Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Consider Alternative-Fueled Vehicle Programs, Tariffs, and Policies.	Rulemaking 13-11-007 (Filed November 14, 2013)
Application of San Diego Gas & Electric Company (U902E) for Approval of its Electric Vehicle-Grid Integration Pilot Program.	Application 14-04-014 (Filed April 11, 2014)

DECISION GRANTING INTERVENOR COMPENSATION TO THE UTILITY REFORM NETWORK FOR SUBSTANTIAL CONTRIBUTION TO DECISIONS 14-12-079 AND 16-01-045

Intervenor: The Utility Reform Network	**For contribution to Decision (D.) 14-12-079 and D.16-01-045**
Claimed: $ 316,588.80	**Awarded: $304,896.68**
Assigned Commissioner: Carla Peterman	**Assigned ALJ: John S. Wong**

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	**D.14-12-079:** The Commission repealed the requirement for utilities to demonstrate a market failure as a condition of utility ownership of electric vehicle (EV) charging infrastructure, and instead adopted a case-specific balancing test to weigh the benefits of utility ownership versus any negative anti-competitive impacts and ratepayer impacts. **D.16-01-045:** The Commission found that SDG&E's original proposed VGI program, as well as the modified VGI settlement, were both unreasonable and not in the public interest due to the size of the program and its impact on the competitive market. The Commission offered SDG&E and settling parties the option to accept a modified Alternative VGI program that reduced the size and cost of the proposed deployment, so as to authorize the installation of 3,500 charging stations at 350 sites over the course of three years, at a cost of $45 million, subject to a one-way balancing account.

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 26, 2014	Verified.
2. Other specified date for NOI:		
3. Date NOI filed:	March 27, 2014	Verified.
4. Was the NOI timely filed?		Yes, The Utility Reform Network (TURN) 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.14-05-001	Verified.
6. Date of ALJ ruling:	September 5, 2014	Verified.
7. Based on another CPUC determination (specify):	See Comment #1	
8. Has the Intervenor demonstrated customer or customer-related status?		Yes, TURN demonstrated appropriate status.

Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.14-05-001	Verified.
10. Date of ALJ ruling:	September 5, 2014	Verified.
11. Based on another CPUC determination (specify):	N/A	
12. Has the Intervenor demonstrated significant financial hardship?		Yes, TURN demonstrated significant financial hardship.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.16-01-045	Verified.
14. Date of issuance of Final Order or Decision:	February 4, 2016	Verified.
15. File date of compensation request:	April 4, 2016	Verified.
16. Was the request for compensation timely?		Yes, TURN timely filed the request for intervenor compensation.

C. Additional Comments on Part I (use line reference # as appropriate):

#	Intervenor's Comment(s)	CPUC Discussion
1	TURN did not receive an affirmative ruling on its Notice of Intent in this proceeding. As explained in the Commission's Intervenor Compensation guide, "normally, an ALJ Ruling need not be issued unless: (a) the NOI has requested a finding of "significant financial hardship" under § 1802(g); (b) the NOI is deficient; or (c) the ALJ desires to provide guidance on specific issues of the NOI." (page 12) Since none of these factors apply to the NOI submitted in this proceeding, there was no need for an ALJ ruling in response to TURN's NOI.	Verified.

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) to D.16-01-045	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
1. Policy - Reasonableness of Proposed VGI Program and Proposed VGI Settlement TURN argued that both the original program and the proposed settlement were not reasonable and in the public interest due to the large size and unreasonable risks to ratepayers, and due to the need to test a smaller pilot. The Commission agreed with TURN and rejected both the original VGI proposal and the VGI proposed settlement.	TURN Comments on Settlement, July 3, 2015, p. 13-20. TURN Opening Brief, September 4, 2015, p. 12-18. D.16-01-045, p. 76-77. D.16-01-045, p. 96-103 (p. 102 - "For all of the above reasons, we are not convinced that it would be a wise use of ratepayer monies to authorize a pilot project of the cost and size contemplated in SDG&E's original VGI proposal and in the Proposed Settlement.")	Verified.
2. Policy - Risk to Ratepayers TURN argued that the size and scope of the VGI proposal was too large, and presented too much risk to utility ratepayers due to the potential for stranded costs. The Commission agreed that the size of the VGI pilot as proposed was too large given the potential market uncertainties and costs to ratepayers.	Borden Direct Testimony, Exh. TURN-2, March 16, 2015, p. 7-14. TURN Opening Brief, September 4, 2015, p. 12-18, 44-54. D.16-01-045, p. 101-102	Verified.
3. Policy – Equitable Allocation of Costs and Benefits TURN argued that the primary beneficiaries of the program were participants (site owners and EV drivers), and that the Commission should reduce the scope of the program or allocate more costs to participants. The Commission agreed that the	Hawiger Direct Testimony, Exh. TURN-4a, March 16, 2015, p. 10-15. TURN Opening Brief, September 4, 2015, p. 18-21. D.16-01-045, p. 100 ("In addition, the primary beneficiaries of	Verified.

