Decision 16-06-024 June 9, 2016

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)

DECISION GRANTING COMPENSATION TO THE UTILITY REFORM NETWORK FOR CONTRIBUTION TO DECISION 16-01-044

Intervenor: The Utility Reform Network	**For contribution to Decision (D.) 16-01-044**
Claimed: $200,773.10[1]	**Awarded: $200,997.35**
Assigned Commissioner: Michael Picker	**Assigned ALJ: Anne E. Simon**

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	Decision 16-01-004 The decision implements some of the provisions of AB 327 relating to the development of a successor tariff for customer-generators with onsite renewable electrical generation that satisfies the requirements of §2827.1 of the Public Utilities Code.

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):	October 30, 2014	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	November 25, 2014	Verified
4. Was the NOI timely filed?		Yes

[1] Original claim was for $233,461.00. Due to lack of resolution on certain issues, some hours were denied without prejudice. TURN may seek compensation for these hours following the resolution of those issues.

Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	A.12-11-009	Verified
6. Date of ALJ ruling:	September 6, 2013	Verified
7. Based on another CPUC determination (specify):		
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:	A.12-11-009	Verified
10. Date of ALJ ruling:	September 6, 2013	Verified
11. Based on another CPUC determination (specify):		
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:	February 5, 2016	Verified
15. File date of compensation request:	April 5, 2016	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor's Comment(s)	CPUC Discussion
1	TURN	Regarding lines 5-7 -- The Commission did not issue a formal ruling on TURN's customer status in R.14-07-002 in response to TURN's Notice of Intent to claim compensation.

PART II: SUBSTANTIAL CONTRIBUTION

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

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
1. VALUE OF DISTRIBUTED ENERGY TARIFF TURN developed and proposed a Value of Distributed Energy (VODE) tariff that would tie compensation for the gross electricity output from an onsite generator to a long-term avoided	Proposal of TURN for a Net Energy Metering Successor Standard Tariff, August 3, 2015, pages 1-44.	Verified. However, D.16-01-044 found that TURN's proposal was unfeasible due to the lack of administrative and analytical tools

cost with fixed payments for at least the first 10 years of system operations. TURN's VODE delinks compensation from retail rates and provides a value-based approach to rewarding customers with onsite generation. TURN's proposal was designed to comply the express statutory requirements, limit impacts on nonparticipants, and provide certainty regarding the total compensation the customer can expect to realize for at least the first 10 years. Although the decision does not adopt TURN's proposal at this time, it notes the "theoretical potential" of this approach and states that value-based analysis in other proceedings should "provide information that will allow effective analysis of a VODE-type option in the review of the successor tariff to be undertaken in 2019." Moreover, Commissioner Florio's dissent endorsed "a compensation structure that reflects the value of exported generation" and stated that "compensation for exports should be delinked from retail rates altogether." The Decision establishes a requirement that the successor tariff be reviewed in 2019 at which point modifications such as TURN's VODE will be considered. See Comment #1	Reply comments of TURN on Proposals for a Net Energy Metering Successor Standard Tariff, September 15, 2015 D.16-01-044, pages 34-36 D.16-01-044, pages 62-63, 85. D.16-01-044, Dissent of Commissioner Florio, pages 1-2.	necessary to implement it. D.16-01-044 at 61-64. However, TURN still substantially contributed to the Commission's decision making.
2. UTILITY TARIFF PROPOSALS TURN opposed the successor tariff proposals of PG&E, SCE and SDG&E. Specifically, TURN argued that the proposals for new fixed residential customer charges and demand charges represent an "attempt to conduct an 'end run' around the findings and process established in D.15-07-001" and are not supported by past precedents. TURN also challenged SCE's reliance on D.15-08-005 to support the adoption of residential	Comments of TURN on Proposals for a Net Energy Metering Successor Standard Tariff, September 1, 2015, pages 4-12. TURN Opening Brief, October 19, 2015. TURN Reply Brief, October 26, 2015, pages 1-4, 6-11.	Verified.

