</p>	<p>D.16-01-044, pdf, p.72: “SDG&E’s default unbundled rate proposes fixed charges, demand charges, and compensation rates that are significantly harsher to the NEM successor tariff customer than those proposed by PG&E and SCE... The fundamental change to the NEM tariff that these proposals would make is not adequately justified by SDG&E.”</p> <p>D.16-01-044, pdf, p.108, Finding of Fact 14: “SDG&E has not</p>	<p>Verified.</p>

<p>“Applying the Public Tool inputs explained in Section III above to other parties’ proposals demonstrates that adopting those proposals would have an excessively negative impact on the solar market, far more adverse than what is shown in those parties’ Public Tool results...these results show that, under the other parties’ proposals to substantially change NEM in California, solar adoption in California over the nine years from 2017-2025 would, at best, only equal the approximate 5 GW that soon will be installed under the current NEM program. This would not represent an industry that “continues to grow,” the goal that the Legislature set in AB 327.”</p> <p>JSP Comments on Party Proposals, Sept 1, 2015, pp.50-51: “There is no reason to think that residential customers considering installation of customer-sited renewable DG will be any less confused by the implementation of a demand charge than other residential customers. Indeed, these customers will be faced with trying to understand a demand charge in conjunction with the process of installing solar, which already is a complex transaction for most residential customers.</p> <p>... Under the proposals that include demand charges, customers may find that their</p>	<p>demonstrated in this proceeding that its proposed fixed system access fee for the NEM successor tariff is reasonable in light of the Commission’s prior determinations about the timing of potential fixed charges for residential customers.</p> <p>D.16-01-044, pdf, p.108, Finding of Fact 16: “SDG&E has not demonstrated in this proceeding that residential customers taking service under a NEM successor tariff would understand its proposed grid use charge, a type of demand charge, any more readily than other residential customers understand demand charges.”</p>	
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<p>savings vary wildly depending on their demand profile. Savings volatility would adversely impact the ability of developers to reasonably predict savings and residential customers could be reluctant to put enough faith in those savings estimates to make a commitment of 20 years or more.”</p>		
<p>Issue F. Whether the successor tariff structure and additional charges proposed by ORA fulfill the key statutory requirements of Section 2827.1</p> <p>Opening Brief of JSP, Oct 19, 2015, p. 35: “In the end, once ORA’s ICF reaches its maximum, new NEM customers with a 5kW system would pay a fixed charge of \$50 per month for their choice to assist the state in meeting greenhouse gas goals. Such a proposal is far in excess of any reasonable estimate of customer-related fixed costs incurred by the utilities and should be rejected as extreme and inconsistent with the letter and spirit of Sec. 2827.1.”</p> <p>JSP Comments on Party Proposals, p. 74: “SCE’s and ORA’s proposed \$/kWh charge based on the capacity of the installed system are not consistent with system-wide costing principles...ORA readily acknowledges that its proposed Installed Capacity Fee (ICF) is in no manner a</p>	<p>D.16-01-044, pdf, p.109, Finding of Fact 23: “ORA has not demonstrated that either the initial monthly amount of its proposed installed capacity fee or the escalation of the monthly amount based on an increasing proportion of capacity under the NEM successor tariff in an IOU’s service territory is cost-based.”</p> <p>D.16-01-044, pdf, p.78: “If the money from the ICF is being credited to ratepayers, the ICF should have an accessible connection to costs that are being borne by ratepayers. Other than a general sense that other ratepayers are paying more because NEM customers are paying less in their volumetric rates, ORA does not connect the ICF to a particular quantification that would support using this method to redress the balance. At this time... the Commission should not adopt ORA’s proposed ICF.”</p>	<p>Verified.</p>