program benefits may disproportionately flow to participants, which was one of the reasons the Commission reduced the pilot size.	SDG&E's VGI program in the near term will be the EV owners who end up using the EV charging infrastructure, and the site hosts who will receive the EVSE infrastructure in return for a grant of an easement and a participation payment.")	
4. Cost Effectiveness of VGI Program TURN showed that SDG&E's cost effectiveness analysis relied on a "full market" scenario and did not show the program's cost effectiveness, and in fact showed that the program is not cost effective on a stand-alone basis. The Commission agreed that the cost-effectiveness analysis was based on an uncertain adoption forecast and was yet another reason to reduce the size of the pilot.	Borden Direct Testimony, Exh. TURN-2, March 16, 2015, p. 19-23. TURN Comments on Settlement, July 3, 2015, p. 21-26. TURN Opening Brief, September 4, 2015, p. 21-29. D.16-01-045, pp. 39, 101 ("However, we are not as certain that the EV adoption rate will be as SDG&E expects. SDG&E's witness acknowledges that its analysis is "illustrative" only, and is not intended to be predictive of what will occur in the future.")	Verified.
5. Policy – Preferred Program Size and Cost TURN recommended that the Commission scale back SDG&E's proposal so as to install make-ready stubs at 275 sites at a cost of $15 million. The Commission agreed that a smaller program was reasonable and adopted a program limited to approximately 350 site installations, with a three-year cost of $45 million.	Borden Direct Testimony, Exh. TURN-2, March 16, 2015, p. 14-16. Jones Direct Testimony, Exh. TURN-1a, March 16, 2015, p. 3-5. TURN Comments on Settlement, July 3, 2015, p. 42-47. TURN Opening Brief, September 4, 2015, p. 37-43, 45-48. D.16-01-045, p. 99-103,127 ("The pilot program should be reduced in duration, and the cost and size of the VGI program should also be reduced.")	Verified.

6. Policy – Program Cost and Treatment of Future O&M Expenses TURN provided detailed analysis of PG&E's cost forecast, and recommended changes in the Proposed Decision to account for the utility's proposed treatment of future O&M expenses. The Commission revised the proposed decision to make clear the comparison between the authorized $45 million budget and the original utility proposal.	Jones Direct Testimony, Exh. TURN-1a, March 16, 2015, p. 6-9. TURN Opening Brief, September 3, 2015, p. 38-39. TURN Comments on PD, January 12, 2016, p. 2-3. Compare PD, p. 126 and D.16-01-045, p. 127-128.	Verified.
7. Policy – Utility Ownership TURN argued that rather than installing and owning charging stations, SDG&E should install make-ready stubs. The Commission concluded that SDG&E's original proposal for utility ownership fails to meet the balancing test standard, but also found that utility ownership in a scaled down VGI pilot program should be permitted.	Borden Direct Testimony, March 16, 2015, p 14-16. D.16-01-045, pp. 107-109, 125.	Verified.
8. Policy - Preference for Utility Role in MUDs TURN argued that ratepayer funding should be directed to multi-unit dwellings, since chargers at MUDs are more likely to promote EV adoption, and since MUDs represent an underserved market. The Commission agreed with TURN's general analysis and required that the Alternative Program have a target of 50% deployment at MUDs	Borden Direct Testimony, March 16, 2015, pp. 10-12, 17-19. TURN Opening Brief, September 4, 2015, Sec. 5.2.2, p. 39-41. D.16-01-045, p. 133-134 ("The testimony demonstrates that both MUDs and workplaces are currently underserved by the EV charging market, and that potential and current EV owners value the convenience of being able to charge their EVs at their place of residence.")	Verified.
9. Participation Payment TURN recommended that participation payments be differentiated between MUDs and workplaces, with a 75%	TURN Comments on PD, January 12, 2016, p. 4-7.	Verified.

payment in workplaces and 50% at MUDs, in order to encourage participation at MUDs; that revenues from the participation payment be used to offset O&M expenses; and that the Commission not allow the use of a Tier 2 Advice Letter to set the participation payment. The Commission did not adopt a specific participation payment, but instead stated that the competing concerns should be addressed in the PAC and should consider D.16-01-023 and the Alternative VGI Program terms. The Commission adopted TURN's recommendation that the participation payment offset O&M expenses.	D.16-01-045, p. 147-148.	
10. Cost Recovery – Use of cap and trade revenues TURN opposed SDG&E's request to use cap-and-trade revenues to fund the program. The Commission agreed with TURN that SDG&E had failed to demonstrate compliance with § 748.5(c) requirements.	Hawiger Direct Testimony, p. 16. TURN Opening Brief, p. 54-55. D.16-01-045, p. 152-153.	Verified.
11. Cost Recovery – Balancing Account TURN recommended that the Commission adopt one-way balancing account treatment. The Commission modified the proposed decision in response to this recommendation and adopted a one-way balancing account.	Jones Direct Testimony, Exh. TURN-1a, p. 9-11. TURN Comments on PD, January 12, 2016, p. 3. D.16-01-045, p. 158.	Verified.
12. Legal - Section 740.8 Requirement TURN argued that the VGI proposal failed to meet the requirements of PU Code § 740.8 because of the large subsidy by nonparticipants. TURN also argued that the interpretation of § 740.8 by the PD was illegal. The Commission agreed with TURN that benefits must accrue to all ratepayers to	TURN Opening Brief, September 4, 2015, p. 30-32. TURN Comments on PD, January 12, 2016, p. 7-13. D.16-01-045, p. 114-115.	Verified.

