

Decision \_\_\_\_\_

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

Order Instituting Rulemaking to Oversee the Resource Adequacy Program, Consider Program Refinements, and Establish Annual Local and Flexible Procurement Obligations for the 2016 and 2017 Compliance Years.	Rulemaking 14-10-010 (Filed October 16, 2014)
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**DECISIONS AWARDING INTERVENOR COMPENSATION TO  
THE GREEN POWER INSTITUTE FOR SUBSTANTIAL  
CONTRIBUTION TO DECISION 15-06-063 AND DECISION 16-06-045**

<b>Intervenor: The Green Power Institute</b>	<b>For contribution to Decisions: D.15-06-063, and D.16-06-045</b>
<b>Claimed: \$31,714</b>	<b>Awarded: \$31,714.34</b>
<b>Assigned Commissioner: Michel Peter Florio</b>	<b>Assigned ALJ: Peter V. Allen</b>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	Decision (D.) 15-06-063 Decision Adopting Local Procurement and Flexible Capacity Obligations for 2016, and Further Refining the Resource Adequacy Program.  D.16-06-045 Track 1 Decision Adopting Local and Flexible Capacity Obligations for 2017, and Further Refining the Resource Adequacy Program.
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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):		
2. Other specified date for NOI:	December 5, 2014	Verified.
3. Date NOI filed:	December 5, 2014	Verified.
4. Was the NOI timely filed?		Yes, the Green Power Institute (GPI) 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.14-10-010	Verified.
6. Date of ALJ ruling:	February 3, 2015	Verified.
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		Yes, GPI demonstrated appropriate status.
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	R.14-10-010	Verified.
10. Date of ALJ ruling:	February 3, 2015	Verified.
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes, GPI demonstrated significant financial hardship.
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.16-06-045	Verified.
14. Date of issuance of Final Order or Decision:	June 27, 2016	Verified.
15. File date of compensation request:	August 25, 2016	Verified.
16. Was the request for compensation timely?		Yes, GPI timely filed the request for intervenor compensation.

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

#	Intervenor’s Comment(s)	CPUC Discussion
2	Filing date for NOI per instructions in the OIR.	Agreed. Intervenor was granted the opportunity to file notices of intent on or before December 5, 2014.

**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
<b>D.15-06-063 adopted local procurement and flexible capacity obligations for 2016, and made refinements to the resource adequacy program.</b>	(Please note that Attachment 2 includes a list of issue areas, and of GPI Pleadings relevant to this Claim.)	Verified.

<p><b>RA refinement proposals made by Energy Division:</b></p> <p>Energy Division (ED) made three proposals meant to improve the Commission’s RA program:</p> <ul style="list-style-type: none"> <li>o Distinguish between solar thermal and PV for purposes of setting NQCs.</li> <li>o Do not base NQCs on data from project startup.</li> <li>o NQCs for facilities with previous prolonged outages.</li> </ul> <p>The GPI strongly supported the first two ED proposals, and offered a counter proposal to the third ED proposal. The Commission adopted the first two ED proposals, but declined to adopt the GPI’s counter proposal to the third ED proposal.</p> <p>While the Commission did not adopt all of the GPI’s positions on the ED proposals, our arguments did enhance the record of the proceeding upon which the Decision is based, and thus we made a Substantial Contribution to the Decision with respect to the ED’s set of proposals.</p>	<p>Decision D.15-06-063 adopts the first two of the ED’s proposals, and adopts one of the alternatives for the third ED proposal for 2016 with promises to reopen the issue in phase 2 of this proceeding for 2017. The Decision gives full consideration to our counter proposal to the third ED proposal (see pg. 23 of the Decision), but declines to adopt it.</p> <p>The GPI’s analysis of the three ED proposals was detailed in our 1/30/15, <i>Comments on the ED Staff Proposal on RA Program Refinements</i>, and bolstered in our 2/27/15, <i>Post Workshop Comments on Proposals for RA Program Refinements</i>. We clarified our counter proposal for the third ED proposal in our 6/10/15, <i>Comments on the Proposed Decision of ALJ Gamson</i>.</p> <p>The Decision acknowledges our contributions to the first and second ED proposals on page 17 of the Decision. The Decision acknowledges our arguments regarding the third ED proposal on page 19 of the Decision, and discusses our counter proposal in detail on page 23 of the Decision.</p>	<p>Verified.</p>
<p><b>RA refinement proposals made by Parties:</b></p> <p>Several Parties contributed proposals to refine the Commission’s RA program. The GPI commented on four of the RA refinement proposals:</p> <ul style="list-style-type: none"> <li>o Unbundle conventional and flexible capacity products.</li> <li>o Modify PPAs to allow baseload renewables to deliver flexible capacity.</li> <li>o NQCs for storage facilities.</li> <li>o NQCs for storage integrated</li> </ul>	<p>Decision D.15-06-063 acknowledges the importance of the four proposals that GPI contributed to, and defers their consideration until the next phase of the RA proceeding.</p> <p>The GPI’s analysis of the four Parties’ proposals to which we contributed was detailed in our 2/27/15, <i>Post Workshop Comments on Proposals for RA Program Refinements</i>.</p> <p>The Decision acknowledges our contributions to the first Party proposal, unbundling conventional and flexible capacity, on page 56 of the Decision.</p> <p>The Decision acknowledges our</p>	<p>Verified.</p>