demand charges and noted that the decision applied only to commercial customers. TURN pointed out the methodological problems with the calculation of fixed and demand charges by the three utilities. TURN further argued that demand charges would be difficult for residential customers to comprehend and pointed to supporting findings in D.15-07-001. The Decision rejects the successor tariff proposals made by PG&E, SCE and SDG&E. The Decision agreed that new fixed charges, "including demand charges", should not be approved for successor tariff residential customers. The Decision found that the fixed charge proposals were an inappropriate "effort to revisit the Commission's determination in D.15-07-001." The Decision also agreed with TURN that SCE's attempt to rely upon D.15-08-005 was inappropriate because that decision did not address residential customer rates. The Decision notes that there is no consistent basis for the fixed charge levels sought by the utilities at this time and that more work must be done to ascertain "categories of fixed charges for residential customers". The Decision also agreed with TURN that "demand charges can be complex and hard for residential customers to understand."	D.16-01-044, pages 66, 69-70, 74-75; Findings of Fact #2, 3, 4, 13, 14, 15, 16; Conclusions of Law #10,	
3. ALTERNATIVES FOR DISADVANTAGED COMMUNITIES TURN's initial proposal for promoting onsite renewable generation in disadvantaged communities relied upon a supplemental up-front incentive payment provided to property owners of low-income housing in disadvantaged communities. TURN proposed that the requirements of AB 693 could be used to satisfy a significant portion of the requirements	Proposal of TURN for a Net Energy Metering Successor Standard Tariff, August 3, 2015, pages 44-49 Comments of TURN on Proposals for a Net Energy Metering Successor Standard Tariff, September 1, 2015, pages 13-25. Reply comments of TURN on Proposals for a Net Energy Metering Successor Standard Tariff, September 15, 2015, pages 16-19	In D.16-01-044, the Commission decided that the issue of development of alternatives for disadvantaged communities would be undertaken in the next phase of the proceeding. Compensation for hours spent addressing the issue

of §2827.1 relating to disadvantaged communities. The Decision found that efforts to design and implement alternatives for disadvantage communities must consider AB 693 and should be undertaken in a second phase of this proceeding. TURN identified a variety of legal, factual and policy concerns with proposals made by CEJA, IREC and the utilities relating to customers located in disadvantaged communities. The Decision does not adopt any of these proposals. TURN expressed factual and legal concerns with an expansion of virtual net metering for entire communities and identified serious problems with the proposed decision's endorsement of virtual net metering for any project and customer located within the same census tract of a disadvantaged community. The final decision deleted this proposal and does not authorize an expansion of virtual net metering. See Comment #2	Comments of TURN on Assembly Bill 693, November 2, 2015 Reply comments of TURN on Assembly Bill 693, November 9, 2015 D.16-01-044, page 102. Comments of TURN on Proposals for a Net Energy Metering Successor Standard Tariff, September 1, 2015, pages 13-25. D.16-01-044, page 102. Comments of TURN on Proposals for a Net Energy Metering Successor Standard Tariff, September 1, 2015, pages 17-18 Opening comments of TURN on Proposed Decision of ALJ Simon, January 7, 2016, pages 13-15. Proposed Decision of ALJ Simon, page 111. D.16-01-044, pages 101-102	of alternatives for disadvantaged communities will be addressed following the resolution of that issue. Because TURN's claim was otherwise appropriately filed, we deny these hours without prejudice and invite TURN to claim compensation for them following the resolution of this issue. Pg. 103

4. CONSUMER PROTECTION TURN offered a series of proposals intended to ensure that customers receive accurate information before committing to acquire onsite renewable generation through ownership or a long-term contract with a third party. TURN proposed that the Commission establish a standard methodology for any presentation of expected savings over time, that all contract costs are properly disclosed, that there are standard disclosures explaining obligations if the property is sold prior to the end of a lease, and that the treatment of Renewable Energy Credits is clarified. The Decision finds that "TURN's recommendation that vendors be required to provide potential customers with standardized assumptions and disclosures also merits further consideration." Consistent with TURN's proposals, the Decision directs Energy Division staff to work with parties to "develop a uniform information packet to be provided to customers interested in installing NEM-eligible systems."	Proposal of TURN for a Net Energy Metering Successor Standard Tariff, August 3, 2015, pages 26-28 D.16-01-044, pages 44, 84.	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?	Yes	Verified.
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified.
c. If so, provide name of other parties: **CalSEIA, SEIA, TASC, Vote Solar, Sierra Club, IREC, CEJA**		Verified.
d. Intervenor's claim of non-duplication:		Verified.