<p>cost-based charge but is just a means of shifting revenues...”</p>		
<p>Issue G. Whether and under what conditions the net metering successor tariff should be extended to systems of sizes larger than 1 MW</p> <p>JSP March 16 comments, p. 27: “The Joint Solar Parties believe that expanding access to California’s customer sited renewable energy programs is fair to large users and can be done in a way that addresses each aspect of the requirements of Section 2827.1(b)(5). First, in determining what the Legislature meant by significant impact on the distribution grid, it is important to remember that customer-sited DG projects that seek to interconnect a system above 1 MW will face review under California’s current Rule 21, which is designed to review any proposed interconnection for impacts on the grid through a standardized review process. During that review, if impacts to the distribution system are identified, the interconnecting party is advised of the cost of remedial measures needed to mitigate those impacts, and must pay for those measures in order to interconnect. Therefore, a straightforward definition of “significant impacts to the distribution system” would be to define them as any distribution system impacts identified in the</p>	<p>D.16-01-044, pdf, p.95: “...it is reasonable to allow systems of any size to participate, so long as they meet the statutory requirement of having “no significant impact on the distribution grid.” This can be accomplished by requiring that systems over 1 MW pay all interconnection costs under Rule 21, which will both cover the IOUs’ costs and ensure that the projects themselves will meet the statutory requirement.”</p> <p>D.16-01-044, pdf, p.109, Finding of Fact 27: “A customer-sited renewable DG system sized larger than 1 MW will not have significant impact on the distribution grid if the customer pays all Rule 21 interconnection costs, which will both cover the IOU’s costs and ensure that the projects themselves will not have significant impact on the distribution grid.”</p>	<p>Verified.</p>

<p>interconnection process.”</p> <p>JSP Proposal, Aug 3, p.42: “As stated in our March 16 policy comments, the Solar Parties support expanding access to NEM to systems over one megawatt, while requiring all interconnection upgrade costs, plus all application, processing, and study fees, for systems over 1 MW to be paid by the DG customer.”</p>		
<p>Issue H. Whether and under what conditions virtual net metering (VNEM or VNM) should continue to be offered under the successor tariff</p> <p>JSP March 16 comments, pp.31-32: “Virtual net energy metering (VNEM), multifamily affordable solar housing (MASH) VNM, and NEM aggregation (NEMA) need to be continued as they address specific market barriers and thereby enable a wider array of customers to invest in distributed renewable energy resources consistent with state policies designed to promote such investment... In D.1107031, the Commission also relaxed the requirement that kWh credits could only be transferred between customer VNEM accounts served by the same service delivery point (SDP) for affordable housing properties, stating that the requirement hampered the goal of allocating the benefits of</p>	<p>D.16-01-044, pdf, pp.98-99: “The VNM tariff should be continued as a supplement under the NEM successor tariff. The Commission also adopts the CALSEIA proposal that the VNM tariff should be expanded to allow multiple service delivery points at a single site under the tariff. This has been allowed under the MASH VNM tariff since the adoption of D.11-07-031, and has been used successfully by participants, without administrative problems.”</p> <p>D.16-01-044, pdf, p.122, Findings of Fact 44-46: “44. It is reasonable to continue the VNM tariff, updated to include the requirements of the NEM successor tariff. 45. No adverse effects of the ability to have multiple service delivery points for premises under the MASH VNM tariff have been identified by the IOUs in this proceeding. 46. It is reasonable to allow the use of multiple service delivery points for all premises under the updated VNM tariff.”</p>	<p>Verified.</p>

<p>solar to all tenants on the property and ‘jeopardized otherwise viable projects’... As part of the development of a successor tariff/contract, the Joint Solar Parties believe the time is ripe to consider removing the single SDP barrier for all multitenant properties and allow them to use the more logical boundary already in place for the MASH program as many multi-tenant buildings have more than one SDP and the complexity surrounding serving these properties has stymied growth of customer-sited DG on multi-tenant properties.”</p>		
<p>Issue I. Whether and under what conditions aggregate net metering (NEMA) should continue to be offered under the successor tariff</p> <p>JSP March 16 comments pp. 32-33: “Meter aggregation is also an important element of present NEM tariffs because it allows large customers such as agricultural customers who have multiple meters located on a property they control to design a larger system that will offset as much of their load as possible.... NEMA thereby encourages investment in renewable energy resources by a wide array of customers while providing systemwide benefits. The Joint Solar Parties believe it is therefore important to preserve this element of any successor tariff</p>	<p>D.16-01-044, pdf, p.99: “The NEMA tariff should also be continued as a supplement under the NEM successor tariff.”</p> <p>D.16-01-044, pdf, p.112, Finding of Fact 49: “It is reasonable to continue the NEMA tariff, updated to include the requirements of the NEM successor tariff.”</p>	<p>Verified.</p>