satisfy the statutory requirement, but found that the reduced VGI proposal satisfied the requirements of § 740.8 based on the potential that the VGI rate "could" provide various benefits to other ratepayers "if" the EV owner charges off-peak and "if" it promotes adoption of EVs.	Compare to PD, p. 113-114.	
13. Metrics for Outcome Measurement TURN recommended more specific data collection and reporting to evaluate the influence of the program on EV adoption and competitive effects. The Commission adopted TURN's recommendation.	TURN Comments on PD, January 12, 2016, p.14-15. Also, Borden Direct Testimony, p. 25. D.16-01-045, p. 141 and Appendix B of Attachment 2.	Verified.
14. Legal - Application of Line Extension Rules TURN argued that SDG&E's proposal violates Sections 453 and 783 because SDG&E is not charging for line extension costs. The Commission concluded that line extension rules do not apply because SDG&E will continue to own the facilities pursuant to an easement.	TURN Comments on Settlement, July 3, 2015, p. 33-37. D.16-01-045, p. 151-152.	Verified.
15. Benefits of VGI Rate TURN argued that the benefits of time-varying charging can be obtained by other rate designs without the need for utility ownership, or through contractual arrangements. The Commission held that the VGI proposal was a reasonable concept to pursue.	Hawiger Direct Testimony, p. 4-9. D.16-01-045, p. 96.	Verified.
Intervenor's Claimed Contribution(s) to D.14-12-079	**Specific References to Intervenor's Claimed Contribution(s)**	**CPUC Discussion**
1. Policy TURN recommended a limited role for utilities to preclude significant stranded costs and minimize technology risks. The utilities and most other parties recommended a significantly expanded utility role.	TURN Comments on Phase 1, August 29, 2014, p. 2, 7-16.	Verified.

The Commission concluded that utilities could develop charging infrastructure, but declined to prescribe the level of utility involvement and concluded that each proposal will be evaluated on a case-specific basis.	D.14-12-079, p. 5 ("However, in doing so, we decline to prescriptively determine the appropriate level of utility activity at this time. Instead, we will evaluate utility proposals on a case-specific basis.")	
2. Ratepayer Impacts and Use of Balancing Test TURN argued that § 740.8 requires explicit consideration of the impacts on ratepayers in the balancing test. While the Commission declined to be more prescriptive, it agreed that the case-specific balancing test must consider the § 740.8.	TURN Comments on PD, December 4, 2014, p. 4-6. D.14-12-079, p. 9 ("While not discussed in detail in this order, we clarify that the benefits analysis applied in the balancing test will rely heavily on the guidance from Pub. Util. Code § 740.8.") and p. 10 ("We agree that both the ratepayer benefit analysis (which necessarily includes a quantification of costs) and the impact on competition will require compliance with Sections 740.3, 740.8 and 451.")	Verified.
3. Balancing Test TURN opposed efforts by CCUE and PG&E to dilute the balancing test and restrict CPUC flexibility in its application. The Commission did not modify the proposed decision as requested by CCUE and PG&E.	TURN Reply Comments on Proposed Decision, December 9, 2014, p. 1-5.	Verified.

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?[1]	**Yes**	Yes.
b. Were there other parties to the proceeding with positions	**Yes, a number**	Verified.

[1] The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Statutes of 2013, Chapter 356, Section 42).

similar to yours?	**of other parties supported elements of TURN's proposal.**	
c. If so, provide name of other parties: See Section 4.2 of D.16-01-045. The most active parties aligned with TURN were ORA and UCAN. ChargePoint was aligned with TURN on issues of competitive impact.		**Verified.**
d. Intervenor's claim of non-duplication: TURN's compensation in this proceeding should not be reduced for duplication of the showings of other parties. In a proceeding involving multiple participants, it is virtually impossible for TURN to completely avoid some duplication of the work of other parties. In the rulemaking proceeding, TURN provided independent analyses and recommendations on the various issues scoped in the OIR. Several parties had similar positions on the Phase 1 issue of utility ownership and utility participation in the charging station market. In the application proceeding, TURN was aligned with the Office of Ratepayer Advocates and the Utility Consumers' Action Network (UCAN) regarding certain core issues of project size and scope. However, TURN provided a specific proposal regarding an alternative project size and cost. TURN also provided significant additional analyses concerning the risks to ratepayers that contributed to the Commission's analysis concerning a proper project size. TURN also made specific cost recovery and ratemaking recommendations in case the Commission adopted SDG&E's proposal. There were a significant number of parties arrayed with SDG&E, as shown in Section 4.1 of D.16-01-045. As is apparent from the multiple entries coded as "Coord" in the time sheets, TURN engaged in multiple meetings and discussions with other parties in order to minimize duplication, allocate issues and coordinate strategies. TURN took reasonable steps to keep any duplication to a minimum, and to ensure that when it did happen, our work served to complement and assist the showings of the other parties. Any incidental duplication that may have occurred here was more than offset by TURN's unique contribution to the proceeding. Under these circumstances, no reduction to our compensation due to duplication is warranted given the standard adopted by the Commission in D.03-03-031.		**Verified.**

C. Additional Comments on Part II (use line reference # or letter as appropriate):

#	Intervenor's Comment	CPUC Discussion
A.	**Compensation for Partial Success**: The Commission has interpreted the Section 1802 definition, in conjunction with Section 1801.3, so as to effectuate the legislature's intent to encourage effective and efficient intervenor participation. The statutory provision of "in whole or in part," as interpreted by multiple Commission decisions on intervenor compensation requests, has established as a general proposition that when a party makes a substantial contribution in a multi-issue proceeding, it is entitled to compensation for time and expenses even if it does not prevail on some of the issues. The standard for an award of intervenor compensation is whether TURN made a substantial contribution to the Commission's decision, not whether TURN prevailed on a particular issue. See, for example, D.98-04-028 (awarding TURN full compensation in CTC proceeding, even though TURN did not prevail on all issues); D.98-08-016, pp. 6, 12 (awarding TURN full compensation in SoCalGas PBR proceeding); D.00-02-008, pp. 4-7, 10 (awarding TURN full compensation even though TURN unsuccessfully opposed settlement); D.08-04-004, p. 5-6; D.09-04-027, p. 4 (TURN's efforts "contributed to the inclusion of these issues in the Commission's deliberation" and caused the Commission to "add more discussion on the issue, in part to address TURN's comments."); D.10-06-046, p. 5. In A.14-04-014 the Commission adopted TURN's primary position that the size and scope of the proposed VGI program must be significantly reduced. The Commission also adopted TURN's analyses and/or recommendations on issues such as the importance of MUDs, cost recovery through one-way balancing, and measurement metrics. The Commission should compensate TURN for all work in this proceeding, despite the fact that the Commission did not fully adopt TURN's recommendations on certain other issues, such as the legal interpretation of § 740.8 or the importance of the VGI rate.	Verified. The Commission agrees that the standard for an award of intervenor compensation is did the intervenor substantially contribute to the Commission's decisionmaking process. There will be proceedings where an intervenor's position on a particular issue did not prevail, yet the intervenor made a substantial contribution. There will also be proceedings where an intervenor's position on a particular issue did prevail, yet that intervenor did not make a substantial contribution. Intervenors are <u>not</u> simply "entitled to compensation for time and expenses even if [they] do[] not prevail on some of the issues." Intervenors must demonstrate substantial contribution.
A.	**Compensation for Contribution to Commission**	Verified. *See* discussion, above.