TURN provided a variety of unique positions in this proceeding that were not shared with other parties. Specifically, TURN developed a proposed successor tariff that was value-based and fundamentally distinct from proposals made by any other party in the proceeding in a number of respects. TURN also offered unique consumer protection proposals that were not shared by any other party. As a result, there was no duplication with respect to TURN's tariff proposal. Although many parties in the proceeding opposed the successor tariff proposals of PG&E, SCE and SDG&E, TURN offered detailed and unique factual and legal analysis relating to the proposed fixed, demand and grid charges that was not duplicated by any other party. TURN's critiques were not duplicated by other parties. TURN offered additional analysis on the proposed export rates that did not duplicate arguments raised by other parties. TURN did coordinate with other parties but limited the amount of time spent on these efforts due, in part, to the fact that TURN's proposals were unique. Given that TURN offered a unique perspective not shared by any other intervenor, the Commission should conclude that no reductions in compensation are warned based on duplication of effort.	

C. Additional Comments on Part II:

#	Intervenor's Comment	CPUC Discussion
1	**TURN VODE TARIFF** The final decision does not adopt any of the successor tariff proposals submitted by parties. Instead, the Decision finds that there is insufficient evidence to support determinations regarding the costs and benefits of any successor tariff to all customers and the electric system (Finding of Fact 10). However, the Decision does authorize a reexamination of the successor tariff in 2019 and expressly endorses TURN's approach as worthy of consideration in 2019. Moreover, the dissent of Commissioner Florio calls for value-based compensation for exports. TURN was the only party (apart from SDG&E) to offer a comprehensive proposal explicitly tying compensation to the value of onsite generation to all customers and the electrical system. The Commission required any party submitting a successor tariff proposal to analyze the impacts on participant and non-	

	participant customers using the Public Tool (ALJ ruling, June 4, 2015). TURN submitted comments on the Public Tool methodology and participated in workshops and teleconferences designed to educate parties about the Tool itself. Consistent with the Commission's requirements in this proceeding, TURN retained experts to run the model, analyze the results, and assist with the development of the VODE tariff proposal. At no point during the course of the proceeding did the Commission suggest that the results of the Public Tool would not be relied upon to compare successor tariff options. 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. The Commission has held that "an intervenor can provide substantial contribution, even if the Commission does not adopt a policy or procedural recommendation proposed by the intervenor." (D.15-09-017) The courts have held that a substantial contribution can be made "where an unsuccessful intervener has provided a unique perspective adding to the PUC's understanding of a complex proceeding…the critical factor…is whether the intervener has assisted the PUC in carrying out its statutory mandate to regulate public utilities in the public interest." (*The Utility Reform Network v. Public Utilities Com.*, 166 Cal. App. 4th 522, 535.) The Commission recognized that it "may benefit from an intervenor's participation even where the Commission did not adopt any of the intervenor's positions or recommendations." (D.08-04-004, pages 5-6). In D.09-10-051, the Commission determined that TURN had made a substantial contribution through its work on depreciation-related issues in the SCE 2009 test year GRC even though it had not adopted TURN's recommendations. The Commission reached a similar determination in D.14-05-015 (in A.10-12-005, SDG&E/SoCal Gas GRC) where full compensation was awarded despite the fact that none of TURN's recommended	

	depreciation parameters were adopted. In this case, the Commission should find that TURN's successor tariff proposal, including work done on the Public Tool needed to support this proposal, made a substantial contribution to the outcome of the final decision.	
2	**ALTERNATIVES FOR DISADVANTAGED COMMUNITIES** The Commission is required, pursuant to AB 327, to consider specific alternatives for growth of onsite renewable generation amongst customers in disadvantaged communities (§2827.1) The OIR affirms this requirement (OIR, page 7) and the scoping memo identified this issue as within the scope of the proceeding (Scoping Memo, page 3). Consistent with this guidance, TURN developed and submitted a specific proposal for Disadvantaged Communities. Although the issue was slated for resolution in this phase, and a series of rulings directed parties to address the topic, the Commission ultimately decided to defer resolution to a second phase of the proceeding. As a result, no specific proposals were adopted to address the needs of disadvantaged communities. The Commission has authorized compensation for work included in the scope of a phase of proceeding even when the resolution of litigated issues is deferred to another phase or proceeding. In D.15-07-019, the Commission awarded compensation to TURN for work done on issues that were originally within scope but ultimately were found to be not ripe for resolution and required additional record development in a successor proceeding. As explained in comment #1 (above), 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. In this proceeding, TURN relied upon the Commission's direction in developing alternative approaches to support onsite renewable generation in disadvantaged	