<p>contract.”</p>		
<p>Issue J. Whether the last-minute joint policy proposal of the 3 IOUs submitted in comments on the proposed decision should be adopted.</p> <p>JSP Reply Comments on PD, pp.1-2: “Commission Rule 14.3 is clear. Comments on a proposed decision ‘shall focus on factual, legal or technical errors in the proposed or alternate decision and in citing such errors shall make specific references to the record or applicable law.’ ...The Commission has repeatedly rejected attempts to insert new material into the record through comments on a PD... ...In offering a new proposal for the NEM successor tariff, the IOUs ignore the dictates of Rule 14.3. The IOUs’ proposal must be ignored.</p> <p>In advancing their proposal – that solar customers should no longer be allowed to engage in net metering by offsetting their on-site generation against on-site consumption, but instead should be provided a fixed export compensation rate of 15 cents/kwh for a 10-year periods – the IOUs offer no support in the record. Indeed, they could not, as no party proposed such a construct for the NEM successor tariff.”</p>	<p>D.16-01-044, pdf, p.105: “A new proposal for the NEM successor tariff was made jointly by PG&E, SCE, and SDG&E in their comments on the PD. This proposal is as complex and detailed as an original proposal for the successor tariff might have been. The limited time and page length for reply comments did not provide adequate opportunity for parties to respond to a proposal of that magnitude, nor for the Commission to analyze it adequately.”</p>	<p>Verified.</p>
<p>Deferred to Phase 2: What policy alternatives should be</p>	<p>D.16-01-044, pdf, p.188, Finding of Fact 26: “In order to allow for full</p>	<p>Verified</p>

<p>adopted to provide greater solar access to customers in disadvantaged communities.</p> <p>Because the CPUC has deferred consideration of these issues until Phase 2, we have removed from this intervenor compensation request all time associated with this issue and will seek recovery after the resolution of Phase 2.</p>	<p>and fair consideration of all issues related to the development of alternatives designed for growth of renewable DG among residential customers in disadvantaged communities, the consideration of alternatives for disadvantaged communities should be undertaken in a second phase of this proceeding.”</p>	
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor’s Assertion	CPUC Discussion
<p>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹</p>	<p>Yes</p>	<p>Verified</p>
<p>b. Were there other parties to the proceeding with positions similar to yours?</p>	<p>Yes</p>	<p>Verified</p>
<p>c. If so, provide name of other parties: California Solar Energy Industries Association (“CalSEIA”), Solar Energy Industries Association (“SEIA”), The Alliance for Solar Choice (“TASC”), and to some degree the Interstate Renewable Energy Counsel (“IREC”) and Sierra Club.</p>		<p>Verified</p>
<p>d. Intervenor’s claim of non-duplication: Vote Solar worked diligently to avoid unnecessary duplication of effort and analysis with other parties with similar positions who advocated for solar in the proceeding. For example, Vote Solar and SEIA jointly funded Crossborder Energy’s modeling and analysis of parties’ policy proposals using the Public Tool, which formed the analytical basis for our policy proposals as well as our responses to other parties’ proposals. In addition, we coordinated frequently with CALSEIA, SEIA, TASC and Sierra Club throughout the proceeding to divide the work of developing joint comments and testimony.</p> <p>While we submitted a number of pleadings on our own, we jointly submitted the following pleadings with one or more of the three above-listed groups:</p> <ul style="list-style-type: none"> • October 20, 2014, Post-Workshop Reply Comments Of The Alliance For Solar Choice, The California Solar Energy Industries 		<p>Verified</p>