	Decision Making: The Commission has granted compensation where a parties' participation contributed to the decision-making process even if specific recommendations were not adopted, and where a parties' showing assisted the Commission in its analysis of an issue. D.10-06-046, p. 5; D.02-07-030 (the Commission based its finding of substantial contribution largely on the efforts intervenors made to develop the record, even where the adopted decision did not rely on that record); D.00-07-015 (the Commission found that an intervenor had made a substantial contribution even where a settlement was adopted over the intervenor's objection, because its participation "contributed to the . . . development of the record" and enhanced the Commission's understanding of the underlying issues); D.98-11-014, p. 8 ("TURN contributed to D.97-08-055 by raising this issue and developing the record on the implications of this conflict."). TURN suggests that our analyses and arguments contributed to the Commission's evaluation of the ratepayer benefits issue in R.13-11-007.	
D.16-01-045	In A.14-04-014 TURN submitted testimonies from witnesses Borden (Exhibits TURN-2 and 3), Hawiger (Exhibits TURN-4a and 5a) and Jones (Exhibit TURN-1a. TURN also submitted various pleadings, including briefs and comments on the proposed settlement. TURN only references to our main pleadings in the "specific references" section. Section 4.2.8 of D.16-01-045 provides a useful summary of TURN's recommendations and analysis on many issues.	Verified.
D.16-01-045	Section 5.3 of Decision 16-01-045 provides a summary of the primary considerations that led the Commission to reject the proposed VGI pilot and the proposed VGI settlement due to the risks to ratepayers and anti-competitive impacts of the program as proposed.	Verified.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

a. Intervenor's claim of cost reasonableness:	**CPUC Discussion**
TURN's participation in A.14-04-014 contributed to the substantial reduction in the authorized program from about $65 million to $45 million in three-year capital	**Verified.**

costs, thus reducing the risk of stranded costs that would be paid by ratepayers and improving the ability of the Commission to measure the impact of utility infrastructure investments on future electric vehicle adoption. The benefits of TURN's participation in R.13-11-007 cannot be quantified, as the proceeding involved policy issues. However, TURN's participation contributed to the Commission holding that ratepayer benefits must be considered as part of the case-specific balancing that will be conducted in evaluating utility proposals.	
b. Reasonableness of hours claimed: In this request TURN seeks compensation for 483 hours of expert witness time and 823 hours of attorney time devoted to all activities related to R.13-11-007 and A.14-04-014. This is a significant expenditure of time and resources, and TURN suggests that it is appropriate and reasonable given that this request encompasses work spanning over two years' time in two proceedings. More importantly, both Rulemaking 13-11-007 and Application 14-04-014 addressed novel and complex legal, technical and policy issues regarding the role of the utility in building, owning and operating electric vehicle charging stations, a role that was specifically prohibited in Decision 11-07-029. TURN devoted the resources of multiple attorneys and expert witnesses to this proceeding in order to address issues concerning the electric vehicle market, rate design, cost forecasting and ratemaking. The bulk of the work was conducted by attorneys Torres and Hawiger and by experts Jones and Borden, with others providing targeted assistance on specific issues as needed. Some of these issues had not been addressed in prior proceedings at the Commission. In the following subsections, TURN describes the responsibilities of the different staff members and explains the reasonableness of the hours and effort devoted to these consolidated proceedings. <u>Coordination among staff and presence of multiple TURN attorneys or experts at meetings:</u> A relatively small percentage of hours reflect internal and external meetings involving two or more of TURN's attorneys and/or expert witnesses. The Commission should recognize such meetings do not reflect internal duplication, but rather are essential to effective and efficient coverage of a large litigation case that involves multiple issues. There are a limited number of hours devoted to internal planning meetings. Such meetings are essential to the effective development and implementation of TURN's strategy in these cases. Strategy planning meetings with multiple staff are essential, as each staff member contributes particular knowledge and expertise to develop complex case strategy that requires a certain amount of "group-think." Furthermore, in a large proceeding with multiple issues such as these two consolidated proceedings, TURN sometimes assigns more than one attorney to cover different issues, both to maximize the use of attorneys with particular expertise and for basic workload management. Some internal coordination is then necessary to ensure proper coverage and allocate responsibilities. Such a process	Verified, but see CPUC Disallowances and Adjustments, below.

is overall more efficient and effective than having a single attorney cover the entire proceeding on issues that are less familiar to the attorney.