	communities. The fact that the Commission ultimately decided not to approve a particular proposal at this time should not undermine TURN's substantial contribution claim. TURN's work should be found to have added a unique perspective in a complex proceeding and assisted the PUC in carrying out its statutory mandate to regulate public utilities in the public interest.	
3	TURN filed an Application for Rehearing of D.16-01-044 citing legal errors relating to the interpretation of certain AB 327 requirements. At the time this request for compensation was submitted, the Commission had not issued a decision on the rehearing application. For purposes of efficiency, TURN includes these hours in this request.	

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
TURN's participation assisted the Commission in assessing the costs and benefits of net metering to participating customers, nonparticipating customers and the electrical system. TURN's participation led to changes to the current net metering tariff that will reduce the compensation levels provided for exports from onsite generation, increase the contributions by participating customers to system and nonbypassable costs, and limit the potential for cost shifting over time. Moreover, TURN's development of a value-based successor tariff alternative provides an opportunity for the Commission to move away from linking compensation to retail rates in order to provide greater certainty to customers with onsite generation and less shifting of costs to the rest of customers. TURN's opposition to the utility successor tariff proposals prevented the adoption of problematic fixed residential customer charges and demand charges that would have frustrated the goal of greater customer reliance on distributed energy resources. TURN's participation on disadvantaged community issues was designed to ensure that subsidies to low-income customers are effective, not excessive, and sufficient to accomplish the goals of AB 327. TURN assisted the Commission in understanding the pitfalls of alternative mechanisms that could be gamed, thwarted, or excessively costly for non-participants. Finally, TURN's proposals for consumer protection should aid future solar customers by ensuring that they receive accurate information from third-party vendors regarding the benefits they can reasonably expect from their onsite generation, their rights and responsibilities, and all expected costs (including escalation) over the duration of any long-term agreement.	Verified, except as to hours spent on disadvantaged communities issue.

Taken together, the benefits obtained by TURN far exceed the cost of TURN's participation in the proceeding. TURN's claim should be found to be reasonable.	
b. Reasonableness of hours claimed: Given the comprehensive showing made by TURN in this proceeding, and the complex analysis required by the Commission relating to the Public Tool model, the amount of time devoted by its staff and consultants is fully reasonable. TURN retained the services of JBS Energy to assist with the analysis of its VODE tariff proposal using the Public Tool model. The Commission required TURN to use the Public Tool as part of submitting a successor tariff proposal (ALJ Ruling, June 4, 2015, pages 4-7, 16). The Public Tool model is complex and involved run times of 4-5 hours. The JBS team of Bill Marcus, Garrick Jones and Greg Ruszovan were needed by TURN to operate the model, analyze cost and value inputs, generate user-friendly outputs, and develop the particular methodology that TURN used to construct its proposed tariff. Mr. Jones also provided support for TURN's participation in evidentiary hearings on utility successor tariff proposals that included fixed and demand charges. Karl Rábago was retained to assist with the development of the VODE tariff proposal. Mr. Rábago is the architect of similar value-based tariffs in other jurisdictions and was able to provide invaluable guidance and support to TURN attorneys in the development of tariff mechanics, analysis of expected outcomes, tax consequences, and consistency with federal law. Kevin Woodruff was retained to identify potential concerns with the Public Tool model and review certain assumptions contained in the model relating to wholesale energy and capacity pricing. The legal, policy and technical issues addressed in this proceeding were extremely complex and, in some instances, required time by different TURN attorneys due to the unique expertise held by different individuals. Matthew Freedman was the lead attorney for TURN in this proceeding. Mr. Freedman drafted most pleadings, participated in evidentiary hearings, and spoke on behalf of TURN at the final oral argument and other all party meetings. Mr. Freedman was assisted by several other TURN attorneys over the course of the proceeding. Elise Torres was primarily responsible for TURN's work on alternative proposals for disadvantaged communities. Ms. Torres also attended necessary coordination meetings and Commission-sponsored events when Mr. Freedman was unavailable. Marcel Hawiger assisted with the development of TURN's VODE tariff, substituted for Mr. Freedman during vacations, conducted research on certain VODE topics, and drafted certain portions of various pleadings. <u>Compensation Request</u> TURN's request also includes 17.5 hours devoted to the preparation of compensation-related filings. The time devoted to this compensation request is appropriate and should be found to be reasonable.	Verified.
c. Allocation of hours by issue: TURN has allocated all of our attorney and consultant time by issue area or activity, as evident on our attached timesheets. The following codes relate to specific substantive issue and activity areas addressed by TURN. TURN also provides an approximate breakdown of the number of hours spent on each task and the percentage of total hours	Verified.