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

<p>Association, The Vote Solar Initiative And The Solar Energy Industries Association (collectively referred to as “Joint Solar Parties” or “JSP” in issue discussion in Part II Section A above)</p> <ul style="list-style-type: none"> • March 16, 2015, Comments of The Alliance For Solar Choice, The Solar Energy Industries Association, The California Solar Energy Industries Association, And Vote Solar On Policy Issues Associated With Development Of Net Energy Metering Successor Standard Contract Or Tariff • March 30, 2015, Reply Comments of The Alliance For Solar Choice, The Solar Energy Industries Association, The California Solar Energy Industries Association, And Vote Solar On Policy Issues Associated With Development Of Net Energy Metering Successor Standard Contract Or Tariff • August 3, 2015, Proposal of The Solar Energy Industries Association And Vote Solar For A Net Energy Metering Successor Standard Tariff (referred to as “Solar Parties” in Part II Section A above) • September 1, 2015, Comments of The Alliance For Solar Choice, Solar Energy Industries Association, California Solar Energy Industries Association And Vote Solar On Party Proposals • September 30, 2015, Joint Solar Parties Net Energy Metering Successor Tariff Rebuttal Testimony • October 19, 2015, Opening Brief of The Alliance For Solar Choice, Solar Energy Industries Association, California Solar Energy Industries Association And Vote Solar • November 2, 2015, Comments of Vote Solar, The Alliance For Solar Choice, Solar Energy Industries Association, And California Solar Energy Industries Association And In Response To The October 21 Ruling Regarding AB 693 • November 9, 2015, Reply Comments of Vote Solar, The Alliance For Solar Choice, Solar Energy Industries Association, And California Solar Energy Industries Association In Response To The October 21 Ruling Regarding AB 693 • January 7, 2016, Comments of The Alliance For Solar Choice, Solar Energy Industries Association, California Solar Energy Industries Association And Vote Solar On The Proposed Decision Adopting Successor To Net Energy Metering Tariff • January 15, 2016, Reply Comments of The Solar Energy Industries Association, California Solar Energy Industries Association And Vote Solar On The Proposed Decision Adopting Successor To Net Energy Metering Tariff 	
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PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
<p>a. Intervenor’s claim of cost reasonableness: Vote Solar’s participation in this proceeding was directed at policy and environmental matters, and therefore ascertaining direct benefits, in terms of actual dollars, to ratepayers is difficult. Nevertheless, Vote Solar’s actions as an individual party resulted in direct and specific ratepayer benefits in that the Commission determined, as Vote Solar asserted, that preserving net metering in the successor tariff and rejecting other parties’ proposals to add substantial new charges is at this time the best path for IOU ratepayers as a whole. The categories of benefits of renewable DG that accrue to all ratepayers include: grid benefits (including avoided energy, capacity and transmission costs, locational benefits and market price mitigation benefits) and non-grid benefits (including public health benefits, land use benefits, jobs, local economic benefits, and water savings).</p> <p>Therefore, Vote Solar’s participation is fully consistent with D.88-04-066, mimeo, p.3, which states:</p> <p>“With respect to environmental groups, [the Commission has] concluded they were eligible in the past with the understanding that they represent customers whose environmental interests include the concern that, e.g., regulatory policies encourage the adoption of all cost-effective conservation measures and discourage unnecessary new generating resources that are expensive and environmentally damaging. They represent customers who have a concern for the environment which distinguishes their interests from the interests represented by Commission staff, for example.” mimeo, p.3.</p> <p>Ultimately, ratepayers have directly benefitted by the above described advocacy by Vote Solar and its focus on environmental concerns and developing the full potential of solar and other preferred resources.</p>	<p>Verified.</p>
<p>b. Reasonableness of hours claimed: Vote Solar is a small, tightly staffed and budgeted organization with a relatively flat management structure. We continuously strive to bring a unique perspective or contribution to our advocacy at the Commission, and where we have similar positions to allies, we make every effort to divide labor efficiently.</p> <p>Vote Solar worked diligently to avoid unnecessary duplication of effort and analysis with other parties with similar positions who advocated for solar in this proceeding. For example, Vote Solar and SEIA jointly funded Crossborder Energy’s modeling and analysis of parties’ policy proposals using the Public Tool, which formed the analytical basis for our policy</p>	<p>Verified.</p>