<p>with renewable generators.</p> <p>The GPI supported SDG&amp;E’s proposal to unbundle flexible and conventional capacity, and PG&amp;E’s proposals to promote the delivery of flexible capacity from baseload renewables, and to allow full capacity credit for storage facilities that have a lag between charging and discharging. We also supported CESA’s proposal to treat storage technologies that are fully integrated into the operations of renewable generators to be treated as single units.</p> <p>The Decision expresses interest in, but defers taking action on the four Parties’ proposals that GPI supported. Nevertheless the GPI made a Substantial Contribution to the Decision on these proposals by enhancing the record of the proceeding on these issues, and convincing the Commission of their worthiness for future deliberation.</p>	<p>contribution to the second Party proposal, allowing baseload renewables to operate in flexible-capacity mode, on page 20 of the Decision. On page 26, the Decision confers “pre-dispatch” flexible capacity status to CHP generators, and defers its consideration for baseload renewables.</p> <p>The Decision acknowledges our contributions to the third Party proposal, adjusting the turn-around requirements for storage, on page 47 of the Decision. In this case, the Decision adopts the proposal (pg. 48).</p> <p>The Decision acknowledges our contribution to the fourth Party proposal, allowing integrated storage with renewable generation to be counted as a single system, on page 69 of the Decision, and defers the consideration of this proposal until the next phase of the proceeding.</p>	
<p><b>Decision D.16-06-045 adopts local and flexible capacity obligations for 2017, and further refines the RA program.</b></p>		<p>Verified.</p>
<p><b>RA refinement proposals:</b></p> <p>Several parties contributed proposals in this phase of the RA proceeding to improve the Commission’s RA program. The GPI contributed to four of the RA refinement proposals:</p> <ul style="list-style-type: none"> <li>o Use of ELCC to set NQCs.</li> <li>o Integrated resources should be treated in whole.</li> <li>o Unbundle conventional and flexible capacity products.</li> <li>o Extend pre-dispatch rules to renewables.</li> </ul>	<p>Decision D.16-06-045 acknowledges the contributions to the four proposals that GPI contributed to, and adopts our position on two of the proposals, and defers the other two.</p> <p>The GPI’s analysis of the various Parties’ proposals was detailed in our 1/29/16, <i>Comments on the Proposals for RA Program Refinements and ELCC</i>.</p> <p>The Decision considers several ELCC proposals for the determination of NQCs, but determines, as recommended by GPI, that none are ready for RA program application in 2017.</p>	<p>Verified.</p>