devoted to each category. **GP – 144 hours – 18% of total** General Participation work essential to participation that typically spans multiple issues and/or would not vary with the number of issues that TURN addresses. This includes reviewing the initial applications and Commission rulings, initial review of utility filings and motions, reviewing responses to data requests submitted by other parties, reviewing pleadings submitted by other parties and review of the proposed decision. Includes time spent at Prehearing Conferences, workshops, and other Commission-sponsored events during the course of the proceeding. Also includes work coordinating with other parties. **VODE – 390 hours – 49% of total** Work on the development of the Value of Distributed Energy successor tariff proposal. Includes time spent researching similar value-based tariffs, analyzing tax and policy issues, becoming familiar with the Public Tool, developing Public Tool model inputs and running the Public Tool model, drafting the formal proposal, responding to critiques raised by other parties, and developing other materials explaining the benefits of TURN's approach. **UTP – 101 hours – 13% of total** Work analyzing and responding to successor tariff proposals submitted by SCE, PG&E and SDG&E. Includes review of testimony, data requests, participation in evidentiary hearings, and drafting of briefs. **DAC – 140 hours – 18% of total** Work on the development of successor tariff alternatives for disadvantaged communities. Includes time spent to develop TURN's alternative proposal, to analyze and critique alternatives submitted by other parties, and to draft related pleadings. **CONS – 11 hours – 1% of total** Work on TURN's consumer protection proposals. **AFR – 12.5 hours – 2% of total** Work on TURN's application for rehearing of D.16-01-044. **COMP – 17.5 hours** Work preparing TURN's notice of intent to claim compensation and the final request for compensation. Hours that were multi-issue in nature were coded as "#" and allocated 50% to VODE, 20% to DAC, 20% to UTP, and 10% to CONS. TURN submits that under the circumstances this information should suffice to address the allocation requirement under the Commission's rules. Should the Commission wish to see additional or different information on this point, TURN requests that the Commission so inform TURN and provide a reasonable opportunity for TURN to supplement this showing accordingly.	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES[2]								
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Hours**	**Rate $**	**Total $**
Matthew Freedman	2014	15.25	410	D.15-06-021; D.15-08-023	6,252.50	15.25	$410	$6,252.50
Matthew Freedman	2015	172.25[A]	410	D.15-06-021; D.15-08-023	70,622.50	172.25	$410	$70,622.50
Matthew Freedman	2016	41.75[A]	410	D.15-06-021; D.15-08-023	17,117.50	41.75	$415[B]	$17,326.25
Elise Torres	2014	26.75	215	See Comment #1	5,571.25	26.75	$215[3]	$5,751.25
Elise Torres	2015	71.05[A]	215	See Comment #1	$15,275.75	71.05	$215	$15,275.75
Elise Torres	2016	2.9[A]	215	See Comment #1	$623.50	2.9	$220 [B]	$638.00
Marcel Hawiger	2014	12.75	410	D.15-06-021; D.15-08-023	5,227.50	12.75	$410	$5,227.50
Marcel Hawiger	2015	17.7[A]	410	D.15-06-021; D.15-08-023	$7,257.00	17.7	$410	$7,257.00
Marcel Hawiger	2016	0.2[A]	410	D.15-06-021; D.15-08-023	$82.00	0.2	$415[B]	$83.00
Karl Rabago	2014	5	300	See Comment #2	$1,500.00	5	$300[C]	$1,500.00
Karl Rabago	2015	70.2[A]	300	See Comment #2	$21,060.00	70.2	$300	$21,060.00
William Marcus	2015	3.66	280	See Comment #3	$1,024.80	3.66	$280[C]	$1,024.80
Garrick Jones	2015	167.42	180	D.15-11-019	$30,135.60	167.42	$180	$30,135.60
Greg Ruszovan	2015	54.19	215	See Comment #3	$11,650.85	54.19	$215[C]	$11,650.85
Kevin Woodruff	2015	14.25	250	See Comment #4	$3,562.50	14.25	$250[C]	$3,562.50
					***Subtotal:* $197,143.25**			***Subtotal:* $197,367.50**
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Hours**	**Rate**	**Total $**
Elise Torres	2014	2.5	$107.50	See Comment #1	268.75	2.5	$107.50	$268.75