proposals as well as our responses to other parties' proposals. The majority of the hours of Crossborder Energy's analysis were completed by Patrick McGuire, who has a significantly lower hourly rate than Tom Beach, in order to minimize costs. In addition, we coordinated frequently with CALSEIA, SEIA, TASC and Sierra Club throughout the proceeding to divide the work of developing joint comments and testimony.

As the timesheets attached hereto indicate, attorney Ronald Liebert assisted Vote Solar on regulatory and legal matters in this proceeding. However, to minimize costs, Vote Solar West Coast Regional Director Susannah Churchill conducted the majority of the regulatory work.

Vote Solar is seeking intervenor compensation for hours claimed by Mr. Liebert. Mr. Liebert has extensive experience representing customer groups and interest groups at the CPUC and the cumulative hours Mr. Liebert spent on this matter is reasonable and necessary. The CPUC has established intervenor compensation rates for Mr. Liebert that is reflected in Part III, Section B of this form.

Vote Solar seeks intervenor compensation for hours claimed by Susannah Churchill, Vote Solar's West Coast Regional Director. Ms. Churchill worked extensively on all aspects of Vote Solar's participation in the proceeding. Ms. Churchill has significant experience at the CPUC as a result of her experience as a Renewable Energy Policy Analyst and Regulatory Analyst within the CPUC's Energy Division, and has participated in many CPUC proceedings on Vote Solar's behalf. In particular, Ms. Churchill has advocated on the part of residential solar customers in R.12-11-005, which addressed a transition period for the NEM program, and R.12-06-013, which addressed residential rate redesign. (See attached request for first time hourly rate for Ms. Churchill; this hourly rate request was also submitted in R.12-06-013 but no ruling has yet been issued by the Commission.)

Vote Solar also seeks intervenor compensation for services provided by experts at Crossborder Energy. Crossborder principal R. Thomas Beach provided extensive input on the design of the Public Tool, developed and ran scenarios using the Public Tool to assess the ratepayer costs and benefits of various successor tariff proposals, and provided Vote Solar's expert testimony in this proceeding. Mr. Beach has 35 years of experience in the utility industry, including 27 as a private consultant and 8 on the staff at the Commission, and he has testified as an expert witness before public utility commissions more than 100 times. Mr. Beach was assisted by Patrick McGuire, Senior Energy Analyst at Crossborder Energy in running scenarios using the Public Tool. Mr. McGuire has more than two decades of experience in the modeling of natural gas and electricity rate designs, energy markets, electric power systems, and

<p>natural gas transportation networks.</p> <p>Ms. Churchill also spent a substantial number of hours in Phase 1 of this proceeding developing policy proposals for customers in disadvantaged communities. D.16-01-044, however, determined that “the entire effort of designing and implementing alternatives for disadvantaged communities should be undertaken in a second phase of this proceeding.” We did not include the hours Ms. Churchill spent on DAC issues in Phase 1 in this claim because we received information from the Commission’s intervenor compensation department indicating that those hours should be removed from this Phase 1 request and, instead, included in Vote Solar’s intervenor compensation request following the completion of Phase 2.</p>	
<p>c. Allocation of hours by issue:</p> <p>Issue A. Whether the Commission should preserve the basic net metering structure as the successor tariff, with some possible modifications, as an appropriate way to meet the key statutory requirements of Section 2827.1. 149.4 hours (33.6%)</p> <p>Issue B. Whether certain fee adjustments are appropriate in conjunction with preserving net metering to meet the key statutory requirements of Section 2827.1— namely, assessing four specific non-bypassable charges on all energy purchases from the utility, and requiring customers using the successor tariff to pay interconnection costs. 76.6 hours (17.2%)</p> <p>Issue C. Whether the successor tariff structure and additional charges proposed by PG&E fulfill the key statutory requirements of Section 2827.1. In addition, whether a demand charge is appropriate for residential NEM customers. 41.2 hours (9.2%)</p> <p>Issue D. Whether the successor tariff structure and additional charges proposed by SCE fulfill the key statutory requirements of Section 2827.1. 19 hours (4.3%)</p> <p>Issue E. Whether the successor tariff structure and additional charges proposed by SDG&E fulfill the key statutory requirements of Section 2827.1. In addition, whether SDG&E’s proposed grid use charge is appropriate for residential NEM customers. 18.9 hours (4.2%)</p> <p>Issue F. Whether the successor tariff structure and additional charges proposed by ORA fulfill the key statutory requirements of Section 2827.1. 17.1 hours (3.8%)</p> <p>Issue G. Whether and under what conditions the net metering successor tariff should be extended to systems of sizes larger than</p>	<p>Verified.</p>