Similarly, there are a limited number of hours for external meetings involving multiple TURN staff. The Commission should understand that this is often essential when different attorneys are covering different issues, since a particular meeting likely covers multiple issues. TURN's requested hours do not include any for a TURN attorney or expert witness where his or her presence at a meeting was not necessary in order
to achieve the meeting's purpose. TURN submits that such meetings can be part of an intervenor's effective advocacy before the Commission, and that intervenor compensation can and should be awarded for the time of all participants in such meetings where, as here, each participant needed to be in the meeting to advance the intervenor's advocacy efforts. More specifically, TURN seeks compensation for a very limited number of hours for attorneys Long, Finkelstein and Goodson who were consulted on specific issues based on their expertise and experience.

HOURS CLAIMED IN R.13-11-007:

Overall Request in R.13-11-007:

In the initial Rulemaking the Commission identified the following three issues for resolution in this OIR: 1) vehicle-to-grid integration; 2) new tariffs for EVs; and 3) submetering protocols and cost allocation. TURN retained the services of JBS Energy consultants and devoted significant hours preparing initial comments on the OIR and reviewing other parties' comments on these issues. (Scoping Memo, July 16, 2014, p. 2-4.)

The Scoping Memo of July 16, 2014 discussed some of these issues, but then identifies a series of issues for Phase 1 that focused on identifying the principles and framework for a "Commission VGI program," including an an expanded utility role in developing pilots and programs for charging station infrastructure. TURN submitted pleadings in response to the Scoping Memo. The Scoping Memo identified certain issues for consideration in subsequent Phases 2, 3 and 4. (Scoping Memo, July 16, 2014, p. 17.)

In this compensation request TURN segregates the Phase 1 work conducted after issuance of the 7/16/2014 Scoping Memo. TURN requests compensation only for those expert and attorney hours (totaling 221.51 hours) and for expenses for work done after 7/16/14 in response to the Scoping Memo, and covering policy issues which were resolved in D.14-12-079. TURN intends to request compensation for the 94.36 hours of work prior to 7/16/14 in a future compensation request, based on a subsequent Commission decision that either resolves remaining issues or terminates R.13-11-007.

Attorney Hours in R.13-11-007:

TURN is requesting compensation for work conducted by TURN attorneys Marcel Hawiger and Elise Torres.

Mr. Marcel Hawiger became lead attorney on this proceeding in April of 2014. Mr. Hawiger has been with TURN since August of 1998 and has been TURN's lead attorney on many energy-related rulemakings and applications, including various applications related to demand-side management and demand response activities. Mr. Hawiger was responsible for crafting TURN's strategy in response to the Scoping Memo issued in July 2016 and was the lead in drafting comments in response to the Scoping Memo questions. Subsequently, Mr. Hawiger assisted Ms. Torrres in drafting pleadings and developing positions. Mr. Hawiger devoted approximately 36 hours to this proceeding. Ms. Elise Torres joined on the case in September of 2014 and took the lead responsibilities on developing strategies and responding to the Proposed Decision issued in November 2014. Ms. Torres was responsible for responding to various procedural motions, and represented TURN at the June 2015 workshops ordered in the rulemaking. Ms. Torres was the lead attorney in developing litigaton strategies and efforts subsequent to the Phase 1 decision. Ms. Torres devoted approximately 106 hours to this proceeding. In sum, TURN requests compensation for approximately 142 hours of attorney time for R.13-11-007. This is a significant expenditure of resources that reflects the multiple issues raised in the case, the significance of the primary policy issue of utility involvement in charging infrastructure, and the need to respond to a large number of parties involved in this case. <u>Expert Hours in R.13-11-007:</u> As explained above, the OIR requested comments on a number of policy and technical issues. TURN retained the services of JBS Energy, Inc. to assist with developing positions and drafting responses to the OIR. Mr. Jones continued as the primary expert assisting on issues related to the Phase 1 Comments and Reply Comments submitted in response to the July 2014 Scoping Memo. Mr. Jones has approximately nine years of experience as a consultant in the energy field. He has testified on several occasions before this Commission, and his resume is contained in Exhibit TURN-1a. Mr. Jones devoted approximately 63 hours to this phase of the proceeding. TURN's in-house energy analyst, Mr. Eric Borden, provided technical assistance starting in June of 2015, and represented TURN at workshops and meetings scheduled in this rulemaking in 2015. Mr. Borden devoted 18.5 hours in 2015 to the proceeding. **HOURS CLAIMED IN A.14-04-014**: TURN requests compensation for approximately 687 hours of attorney time and 400 hours of expert witness time in A.14-04-014. Given that this case represented the first test of the Commission's "case-specific" use of the balancing test, and given TURN's substantial victory in reducing the size and scope of the pilot and	

proposed settlement, TURN suggests that such an amount of time is reasonable and should be fully compensated.

Attorney Hours in A.14-04-014:

The majority of the work was conducted by TURN attorneys Elise Torres and Marcel Hawiger. Ms. Torres was the lead attorney on the case. The attorneys allocated issues, and Mr. Hawiger, as the more senior attorney, provided assistance as necessary.

Ms. Torres and Mr. Hawiger worked together on developing litigation strategy and tactics. Ms. Torres took the lead in implementing TURN's strategy. She coordinated with other parties, and she took the lead drafting pleadings on all issues related to program size, ratepayer risk due to stranded costs, utility ownership, market factors and other major policy issues. Ms. Torres conducted all cross examination at evidentiary hearings.

Mr. Hawiger took the lead on VGI rate design issues, program cost effectiveness, and equitable allocation of costs and benefits. Mr. Hawiger also sponsored expert testimony, admitted as TURN-4a, on these issues.

Expert Hours in A.14-04-014:

The vast majority of expert services in this case were provided by Mr. Garrick Jones and Mr. Eric Borden.