[2] Due to lack of resolution of certain issues, some hours were denied without prejudice. *See* pg. 17, item A.

[3] Decision (D.) 16-04-037 adopted the rate of $215 per hour for Torres. We apply this newly adopted rate for Torres' work in this proceeding.

				(@50% of $215)				
Matthew Freedman	2016	15	$205	D.15-06-021 (@ 50% of $410)	3,075.00	15	$207.50	$3,112.50
					***Subtotal:* $3,343.75**			***Subtotal:* $3,381.25**

COSTS				
#	**Item**	**Detail**	**Amount**	**Amount**
1	Copies	Copies for pleadings	91.50	$91.50
2	LEXIS	Legal research	10.93	$10.93
2	Phone	Costs of phone calls relating to this proceeding	119.17	$119.17
3	Postage	Costs of mailing copies of pleadings	27.00	$27.00
			***Subtotal:* $248.60**	***Subtotal:* $248.60**
			TOTAL REQUEST: $ 200,773.10	**TOTAL AWARD: $200,997.35**

*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 compensated at ½ of preparer's normal hourly rate.

ATTORNEY INFORMATION			
Attorney	**Date Admitted to CA BAR[4]**	**Member Number**	**Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation**
Matthew Freedman	March 2001	214812	No
Marcel Hawiger	January 1998	194244	No
Elise Torres	December 2011	280443	No

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

Attachment or Comment #	**Description/Comment**
Attachment 1	**Certificate of Service**
Attachment 2	**Daily Time Records for Attorneys and Experts**
Attachment 3	**Cost/expense details**