<p>1 MW. 2.4 hours (0.5%)</p> <p>Issue H. Whether and under what conditions virtual net metering (VNEM) should continue to be offered under the successor tariff. 2.3 hours (0.5%)</p> <p>Issue I. Whether and under what conditions aggregate net metering (NEMA) should continue to be offered under the successor tariff. 2.1 hours (0.5%)</p> <p>Issue J. Whether the last-minute joint policy proposal of the 3 IOUs submitted in comments on the proposed decision should be adopted. 0.7 hours (0.2%)</p> <p>Issue K. General and Procedural. 115.5 (26.0%)</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 \$
Ronald Liebert	2014	23.9	\$405	D.14-12-071; D.15-06-026	\$9,679.50	19.5 ²	\$405.00	\$7,897.50
Ronald Liebert	2015	17.1	\$425	D.14-12-071; D.15-06-026; and Comment 1	\$7,267.50	17.1	\$425.00 ³	\$7,267.50
Ronald Liebert	2016	3.3	\$425	D.14-12-071; D.15-06-026; and Comment 1	\$1,402.50	3.3	\$430.00	\$1,419.00
Susannah Churchill	2014	17.65	\$240	First-time rate request Attachment 4	\$4,236.00	17.65	\$240.00 ^[A]	\$4,236.00
Susannah Churchill	2015	52.45	\$240	First-time rate request Attachment 4	\$12,588.00	52.45	\$240.00	\$12,588.00
Susannah Churchill	2016	4.1	\$240	First-time rate Request Attachment 4	\$984.00	4.1	\$245.00	\$1,004.50
Patrick McGuire	2015	157.25	\$189	D.14-06-020 and Comment 3	\$29,720.25	157.25	\$200.00	\$31,450.00

² 4.4 Hours requested for NOI preparation re-categorized as intervenor compensation claim preparation hours.

³ Application of first of 5% step increases for 13+ year experience level.

R. Thomas Beach	2015	75.4	\$340	D.14-06-020 and Comment 2	\$25,636.00	75.4	\$335.00	\$25,259.00
Subtotal: \$ 91,513.75						Subtotal: \$91,121.50		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Eric Janssen	2014	0.7	\$105	D.15-06-026	\$73.50	0.2 ⁴	\$105.00	\$21.00
Deric Wittenborn	2014	5.8	\$100	D.14-12-071	\$580.00	5.8	\$100.00	\$580.00
Deric Wittenborn	2015	0.5	\$100	D.14-12-071	\$50.00	0.5	\$100.00	\$50.00
Subtotal: \$703.50						Subtotal: \$651.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Susannah Churchill	2016	64	\$120	First-time rate request	\$7,680.00	64	\$122.50	\$7,840.00
Ronald Liebert	2014	4.4	\$202.50			4.4	\$202.50	\$891.00
Ronald Liebert	2016	10.9	\$212.50	D.14-12-071; D.15-06-026; and Comment 1	\$2,316.25	10.9	\$215.00	\$2,343.50
Eric Janssen	2016	12	\$52.50	D.15-06-026	\$630.00	12.5	\$52.50	\$630.00
Subtotal: \$10,626.25						Subtotal: \$11,730.75		
TOTAL REQUEST: \$102,843.50						TOTAL AWARD: \$103,503.30		
<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 ⁵			Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation			
Ronald Liebert	12/11/1989			142964	No			

⁴ 0.5 Hours requested for NOI draft preparation re-categorized as intervenor compensation claim preparation hours.