Mr. Jones of JBS Energy, Inc. has nine years of experience in the energy sector. He has testified on numerous occasions before this Commission, and his resume is included in Exhibit TURN-1a in A.14-04-014. Mr. Jones testified concerning detailed cost forecasts, cost recovery of O&M expenses, and balancing account treatment. Mr. Jones' work was directly relevant to the proper comparison of costs (eliminating future O&M costs) and to the adoption of one-way balancing account treatment.

TURN's in-house analyst, Mr. Eric Borden, conducted the majority of TURN's analyses in this case. Mr. Borden had approximately seven years of professional experience in the energy field prior to joining TURN in February of 2015, and his academic research addressed electric vehicles and public charging infrastructure. Mr. Borden's testimony is in the record as Exhibit TURN-02. Mr. Borden addressed numerous issues related to market and ratepayer risks due to technology risks and stranded costs, and proposed a modified pilot program with size and design intended to improve potential electric vehicle adoption while better minimizing the risks of stranded costs.

Mr. Borden's work addressed all of the major issues that caused the Commission to find that the proposed VGI pilot and the VGI settlement were simply too big, and imposed too much risk, to be found just and reasonable.

TURN attorney Hawiger also submitted expert testimony concerning the load impacts due to the proposed VGI rate, equity issues related to the benefits of the

proposed program, and potential cost recovery mechanisms to allocate risk between ratepayers and shareholders. Mr. Hawiger has participated in numerous cases related to cost recovery, demand response and rate design. Mr. Hawiger has previously submitted testimony at the CPUC, and his resume was attached with Exhibit TURN-04.

c. Allocation of Hours by Issue

Verified.

This proceeding addressed several policy issues related to the bifurcation of demand response and future procurement of demand response. Attorney and consultant time was allocated both by issue as well as activities. Certain work activities, such as participation in settlement negotiations (including settlement meetings, reviewing settlement documents, drafting settlement documents) cannot be allocated by issue due to confidentiality restrictions, and are thus coded as "settlement."

TURN uses a combination of activity and issue codes when itemizing the hourly work performed by attorneys and consultants. Some work is fundamental to active participation in a Commission proceeding, and may not be allocable by issue and/or the amount of time required may not vary by the number of issues. Examples of these tasks include reviewing other parties' testimony and filings, reviewing the proposed and any alternate decision; attending prehearing conferences and ex parte meetings; and preparing compensation filings. TURN uses the activity code "GP" to represent such general participation time that is not allocable by issue. Some of the daily work in this proceeding spanned multiple issues and could not be separately coded by issue. TURN generally used the activity code "#" to denote work that covers multiple issues and cannot be easily allocated to specific issues.

The main activity codes used for time accounting in these proceedings include the following:

A.14-04-014:

Issue	Description	Code
Policy	The primary policy issues included consideration of program size and scope, based on an analysis of risk; proper allocation of costs and benefits; proper site selection and focus on multi-unit dwellings; and utility ownership of charging infrastructure. These issues were closely related and thus coded the same, even though they included different analyses and arguments.	**Policy**

Risk of stranded costs	Risk to ratepayers of stranded costs if EV adoption does not materialize as forecast due to other market factors. Cost risk to ratepayers. Utility role in MUDs v. workplaces.	**SC**
Multiple	Work covering multiple issues that cannot be easily segregated	**#**
Hearings	General hearing work	**GH**
General	General work necessary for participation which does not necessarily vary with the number of issues. Includes reading pleadings and testimony of other parties; reading CPUC Rulings; ex parte meetings; and internal strategy meetings.	**GP**
Cost Recovery	Addressing SDG&E's proposal to use cap-and-trade funds; and recommendations regarding balancing account treatment	**CR**
Legal	Legal argument and analysis concerning section 740.3 and 748 (ratepayer benefits) and the applicability of Line Extension Rules 15 and 16. Also legal research.	**Legal**
Sett	Includes any work related to settlement negotiations and drafting settlement terms; also includes all work analyzing and commenting on the proposed settlement	**Sett**
Proposed Decision	Read PD and write comments on PD	**PD**
Disc	Discovery issues: writing data requests; correspondence re discovery disputes	**Disc**
Res	Technical research re EV market, etc.	**Res**
Cost Effectiveness	Analysis of SDG&E's cost effectiveness evaluation	**CE**
Coordination	Coordinate with other parties to discuss issues and minimize duplication	**Coord**

Additional codes for R.13-11-007:

Issue	**Description**	**Code**
Ph 1 Comments	Write comments and reply comments on all issues identified in 7/16/14 Scoping Memo for Ph 1 (market failure; demand charges; outreach and education); Read comments of other parties	**Ph1**

Ph 1 PD	Work related to the Ph 1 proposed decision	**Ph1 PD**
Workshops	Phase 1 workshops re. site selection; metrics	**Wksp**
Procedural	Write or respond to procedural motions which impact case	**Proc**
Education and Outreach	Research ancd write motion re. education and outreach issues	**E&O**

Because the codes include both "activities" and "issues," TURN's attorney of record used the hourly time sheets, as well as personal recollection and an inspection of the testimonies and pleadings to calculate the following approximate allocation of time by issue:

For A.14-04-014:

Issue	**% of Hours**
Ratepayer Risk of Stranded Costs due to Market and Technology Risks	25
Equity of Risk Allocation	5
Cost Effectiveness of VGI Program	15
VGI Rate	5
Cost Recovery	5
Settlement Terms	15
Proper Size and Design of EV Pilot	20
Ratepayer Benefits Analysis	10
TOTAL	100

For R.13-11-007:

Issue	**% of Hours**
Analysis of Market Failure	20
Utility Ownership and Risk Allocation	50
Outreach and Education	10
Site Selection and Metrics	10
Other	10
TOTAL	100

As TURN described in the opening section of this compensation request, our substantial contributions to the Commission's decisions in these proceedings warrant an award of full compensation for all hours and expenses. However, should the Commission determine that a reduction is called for on any particular issue, it should determine the appropriate reduction to the hours that fall into that category and, if necessary, apply an appropriate percentage reduction to the hours designated "#."