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

Attachment 4	**Resume of Karl Rábago**
Comment 1	**2015 Hourly Rate for Elise Torres** TURN seeks compensation for Ms. Torres at an hourly rate of $215 for her work in 2014 and 2015. TURN seeks this same hourly rate in four compensation requests currently pending in A.12-08-007 (filed October 27, 2015), R.13-12-011 (filed November 24, 2015), A.14-10-014 (filed March 25, 2016) and A.14-04-014/R.13-11-007 (filed April 4, 2016). Ms. Torres is a 2011 graduate of UC Hastings School of Law and has been a member of the California Bar since 2011. She served as a regulatory and legislative analyst at the Office of Ratepayer Advocates from 2012-2014 and worked as a staff attorney at the California Department of Insurance in 2014. Additional support for the requested hourly rate can be found in the two pending compensation requests referenced above that have not yet been approved by the Commission.
Comment 2	**2014/2015 Hourly Rate for Karl Rábago** Mr. Rábago currently serves as the Executive Director of the Pace Energy and Climate Center, at the Pace University School of Law in White Plains, New York. He has more than 25 years experience in energy and climate policy and markets and is recognized as an innovator in electric utility regulatory issues relating to clean energy services and technologies. Mr. Rábago also serves as Chair of the Board of the Center for Resource Solutions, a San Francisco-based non-governmental organization that works to advance voluntary clean energy markets, and sits on the Board of the Interstate Renewable Energy Council. Mr. Rábago previously served as an Associate Professor of Law at the University of Houston (1990-1992), as a Commissioner at the Texas Public Utility Commission (1992-1994), as Deputy Assistant Secretary at the US Department of Energy (1995-1996), as a program manager at the Environmental Defense Fund (1996-1998), as a Vice President at CH2M Hill (1998-1999), as a managing director at the Rocky Mountain Institute (1999-2002), as a group director at the Houston Advanced Research Center (2003-2006), as Director of Government and Regulatory Affairs for AES Wind Generation (2006-2008), and as Vice President for Distributed Energy Services at Austin Energy (2009-2012). Mr. Rábago received a Bachelor's degree in Business Administration from Texas A&M University, a JD degree from the University of Texas Law School, and post-doctorate degrees in environmental law (LL.M. from Pace University School of Law) and military law (LL.M. from US Army Judge Advocate General's School). A copy of Mr. Rábago's resume is attached. TURN seeks compensation for Karl Rábago's 2014/2015 work at an hourly rate of $300. This rate is approximately the mid-point of the range of approved hourly rates for experts with 13+ years of experience for work in 2015 ranges from $170-$420 (Resolution ALJ-308, page 4). Mr. Rábago's experience compares with other experts who have been awarded hourly rates of at least $300. The Commission previously approved an hourly rate of $345 for work performed by TURN expert Bruce Lacy in 2009 in A.09-04-007 (D.11-03-022). At that time, Mr. Lacy had 28 years of experience as an industry professional, none of which involved work in California. The Commission also approved an hourly rate of $350 for work performed by Margot Saunders on behalf of the National Consumer Law Center in 2012 in R.09-11-014 (D.14-03-020). At that time, Ms. Saunders had 30 years of

	relevant experience outside of California. The Commission also previously approved an hourly rate of $300 for work performed by Steven McClary in 2011 on behalf of the Utility Consumer Action Network in A.11-05-023 (D.14-06-049). At that time, Mr. McClary had more than 25 years of experience. In light of his extensive background and relevant experience, TURN submits that an hourly rate of $300 for Mr. Rábago's work in 2014/2015 is fully reasonable and within the range of compensation that is appropriate.
Comment 3	**2015 Hourly Rate for William Marcus (JBS Energy)** TURN requests an hourly rate of $280 for work Mr. Marcus performed in 2015. This is the same rate that JBS Energy billed TURN for his work during this period. The Commission awarded compensation to TURN using a $265 hourly rate for Mr. Marcus's work in 2013 in D.14-05-015 (in the SoCalGas and SDG&E test year 2012 GRCs, A.10-12-005/006). JBS Energy increased Mr. Marcus's hourly rate as of January 1, 2015, by $15 to $280. If the Commission were to deem the JBS-adopted increase to Mr. Marcus's billing rate as one of the 5% "step" increases available under its intervenor compensation hourly rate policies and procedures, the resulting rate (rounded to the nearest $5 increment) is $280. Furthermore, the Commission adopted a 2.58% increase to 2014 rates in Resolution ALJ-303; applying that increase to Mr. Marcus's 2013 rate, then adding a 5% "step" increase, would produce an hourly rate of $285. In Resolution ALJ-308, the Commission adopted a range of 2015 hourly rates of $170-$420 for expert witnesses with more than thirteen years of experience. Mr. Marcus has over three decades of experience in providing utility ratemaking analysis of the highest caliber and quality, yet his requested rate of $280 is in the second lowest quartile of the established range for experts with his level of experience. The Commission should find reasonable the requested hourly rate of $280 for 2015 work of William Marcus. **2015 Hourly Rate for Greg Ruszovan (JBS Energy)** TURN requests an hourly rate of $215 for work Mr. Ruszovan performed in 2015. This is the same rate that JBS Energy billed TURN for his work during this period. The Commission awarded compensation to TURN using a $205 hourly rate for Mr. Ruszovan's work in 2013 in D.15-08-023 (in the PG&E test year 2014 GRC, A.12-11-009). If the Commission were to deem the JBS-adopted increase to Mr. Ruszovan's billing rate as one of the 5% "step" increases available under its intervenor compensation hourly rate policies and procedures, the resulting rate (rounded to the nearest $5 increment) is $215. Furthermore, the Commission adopted a 2.58% increase to 2014 rates in Resolution ALJ-303; applying that increase to Mr. Ruszovan's 2013 rate, then adding a 5% "step" increase, would produce an hourly rate of $220. In Resolution ALJ-308, the Commission adopted a range of 2015 hourly rates of $170-$420 for expert witnesses with more than thirteen years of experience. Mr. Rusovan has over two decades of experience in advanced computer analysis, database programming and utility production simulation modeling, yet his requested rate of $215 is in the lowest quartile of the established range for experts with his level of experience. The Commission should find reasonable the requested hourly rate of $215 for 2015 work of Greg Ruszovan.
Comment 4	**2015 Hourly Rate for Kevin Woodruff** TURN requests an hourly rate of $250 for work Mr. Woodruff performed in 2015, the same rate that he billed TURN for his work during this period. Mr. Woodruff increased his billing rate from $240 to $250 as of January 1, 2015. The Commission awarded