<p>The ED released a progress report on the application of ELCC to the determination of NQCs for intermittent resources. While many Parties are anxious to adopt ELCC for the RA program, the GPI strongly cautioned that ED’s ELCC analysis is not yet ready for adoption, and should not be used until it has been fully vetted. The Decision declines to use ELCC to determine NQCs for 2017, but expresses hope that the methodology can be ready for 2018.</p> <p>GPI has been consistent in advocating for resources that are fully integrated and operated together to be treated as a whole system for purposes of RA value determination. The Decision acknowledges the strengths of our argument, but declines to adopt the proposal at this time, citing concerns about double counting, particularly of EE.</p> <p>The GPI supported the previously deferred proposal to unbundle flexible and conventional capacity, reiterating our previous arguments. The proposal was deferred a second time.</p> <p>The GPI repeated its support for the capacity category of pre-dispatch, and urged the Commission to allow baseload renewables to participate. The Decision adopts our positions on pre-dispatch resources.</p> <p>The Decision adopts our position on two of the four proposals discussed above, and while not adopting our position on two proposals, our arguments contributed to breadth of the record on which the decisions were based. The GPI made</p>	<p>The Decision acknowledges our contributions to the second proposal, treatment of combined, integrated systems, on page 45 of the Decision. The proposal was not adopted for purposes of the 2017 RA requirements due to concerns about double counting, but was left open for future program years.</p> <p>The Decision for the second time considers but defers action on the third proposal, to unbundle conventional and flexible capacity products. In our 6/9/16, <i>Comments on the Proposed Decision of ALJ Dudney</i>, we urged the Commission to settle the issue quickly in the next phase of the proceeding.</p> <p>The Decision acknowledges our contributions to the fourth proposal, eligibility of renewables to count as pre-dispatch resources, on pages 55-56 of the Decision. The proposal was adopted for purposes of the 2017 RA program requirements, including the determination, recommended by GPI, that RA values should be based on amount bid, not amount scheduled.</p>	
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substantial contributions to all four proposals that we commented on for this Decision.		
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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?<sup>1</sup></b>	<b>Yes</b>	Verified.
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	<b>Yes</b>	Agreed.
<b>c. If so, provide name of other parties: TURN, ORA, Solar City, CAISO, IEP, CEERT, CESA, Clean Coalition, Calpine, CLECA.</b>		Agreed.
<b>d. Intervenor’s claim of non-duplication:</b> This proceeding covers a wide variety of topics related to the matters under consideration in the RA proceeding (R.14-10-010). The Green Power Institute coordinated its efforts in this proceeding with other parties, and frequently consulted with other parties on contentious issues. We believe that these measures ensured that we avoided duplication of effort, and added significantly to the outcome of the Commission’s deliberations. Some amount of duplication has occurred in this proceeding on all sides of contentious issues, but Green Power provided our own unique perspective on issues, avoided duplication to the extent possible, and tried to minimize it where it was unavoidable.		Agreed, GPI did not engage in excessive duplication with other parties.

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

<b>a. Intervenor’s claim of cost reasonableness:</b>	<b>CPUC Discussion</b>
<p>The GPI is providing, in Attachment 2, a listing of all of the pleadings we provided in the RA Proceeding, R.14-10-010, that are relevant to matters covered by this Claim, and a detailed breakdown of GPI staff time spent for work performed that was directly related to our substantial contributions to Decisions D.15-06-063 and D.16-06-045.</p> <p>The hours claimed herein in support of Decisions D.15-06-063 and D.16-06-045 are reasonable given the scope of the Proceeding, and the strong participation by the GPI. GPI staff maintained detailed contemporaneous time records indicating the number of hours devoted to the matters settled by the Decisions in this case. In preparing Attachment 2, Dr. Morris reviewed all of the recorded hours devoted to this proceeding, and included only those that were reasonable and contributory to the underlying tasks. As a result, the GPI submits that all of the hours included in the attachment are reasonable, and should be compensated in full.</p>	<b>Verified.</b>

