

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Consider Policy and Implementation Refinements to the Energy Storage Procurement Framework and Design Program (D.13-10-040, D.14-10-045) and Related Action Plan of the California Energy Storage Roadmap.	Rulemaking 15-03-011 (Filed March 26, 2015)
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**DECISION AWARDING INTERVENOR COMPENSATION TO  
CLEAN COALITION FOR SUBSTANTIAL  
CONTRIBUTION TO DECISION 16-01-032**

<b>Intervenor: Clean Coalition</b>	<b>For contribution to Decision (D.) 16-01-032</b>
<b>Claimed: \$30,095.50</b>	<b>Awarded: \$29,858.75</b>
<b>Assigned Commissioner: Carla J. Peterman</b>	<b>Assigned ALJ: Regina DeAngelis</b>

**PART I: PROCEDURAL ISSUES**

<p><b>A. Brief description of Decision:</b></p>	<p>D.16-01-032 addresses energy storage policy and program issues that must be resolved prior to commencement of the investor-owned utilities’ (IOU) 2016 energy storage procurement solicitations. D. 16-01-032:</p> <ol style="list-style-type: none"> <li>1) Approves the investor-owned utilities’ request for additional flexibility of energy storage targets between grid domains. The Commission allow the IOUs to satisfy some of their transmission and distribution domain targets through customer-connected projects, up to a “ceiling” of 200% of the existing customer domain targets.</li> <li>2) Denies the requests for modifications to the Request for Offer process to require additional specificity regarding operational need or location.</li> <li>3) Clarifies that DC-based storage used as part of a DC microgrid is an eligible storage product for purposes of meeting the storage targets established in Decision (D.) 13-10-040 and the requirements of Assembly Bill (AB) 2514 (Skinner, 2010), but finds that hydrogen-based power-to-gas option (P2G) is ineligible to meet the storage targets established in D.13-10-040 and the requirements of AB 2514 when injected into the natural gas pipeline.</li> <li>4) Finds that credit for SGIP-funded energy storage projects should be split evenly between an unbundled customer’s IOU and the Community Choice</li> </ol>
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	<p>Aggregation/Energy Service Provider for purposes of meeting the storage targets.</p> <p>5) Finds that voluntary energy storage deployments should count towards the storage target established for that customer’s Load Serving Entity.</p> <p>6) Extends the authorization of the Power Charge Indifference Adjustment mechanism to recover potential above-market costs associated with departing load for market/”bundled” energy storage services procured via the 2016 solicitation.</p> <p>7) Defers the resolution of the request for extension of the Power Charge Indifference Adjustment (PCIA) mechanism for market/”bundled” energy storage contracts beyond 10 years until the Commission has addressed the Joint IOU PCIA Protocol, filed with the applications for approval of contracts resulting from the 2014 storage solicitation process.</p>
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:**

	<b>Intervenor</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference (PHC):	5/20/15	Verified.
2. Other specified date for NOI:		
3. Date NOI filed:	6/16/16	Verified.
4. Was the NOI timely filed?		Yes, Clean Coalition timely filed the notice of intent to claim intervenor compensation.
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	R.10-05-006	Verified.
6. Date of ALJ ruling:	7/19/11	Verified.
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		Yes, Clean Coalition demonstrated appropriate status.
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	R.10-05-006	No.
10. Date of ALJ ruling:	7/19/11	No.

11. Based on another CPUC determination (specify):	D.15-11-016	No.
12. Has the Intervenor demonstrated significant financial hardship?		Yes. In Decision 15-10-014, issued October 5, 2015, the Commission affirmed Clean Coalition’s showing of significant financial hardship. We urge Clean Coalition, to seek a new finding of significant financial hardship in subsequent notices of intent to claim intervenor compensation.
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.16-01-032	Verified.
14. Date of issuance of Final Order or Decision:	1/29/16	Verified.
15. File date of compensation request:	3/29/16	Verified.
16. Was the request for compensation timely?		Yes, Clean Coalition timely filed the request for intervenor compensation.

**PART II: SUBSTANTIAL CONTRIBUTION**

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

<b>Intervenor’s Claimed Contribution(s)</b>	<b>Specific References to Intervenor’s Claimed Contribution(s)</b>	<b>CPUC Discussion</b>
<p><b>1. Procurement Best Practices</b></p> <p>The Clean Coalition recommended that the Commission require a higher level of data transparency in the Request for Offer (“RFO”) process, while maintaining confidentiality. The Clean Coalition also recommended that the RFOs should clearly identify the use cases and services needed</p>	<p>“Several energy storage developers and consumer groups, including, but not limited to, the Green Power Institute (GPI) and Environmental Defense Fund (EDF), commented that they would like to see greater specificity of need and more flexibility of eligibility requirements in the RFOs, such as relaxed interconnection requirements and no RFO requirements for bidders to aggregate their sites, or identify them ahead of time for evaluation. . . .</p>	<p>Verified.</p>

