

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

| | |
|------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| Application of Pacific Gas and Electric Company for Approval of a Power Purchase Agreement with Mariposa Energy, LLC. (U39E) | Application 09-04-001 |
|------------------------------------------------------------------------------------------------------------------------------|-----------------------|

DECISION GRANTING COMPENSATION TO CALIFORNIANS FOR RENEWABLE ENERGY FOR SUBSTANTIVE CONTRIBUTION TO DECISIONS (D.) 17-10-024, D.15-05-056, D.15-01-052 AND D.12-03-008

| | |
|-------------------------------------------------------------|-----------------------------------------------------------------------------|
| Intervenor: Californians for Renewable Energy (CARE) | For contribution to Decision: D1710024, D1505056, D1501052, D1203008 |
| Claimed: \$17,165.50 | Awarded: \$16,412.50 |
| Assigned Commissioner: Michael Picker | Assigned ALJ: Michelle Cooke |

PART I: PROCEDURAL ISSUES

| | |
|------------------------------------------|-----------------------------------------------------------------------------|
| A. Brief description of Decision: | PG&E broke the Mariposa Settlement Agreement, PG&E should be fined \$25,000 |
|------------------------------------------|-----------------------------------------------------------------------------|

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:¹

| | Intervenor | CPUC Verified |
|-----------------------------------------------------------------------------------|-------------------|--------------------------|
| Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)): | | |
| 1. Date of Prehearing Conference: | None | Verified (June 23, 2009) |
| 2. Other specified date for NOI: | | |
| 3. Date NOI filed: | July 16, 2009 | Verified |
| 4. Was the NOI timely filed? | | Yes |

¹ All statutory references are to California Public Utilities Code unless indicated otherwise.

| Showing of eligible customer status (§ 1802(b) or eligible local government entity status (§§ 1802(d), 1802.4): | | |
|------------------------------------------------------------------------------------------------------------------------|------------------|-------------------|
| 5. Based on ALJ ruling issued in proceeding number: | A.09-04-001 | Verified |
| 6. Date of ALJ ruling: | July 29, 2009 | Verified |
| 7. Based on another CPUC determination (specify): | | |
| 8. Has the Intervenor demonstrated customer status or eligible government entity status? | | Yes |
| Showing of “significant financial hardship” (§1802(h) or §1803.1(b)) | | |
| 9. Based on ALJ ruling issued in proceeding number: | A.09-04-001 | Verified |
| 10. Date of ALJ ruling: | July 29, 2009 | 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. 17-10-024 | Verified |
| 14. Date of issuance of Final Order or Decision: | October 30, 2017 | Verified |
| 15. File date of compensation request: | | December 29, 2017 |
| 16. Was the request for compensation timely? | | Yes |

PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059).

| Intervenor’s Claimed Contribution(s) | Specific References to Intervenor’s Claimed Contribution(s) | CPUC Discussion |
|---------------------------------------------|--------------------------------------------------------------------------------------------------------------|------------------------|
| 1.PG&E violated the Mariposa Settlement | D. 12-03-008 Conclusion of Law # 4 Page 18 “PG&E violated Condition B of the Mariposa Settlement Agreement.” | Verified |
| 2.PG&E should be fined for its | | Verified |

| | | |
|-------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <p>breach of the Mariposa Agreement. The remedy proposed in D. 12-03-008 is inadequate.</p> | <p>Decision 15-01-052 Page 3 “We have carefully considered the arguments presented by CARE and CBE and are of the opinion that grounds for limited rehearing have been demonstrated. Therefore, we are granting the limited rehearing of D.12-03-008 in order to open a penalty phase to further consider the issue of an appropriate remedy.”</p> | |
| <p>3. PG&E’s violated the Commissions ex parte communication rules.</p> | <p>Decision 17-10-024 Page 5 “It should be noted as well, that at least some of the emails that CARE now discusses are included within the scope of an open proceeding, <i>Investigation re PG&E Violations concerning Ex Parte Contacts</i> [Investigation (I.) 15-11-015]). In fact, that investigation specifically mentions emails pertaining to A.09-09-021, the proceeding in which we considered Oakley and other relevant 2008 LTRFO projects and issues. (I.15-11-015, at p. 2.) Thus, some of the email issues CARE currently raises are the subject of a separate Commission proceeding.”</p> | <p>Verified</p> |
| <p>Issue 4 General Case Work Reading other parties replies, commission decisions, orders, Etc.</p> | | <p>Noted</p> |