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

<p>Dr. Morris is a renewable energy analyst and consultant with more than thirty years of diversified experience and accomplishments in the energy and environmental fields. He is a nationally recognized expert on biomass and renewable energy, climate change and greenhouse-gas emissions analysis, integrated resources planning, and analysis of the environmental impacts of electric power generation. Dr. Morris holds a BA in Natural Science from the University of Pennsylvania, an MSc in Biochemistry from the University of Toronto, and a PhD in Energy and Resources from the University of California, Berkeley.</p> <p>Dr. Morris has been actively involved in electric utility restructuring in California throughout the past two decades. He served as editor and facilitator for the Renewables Working Group to the California Public Utilities Commission in 1996 during the original restructuring effort, consultant to the CEC Renewables Program Committee, consultant to the Governor’s Office of Planning and Research on renewable energy policy during the energy crisis years, and has provided expert testimony in a variety of regulatory and legislative proceedings, as well as in civil litigation.</p> <p>Decision D.98-04-059 states, on pgs. 33-34, “Participation must be productive in the sense that the costs of participation should bear a reasonable relationship to the benefits realized through such participation. ... At a minimum, when the benefits are intangible, the customer should present information sufficient to justify a Commission finding that the overall benefits of a customer’s participation will exceed a customer’s costs.” The Decisions that are covered by this claim make major contributions to the RA procurement practices of the IOUs, ensuring California consumers clean and reliable energy at just and reasonable costs. The value to the ratepayers of improved RA procurement practices in California overwhelms the cost of our participation in this proceeding.</p>	
<p><b>b. Reasonableness of hours claimed:</b></p> <p>The GPI made Significant Contributions to Decisions D.15-06-063 and D.16-06-045 by providing Commission filings on the various topics that were under consideration in the Proceeding, and are covered by this Claim. Attachment 2 provides a detailed breakdown of the hours that were expended in making our Contributions. The hourly rates and costs claimed are reasonable and consistent with awards to other intervenors with comparable experience and expertise. The Commission should grant the GPI’s claim in its entirety.</p>	<p>Verified.</p>

<b>c. Allocation of hours by issue:</b>	Verified.
D.15-06-063	
1. RA Refinement Proposals Made by ED	30 %
2. RA Refinement Proposals Made by Parties	25 %
D.16-06-045	
3. RA Refinement Proposals	45 %

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
G. Morris	2014	5.0	270	D.15-06-058	1,350	5.00	270.00	1,350.00
G. Morris	2015	62.5	270	D.15-09-021	16,875	62.50	270.00	16,875.00
G. Morris	2016	42.0	275	D.16-06-049	11,550	42.00	275.00	11,550.00
<b>Subtotal: \$ 29,775</b>						<b>Subtotal: \$ 29,775.00</b>		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
G. Morris	2016	14.0	137.5	½ rate for 2016	1,925	14.00	137.50	1,925.00
<b>Subtotal: \$ 1,925</b>						<b>Subtotal: \$1,925.00</b>		
COSTS								
#	Item	Detail			Amount	Amount		
	Mailing	See Attachment 2			14	14.34		
<b>Subtotal: \$ 14</b>						<b>Subtotal: \$14.34</b>		
<b>TOTAL REQUEST: \$ 31,714</b>						<b>TOTAL AWARD: \$31,714.34</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. Intervenors' 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>								

**C. PART IV: OPPOSITIONS AND COMMENTS**

**Within 30 days after service of this Claim, Commission Staff  
or any other party may file a response to the Claim (see § 1804(c))**

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

**FINDINGS OF FACT**

1. The Green Power Institute has made a substantial contribution to Decision (D.)15-06-063 and D.16-06-045.
2. The requested hourly rates for Intervenor's representatives 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 are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$31,714.34.

**CONCLUSION OF LAW**

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

**ORDER**

1. The Green Power Institute shall be awarded \$31,714.34.
2. Within 30 days of the effective date of this decision, The California Public Utilities Commission's Intervenor Compensation Fund shall pay Green Power Institute the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning November 8<sup>th</sup>, 2016, the 75<sup>th</sup> day after the filing of Intervenor's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. This decision 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>	D.15-06-063 and D.16-06-045		
<b>Proceeding(s):</b>	R.14-10-010		
<b>Author:</b>	ALJ Peter V. Allen		
<b>Payer(s):</b>	California Public Utility Commission's Intervenor Compensation Fund		

## Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Green Power Institute (GPI)	8/25/2016	\$31,714	\$31,714.34	N/A	N/A

## Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Gregg	Morris	Expert	GPI	\$270	2014	\$270.00
Gregg	Morris	Expert	GPI	\$270	2015	\$270.00
Gregg	Morris	Expert	GPI	\$275	2016	\$275.00

(END OF APPENDIX)