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Hours**	**Rate $ [A]**	**Total $**
Marcel Hawiger	2014	47.25	$410	D.15-06-021, p. 28; D.15-08-023, p. 24	$19,372.50	47.25	$410.00	$19,372.50
Marcel Hawiger	2015	173.25	$410	Res. ALJ-308 (0% COLA for 2015)	$71,032.50	173.25	$410.00	$71,012.00
Marcel Hawiger	2016	12.25	$410	See Comment #3	$5,022.50	12.25	$415.00 *See* Res. ALJ-329.	$5,083.75
Elise Torres	2014	58.75	$215	See Comment #1	$12,631.25	58.75	$195.00	$11,456.25
Elise Torres	2015	472.00	$215	See Comment #1	$101,480.00	472.00	$195.00	$92,040.00
Elise Torres	2016	57.25	$215	See Comment #1	$12,308.75	57.25	$195.00	$11,163.75
Hayley Goodson	2015	1.00	$355	D.15-08-023, p. 24	$355.00	1.00	$355.00	$355.00
Robert Finkelstein	2015	0.25	$505	D.15-08-023, p. 24 and Res. ALJ-308	$126.25	0.25	$505.00	$126.25
Thomas Long	2015	0.25	$570	D.15-06-021, p. 28 and Res. ALJ-308	$142.50	0.25	$570.00	$142.50
William Marcus	2014	1.08	$265	D.15-08-023	$286.20	1.08	$265.00	$286.20
William Marcus	2015	1.75	$265	See Comment #3	$463.75	1.75	$265.00	$463.75
Garrick Jones	2014	69.70	$180	D.15-11-019, p.19	$12,546.00	69.70	$180.00	$12,546.00
Garrick Jones	2015	119.66	$180	D.15-11-019, p.19	$21,538.80	118.66 [1]	$180.00	$21,358.80
Eric Borden	2015	281.75	$180	See Comment #2	$50,715.00	281.75	$180.00	$50,715.00
Eric Borden	2016	7.50	$180	See Comment #2	$1,350.00	7.50	$180.00	$1,350.00
Jeffrey Nahigian	2014	2.00	$205	D.15-08-023	$410.00	2.00	$205.00	$410.00
					***Subtotal:* $ 309,781.00**			***Subtotal:* $ 297,881.75**
TRAVEL TIME								
Garrick Jones	2015			D.15-08-023		1.00	$90.00	$90.00

INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Hours**	**Rate**	**Total $**
Marcel Hawiger	2014	1.5	$205	1/2 of 2014 authorized rate of $410	$307.50	1.5	$205.00	$307.50
Marcel Hawiger	2016	25.25	$205		$5,176.25	25.25	$207.50	$5,293.38
				***Subtotal:* $ 5,483.75**		***Subtotal:* $5,600.88**		

COSTS				
#	**Item**	**Detail**	**Amount**	**Amount**
	Copying	Copying of testimony and pleadings for ALJ and Commissioner offices	$37.60	$37.60
	FedEx/Postage	Postage and FedEx for testimonies and pleadings to CPUC	$35.78	$35.78
	Phone	Phone bills for long-distance call re. R13-09-011	$969.22	$969.22
	Lexis Research	Lexis/Nexis charges for legal research	$281.45	$281.45
			Subtotal: $1,324.05	**Subtotal: $1,324.05**
		TOTAL REQUEST $:	**$316,588.8**	**TOTAL AWARD: $304,896.68**

**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.

**Travel and Reasonable Claim preparation time typically com

pensated at ½ of preparer's normal hourly rate

ATTORNEY INFORMATION			
Attorney	**Date Admitted to CA BAR[2]**	**Member Number**	**Actions Affecting Eligibility (Yes/No?)**
Marcel Hawiger	January 23, 1998	194244	No
Elise Torres	December 9, 2011	280443	No, but inactive from January 28, 2013 until January 1, 2014.
Bob Finkelstein	June 13, 1990	146391	No
Thomas Long	December 11, 1986	124776	No
Hayley Goodson	December 5, 2003	228535	No

C. Intervenor's Comments

Comment #	TURN's Comment(s)
Comment 1	**2014 and 2015 Hourly Rates for Elise Torres** TURN's request for Ms. Torres' hourly rate for 2015 is pending before the Commission in the following compensation requests: A.12-08-007, filed on October 27, 2015; R.13-12-011, filed on November 24, 2015; R.14-12-014, filed on March 21, 2016; and A.14-10-014, filed on March 25, 2016. TURN anticipates Ms. Torres's 2014 and 2015 rates will be set in a compensation award issued in one of the above cases, but if the Commission so requests, TURN can provide supplemental information supporting the requested rate. **2016 Hourly Rate for Elise Torres** For 2016 hours, TURN is requesting compensation using the rate authorized for 2015. However, TURN requests that the requested rate NOT be deemed the adopted rate for Ms. Torres for 2016, as TURN may seek and justify a higher 2016 rate for her work in a future request for compensation.
Comment 2	**2015 Hourly Rates for Eric Borden** Mr. Borden's complete resume is attached to Exhibit TURN-2 on the record in this proceeding, and is also included as Attachment 4. TURN has previously requested authorization for Mr. Borden's 2015 rate in a request for compensation filed in A.14-10-014 on March 25, 2016. TURN presents the justification for this rate below for the Commission's convenience, but requests that the Commission use whatever rate is adopted in the first compensation order. Mr. Borden holds a Bachelor of Science in Finance and a Master of Public Affairs, specializing in Natural Resources and the Environment. Mr. Borden spent three years in the field of litigation consulting, conducting financial and accounting modeling and writing reports supporting expert witnesses in disputes over intellectual property and energy utilities. During graduate school, Mr. Borden conducted academic research on electric vehicle policy, and worked professionally conducting research on renewable energy costs, clean energy technologies and social