<p>in particular grid locations, so that developers can tailor bids to match particular needs or goals. Finally, we argued that the RFO process would provide the most benefits to the grid and ratepayers if the utilities cited the resources in optimal locations on the grid—mainly through coordination with the Distribution Resources Plans proceeding.</p> <p>Our comments contributed to the decision and parties’ understanding of the RFO process, and the Energy Division requested that the Clean Coalition to present on this topic at the workshop. The decision recognized that additional guidance and coordination will improve the RFO process: “Rather than require specific additional information or prescribe specific system needs or use-cases in this decision, we prefer to provide broad guidance to the IOUs on incorporating lessons learned from the joint IOU experience. We encourage the IOUs to coordinate their energy storage RFO processes, to the extent possible, with directions provided in the Distributed Resource Plan Rulemaking and Integrated Distributed Energy Resource Rulemaking for purposes of identifying optimal locations for the deployment of distributed resources.” D.16-01-032 at 14.</p>	<p>Certain parties also requested greater transparency in the RFO process, for example, requiring the utilities to issue a Request for Information (ROI) prior to issuing an RFO, and/or requiring utilities to release pro forma contracts and related forms for feedback from stakeholders and/or requiring utilities to offer clear guidelines on timelines.” D.16-01-032 at 10.</p> <p><i>See also</i> Clean Coalition Comments on Track 1 Issues at 2-3 (July 8, 2015); Clean Coalition Reply Comments on Track 1 Issues at 2-6 (Aug. 3, 2015); CPUC Energy Division, Workshop Reports on Energy Storage Tack 1 at 10 (Sept. 18, 2016).</p>	
<p><b>2. Refinement of the Consistent Evaluation Protocol (“CEP”)</b></p> <p>The Clean Coalition contributed to the decision by recommending specific improvements to the CEP to better take into account the full range of costs and benefits of energy storage resources. Further, the Clean Coalition recommended</p>	<p>“Other parties propose modifying the CEP. The Sierra Club, the Clean Coalition and EDF maintain that the CEP ‘does not adequately incorporate the environmental and grid benefits that storage resources can provide.’ The Sierra Club, along with EDF and the Clean Coalition also suggest that we require the IOUs to modify the CEP to ‘include the full range of costs and benefits</p>	<p>Verified.</p>

<p>that the CEP be used as an evaluation tool to promote consistency and compare market information across IOU service territories.</p> <p>Our work highlighted important concerns that the Commission recognized should be addressed moving forward. The Commission stated in the decision: “Commission staff should also work with the IOUs to determine if there are aggregated data sets that can be made available to interested parties without violating the confidentiality requirements.” D.16-01-032 at 24. Additional costs and benefits that the Clean Coalition identified will also be explored in the Distribution Resources Plans proceeding and in the Integrated Distributed Energy Resources proceeding’s Cost-Effectiveness Working Group, in both of which the Clean Coalition is an active participant. Once established, these values can then be applied to specific storage resources.</p>	<p>to ratepayers, including all quantifiable transmission and distribution benefits.’</p> <p>The Clean Coalition suggests that the CEP should be specifically refined to include, (1) transmission upgrade deferral or avoidance value, (2) avoided transmission access charges, (3) avoided line losses and congestion costs, and (4) voltage support. ... ORA, along with the Sierra Club, CESA, EDF and the Clean Coalition, all suggest that the CEP quantify GHG emissions reductions.” D.16-01-032 at 17-18.</p> <p><i>See also</i> Clean Coalition Comments on Track 1 Issues at 3-5 (July 8, 2015); Clean Coalition Reply Comments on Track 1 Issues at 6-7 (Aug. 3, 2015).</p>	
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**B. Duplication of Effort (§ 1801.3(f) and § 1802.5):**

	<b>Intervenor’s Assertion</b>	<b>CPUC Discussion</b>
<b>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?</b>	Yes	Yes.
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes	Yes.
<b>c. If so, provide name of other parties:</b> Environmental Defense Fund, Sierra Club, and Green Power Institute		Verified.
<b>d. Intervenor’s claim of non-duplication:</b>  The Clean Coalition’s involvement in the proceeding was unique and focused on a specific set of issues. Our work on procurement best practices resulted in policy positions that were not duplicated by other parties, and our comments as well as our presentation at the workshop reflected this. Our positions on the CEP overlapped slightly with other organizations, but our		Agreed, Clean Coalition did not engage in duplicative participation.

reasoning brought a unique perspective from our organization’s experience with distribution system planning and related benefit-cost analyses for various distributed energy resources, including energy storage.	
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**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