	compensation to TURN using a $250 hourly rate the agency calculated for Mr. Woodruff's work in 2014 in D.15-05-026 (in the Resource Adequacy Rulemaking, R.11-10-023). TURN submits that the adopted rate of $250 for 2014 establishes the reasonableness of that same rate as applied to Mr. Woodruff's work in 2015.

D. CPUC Disallowances and Adjustments:

Item	Reason
A	As discussed above, no decision was rendered on issues related to disadvantaged communities. Therefore, TURN's hours related to the discussion of disadvantaged communities are denied without prejudice. All hours marked DAC were removed, as were 20% from hours marked as multi-issue with a #. This results in reductions in hours in the following manner: Freedman in 2015: 18 hours Freedman in 2016: 4.5 hours Torres in 2015: 83.95 hours Torres in 2016: 1.35 hours Hawiger in 2015: 5.5 hours Hawiger in 2016: 0.05 hours Rabago in 2015: 9.55 hours TURN is welcome to seek compensation for these hours following the resolution of issues related to disadvantaged communities.
B	Application of 1.28% cost of living adjustment of 2016.
C	Based on information provided by TURN, the Commission finds reasonable a rate of $300.00 per hour for Rabago in 2014. Based on information provided by TURN, the Commission finds reasonable a rate of $280.00 per hour for Marcus in 2015. Based on information provided by TURN, the Commission finds reasonable a rate of $215.00 per hour for Ruszovan in 2015. Based on information provided by TURN, the Commission finds reasonable a rate of $250.00 per hour for Woodruff in 2015.

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 (TURN) has made a substantial contribution to D.16-01-044.

2. The requested hourly rates for TURN'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 $200,997.35.

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 $200,997.35.

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 The Utility Reform Network (TURN) 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 19, 2016, the 75th day after the filing of TURN's request, and continuing until full payment is made.

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

4. This decision is effective today.

Dated June 9, 2016, at San Francisco, California.

MICHAEL PICKER
President
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
CARLA J. PETERMAN
LIANE M. RANDOLPH
Commissioners

APPENDIX

Compensation Decision Summary Information

Compensation Decision:	D1606024	**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
The Utility Reform Network	April 05, 2016	$200,773.10	$200,997.35	N/A	Higher award due to 2016 Cost-of-Living-Adjustment

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Matthew	Freedman	Attorney	TURN	$410	2014	$410
Matthew	Freedman	Attorney	TURN	$410	2015	$410
Matthew	Freedman	Attorney	TURN	$410	2016	$415
Elise	Torres	Attorney	TURN	$215	2014	$215
Elise	Torres	Attorney	TURN	$215	2015	$215
Elise	Torres	Attorney	TURN	$215	2016	$220
Marcel	Hawiger	Attorney	TURN	$410	2014	$410
Marcel	Hawiger	Attorney	TURN	$410	2015	$410
Marcel	Hawiger	Attorney	TURN	$410	2016	$415
Karl	Robago	Expert	TURN	$300	2014	$300
Karl	Robago	Expert	TURN	$300	2015	$300
William	Marcus	Expert	TURN	$280	2015	$280
Garrick	Jones	Expert	TURN	$180	2015	$180
Greg	Ruszovan	Expert	TURN	$215	2015	$215
Kevin	Woodruff	Expert	TURN	$250	2015	$250

(END OF APPENDIX)