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

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

Attachment or Comment #	Description/Comment
Comment 1	<p>2015 and 2016 Hourly Rate for Attorney Ronald Liebert: For Mr. Liebert's work in 2015 and 2016, Vote Solar seeks an hourly rate of \$425. Mr. Liebert's 2014 hourly rate of \$405 was approved in D.15-06-026. Vote Solar's request to increase Mr. Liebert's 2015 and 2016 hourly rate by 5% is made pursuant to D.08-04-010 and D.07-01-009, which authorize two 5% step increases for practitioners in the 13+ years' experience tier. This request is for approval of the first of the two permitted 5% step increases. Mr. Liebert's requested 2015 and 2016 rate is within the range approved in Resolution ALJ-308 for attorneys with 13+ years of experience.</p>
Comment 2	<p>2015 Hourly Rate for Crossborder Energy Principal R. Thomas Beach: For Mr. Beach's work in 2015, Vote Solar seeks an hourly rate of \$340. Please see the Sierra Club's Intervenor Compensation Request filed in this Rulemaking on March 28, 2016 for an explanation of, and request for, a new 2015 rate for Mr. Beach.</p>
Comment 3	<p>2015 Hourly Rate for Crossborder Senior Energy Analyst Patrick McGuire: For Mr. McGuire's work in 2015, Vote Solar seeks an hourly rate of \$200. Please see the Sierra Club's Intervenor Compensation Request, filed in this Rulemaking on March 28, 2016, for an explanation of, and request for, a new 2015 rate for Mr. McGuire.</p>

D. CPUC Disallowances and Adjustments:

Item	Reason
A	Vote Solar requests a rate of \$240 per hour for work completed by Churchill in 2014. Churchill had at the time over 14 years of experience working in energy policy. The Commission finds reasonable a rate of \$240.00 per hour for work completed by Churchill in 2014.

PART IV: OPPOSITIONS AND COMMENTS

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

1. Vote Solar has made a substantial contribution to D.16-01-044.
2. The requested hourly rates for Vote Solar'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 \$103,503.30.

CONCLUSION OF LAW

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

ORDER

1. Vote Solar shall be awarded \$103,503.30.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company shall pay Vote Solar their respective shares of the award, based on their California-jurisdictional electric revenues for the 2015 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 June 18, 2015, the 75th day after the filing of Vote Solar's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1601044		
Proceeding(s):	R1407002		
Author:	ALJ Simon		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas and Electric Company, and Southern California Edison Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Vote Solar	April 04, 2016	\$102,843.50	\$103,503.30	N/A	N/A

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Ronald	Liebert	Attorney	Vote Solar	\$405	2014	\$405
Ronald	Liebert	Attorney	Vote Solar	\$425	2015	\$425
Ronald	Liebert	Attorney	Vote Solar	\$425	2016	\$430
Susannah	Churchill	Expert	Vote Solar	\$240	2014	\$240
Susannah	Churchill	Expert	Vote Solar	\$240	2015	\$240
Susannah	Churchill	Expert	Vote Solar	\$240	2016	\$245
Patrick	Mcguire	Expert	Vote Solar	\$189	2015	\$200
R. Thomas	Beach	Expert	Vote Solar	\$340.00	2015	\$335.00
Eric	Janssen	Paralegal	Vote Solar	\$105.00	2014	\$105.00
Eric	Janssen	Paralegal	Vote Solar	\$105.00	2016	\$105.00
Deric	Wittenborn	Paralegal	Vote Solar	\$100.00	2014	100.00
Deric	Wittenborn	Paralegal	Vote Solar	\$100.00	2015	100.00

(END OF APPENDIX)