<p><b>a. Intervenor’s claim of cost reasonableness:</b></p> <p>The Clean Coalition independently developed our unique policy positions based on our organization’s expertise in distribution system planning, evaluating locational benefits, and developing use cases for storage resources. The Clean Coalition has devoted extensive staff hours and resources to advance this work, including creating policy proposals that informed our efforts. While this related work informs our present contributions, only those hours directly associated with this proceeding are requested for compensation.</p> <p>The Clean Coalition’s involvement will eventually result in increasingly cost-effective energy storage for all ratepayers in California. Our efforts will also result in environmental benefits from decreasing California’s reliance on traditional energy resources, which emit greenhouse gases, ozone, particulate matter, and hazardous air pollutants.</p>	<p style="text-align: center;"><b>CPUC Discussion</b></p> <hr/> <p><b>Verified.</b></p>
<p><b>b. Reasonableness of hours claimed:</b></p> <p>Clean Coalition staff worked on two discreet issues in this proceeding that we have developed significant expertise around. We ensured that only personnel essential to these matters worked on the issues. The claimed hours are reasonable in light of the significance of this proceeding and the ratepayer benefits described above. The hours devoted to this proceeding reflect work on written filings, research, and coordination time. Although we have spent a significant amount of time developing expertise in this policy area, only those staff hours spent specifically developing our policy position and commenting in this proceeding are part of this compensation request.</p> <p>Director of Economics and Policy Analysis Kenneth Sahn White reviewed comments and developed policy positions. Mr. White’s established rate of \$295 reflects the significant level expertise he has developed working on energy issues over more than 15 years, including 5 years practicing in front of the CPUC.</p> <p>Staff Attorney Brian Korpics drafted comments, developed policy positions, and presented at the energy storage workshop. He graduated from New York University School of Law in 2012 and has over 3 years of experience working on energy issues. We are requesting a rate increase of \$30 in 2016 for Mr. Korpics to reflect an increase in his experience level from his 2015 hourly rate.</p>	<p>Verified, but see CPUC Disallowances and Adjustments, below.</p>
<p><b>c. Allocation of hours by issue:</b></p> <p>Hours are allocated in the attached timesheets for this request for compensation, which covers two issues: (1) procurement best practices, and (2) refinement of the CEP.</p>	<p>Verified.</p>

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$ [A]	Total \$
Brian Korpics	2015	108.5	\$200	D.15-10-014	21,700	108.50	\$200.00	21,700.00
K. Sahn White	2015	23.5	\$295	D.15-10-044	6,932.5	23.50	\$295.00	6,932.50
<b>Subtotal: \$28,632.5</b>						<b>Subtotal: \$28,632.50</b>		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Brian Korpics	2016	10.5	\$115	Resolution ALJ-308	1,207.5	10.50	\$102.50 <i>See Res. ALJ-329.</i>	1,076.25
K. Sahn White	2016	1	\$147.5	Half rate established in D.15-10-044	147.5	1	\$150.00 <i>See Res. ALJ-329.</i>	150.00
<b>Subtotal: \$1,355</b>						<b>Subtotal: \$1,226.25</b>		
COSTS								
#	Item	Detail			Amount	Amount		
		Mailing paper copies of filings			108	108.00		
<b>TOTAL REQUEST: \$30,095.5</b>						<b>TOTAL AWARD: \$29,858.75</b>		
<p>**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate</p>								

ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR <sup>1</sup>	Member Number	Actions Affecting Eligibility (Yes/No?)
Brian Korpics	June 2, 2015	303480	No

**C. CPUC Disallowances and Adjustments:**

Item	Reason
[A]	The Commission adjusted the 2016 claimed rates to be in-line with the 1.28% cost-of-living adjustment (COLA) adopted by Res. ALJ-329.

**PART IV: OPPOSITIONS AND COMMENTS**

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

**FINDINGS OF FACT**

- Clean Coalition has made a substantial contribution to D.16-01-032.
- The requested hourly rates for Clean Coalition's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
- The claimed costs and expenses are reasonable and commensurate with the work performed.
- The total of reasonable compensation is \$29,858.75.

**CONCLUSION OF LAW**

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

**ORDER**

- Clean Coalition shall be awarded \$29,858.75.
- 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 Clean Coalition their respective shares of the award, based on their California-jurisdictional

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

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 12, 2016 the 75<sup>th</sup> day after the filing of Clean Coalition's request, and continuing until full payment is made.

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

This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

## APPENDIX

## Compensation Decision Summary Information

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D1601032		
<b>Proceeding(s):</b>	R1503011		
<b>Author:</b>	ALJ DeAngelis		
<b>Payer(s):</b>	Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company		

## Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Clean Coalition	3/29/2016	\$30,095.50	\$29,858.75	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
Brian	Korpics	Attorney	Clean Coalition	\$200	2015	\$200.00
Brian	Korpics	Attorney	Clean Coalition	\$230	2016	\$205.00
Kenneth	Sahm White	Expert	Clean Coalition	\$295	2015	\$295.00
Kenneth	Sahm White	Expert	Clean Coalition	\$295	2016	\$300.00

(END OF APPENDIX)