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

	entrepreneurship. TURN submits that his work experience during this period should be deemed the equivalent of one fully year of additional professional experience for purposes here. Mr. Borden was then awarded a German Chancellor Fellowship to conduct research on renewable energy integration and energy storage in Germany, lasting for about 1.5 years. Subsequently, Mr. Borden worked for 1.5 years as an energy analyst with a consulting firm analyzing the financial profitability of Combined Heat and Power systems in different utility jurisdictions, and as a consultant with the International Renewable Energy Agency writing a report on the use of battery storage for renewable integration. In sum, when he joined TURN in February 2015, Mr. Borden had the equivalent of seven years of professional experience in financial modeling, utility tariff analysis, and research and publications on topics in the energy field. Given the length and direct relevance of his professional experience to the issues before the Commission, TURN requests that the Commission authorize an hourly rate of $180/hour for 2015 for Mr. Borden. Such a rate is near the bottom of the 2015 range for 7-12 years of experience ($170-$285) (and just above the mid-point of the $140-$200 range established for consultants with 0-6 years experience). It is comparable to hourly rates adopted for experts with similar training and experience (for example: Heather Cooley for Surfrider Foundation -- $175 for 2009 work in D.11-05-017; Michael Brown for Small Business Utility Advocates -- $185 for 2013 work in D.15-06-016.. TURN submits that $180 is a reasonable hourly rate for an expert of Mr. Borden's experience. Even if the Commission calculates his relevant experience differently to reach a lower figure, the requested rate is well within the $140-$200 range established for consultants with 0-6 years experience. The Commission should find reasonable the requested hourly rate of $180.
Comment #3	**2015 Hourly Rate for William Marcus** For the 1.75 hours of work in 2015 by Mr. William Marcus, TURN requests compensation based on the rate authorized for Mr. Marcus for 2014. TURN requests that this rate NOT be deemed the adopted rate for Mr. Marcus for 2015, as TURN may seek a higher 2015 rate for his work in a future request for compensation. **2016 Hourly Rate for Marcel Hawiger** For the limited 2016 hours (primarily for compensation-related work), TURN requests compensation based on the rate authorized for 2015. TURN requests that the requested rate NOT be deemed the adopted rate for Mr. Hawiger for 2016, as TURN may seek and justify a higher 2016 rate for his work in a future request for compensation.

D. CPUC Disallowances and Adjustments:

Item	Reason
[A]	The Commission applied the 206 cost-of-living adjustment (COLA), adopted in Res. ALJ-329, to all 2016 rates.
[1]	Jones claims one hour of travel time in 2015. The Commission compensates travel at ½ of the approved hourly rate.

PART IV: OPPOSITIONS AND COMMENTS

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

FINDINGS OF FACT

1. The Utility Reform Network has made a substantial contribution to D.14-12-079 and D.16-01-045.

2. The requested hourly rates for The Utility Reform Network 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 $304,896.68.

CONCLUSION OF LAW

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

ORDER

1. The Utility Reform Network shall be awarded $304,896.68.

2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company shall pay The Utility Reform Network $47,908.59, the portion of the total award allocated to R.13-11-007. Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company shall pay their respective shares of the award, based on their California-jurisdictional gas and 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 15, 2016, the 75th day after the filing of Green Power Institute's request, and continuing until full payment is made.

3. Within 30 days of the effective date of this decision, San Diego Gas & Electric Company shall pay The Utility Reform Network $256,988.09, the portion of the total award allocated to A.14-04-14. 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 15, 2016, the 75th day after the filing of Green Power Institute's request, and continuing until full payment is made.

4. The comment period for today's decision is waived.

5. Application 14-04-014 is closed.

6. Rulemaking 13-11-007 remains open.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		**Modifies Decision?**	No
Contribution Decision(s):	D14-12-079, D16-01-045		
Proceeding(s):	R1311007, A1404014		
Author:	ALJ Wong		
Payer(s):	Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Utility Reform Network (TURN)	4/4/16	$316,588.80	$304,896.68	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
Marcel	Hawiger	Attorney	TURN	$410	2014	$410.00
Marcel	Hawiger	Attorney	TURN	$410	2015	$410.00
Marcel	Hawiger	Attorney	TURN	$410	2016	$415.00
Elise	Torres	Attorney	TURN	$215	2014	$195.00
Elise	Torres	Attorney	TURN	$215	2015	$195.00
Elise	Torres	Attorney	TURN	$215	2016	$195.00
Hayley	Goodson	Attorney	TURN	$355	2015	$355.00
Robert	Finkelstein	Attorney	TURN	$505	2015	$505.00
Thomas	Long	Attorney	TURN	$570	2015	$570.00
William	Marcus	Attorney	TURN	$265	2014	$265.00
William	Marcus	Attorney	TURN	$265	2015	$265.00
Garrick	Jones	Expert	TURN	$180	2014	$180.00
Garrick	Jones	Expert	TURN	$180	2015	$180.00
Eric	Borden	Expert	TURN	$180	2015	$180.00
Eric	Borden	Expert	TURN	$180	2016	$180.00
Jeffrey	Nahigian	Expert	TURN	$205	2014	$205.00

(END APPENDIX)