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?² | yes | Yes |
| b. Were there other parties to the proceeding with positions similar to yours? | yes | Yes |
| c. If so, provide name of other parties: DRA, CBE | | Noted |
| d. Intervenor’s claim of non-duplication: CARE brought the violation of the Mariposa Agreement to the Commissions attention. | | Noted |

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| <p>a. Intervenor’s claim of cost reasonableness: Settlements are an important part of the Commissions process. They streamline the commissions proceedings and avoid litigation. PG&E’s position in this proceeding was, “The Rules and Commission decisions do not create any reasonable expectation among settling parties that the deviation, infringement, or violation of a settlement term will result in a penalty. In fact, the possibility that the Commission may subject a settling party to disciplinary action that extends beyond the scope of the settlement, in case of a transgression, may effectively discourage parties from settling.” (D.15-01-052 Page 4,5)</p> <p>PG&E now understands through CARE’s efforts that it must honor its settlement agreements. We believe this strengthens the settlement process and hopefully PG&E and other parties will now realize that breaking its settlement agreements has negative consequences. Unfortunately, the \$25,000 fine is not an adequate deterrent.</p> | <p>CPUC Discussion</p> <p>Noted</p> |
| <p>b. Reasonableness of hours claimed: CARE’s hours are minimal and the benefits to the Commission settlement process will be much greater than CARES compensation award.</p> | <p>Noted</p> |

² 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>c. Allocation of hours by issue: Issue 1- 21.45 hours, Issue 2- 40.3 hours, Issue 3- 27.25 hours, Issue 4- 10.15 Hours</p> <p>A.09-04-001 Time records of hours worked</p> <ol style="list-style-type: none"> 1) Issues PG&E violated the settlement agreement 2) PG&E should be fined 3) PG&E's should be fined for illegal ex parte communications 4) General Case Work <p><u>2010</u></p> <p>10-08-10 Draft Petition for Modification 6 hours Issue 1</p> <p>10-09-10 Draft petition for Modification 4.5 hours Issue 1</p> <p>11-12-10 Review DRA Response to PFM .25 hours Issue 4</p> <p>11-12-10 Review PG&E Response to PFM .5 hours Issue 4</p> <p><u>2011</u></p> <p>1/8/17 Review ALJ Ruling requesting comments on impact of D.1012-050 .25 hours Issue 4</p> <p>1-25-11 Draft CARE comments on impacts of D. 10-12-050 3 hours Issue 1</p> <p>1-26-11 Draft CARE comments on impacts of D. 10-12-050 2.25 hours Issue 1</p> <p>1-29-11 Review DRA comments on impact of D. 10-12-050 .25 hours Issue 4</p> <p>1-29-11 Review PG&E COMMENTS ON THE IMPACT Decision D. 10-12-050 .5 hours Issue 4</p> <p>2-14-11 Draft Reply Comments on Impact of D. 12-10-050 4.5 hours Issue 1</p> <p>2-15-11 Draft Reply comments on Impact of D. 12-10-050 1.2 hours Issue 1</p> <p>2-19-11 Review PG&E REPLY COMMENTS ON THE IMPACT OF DECISION 10-12-050</p> | <p>Noted</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>.25 hours Issue 4</p> <p>2-19-11 Review DRA Reply comments on IMPACT OF DECISION 10-12-050 .25 hours Issue 4</p> <p>10-18-11 Review ACR ruling opening a new phase in proceeding .5 hours Issue 4</p> <p>11-1-11 Draft pre hearing conference statement 5.5 hours Issue 2</p> <p>11-2-11 Draft Pre hearing conference statement 3.1 hours Issue 2</p> <p>11-3-17 Draft Prehearing conference 2.3 hours Issue 2</p> <p>11-5-11 Review CBE's prehearing conference statement .25 hours Issue 4</p> <p>11-5-11 Review IEP's prehearing statement .25 hours Issue 4</p> <p>11-5-11 Review PG&E prehearing statement .5 hours Issue 4</p> <p>11-5-11 Review AREM prehearing statement .25 hours Issue 4</p> <p>11-9-11 Review ACR ruling terminating Phase 2 of the application .25 hours Issue 4</p> <p><u>2012</u></p> <p>2-7-12 Review ALJ Semcer PD .5 hours Issue 4</p> <p>2-24 Draft Comments on Proposed decision 6.25 hours Issue 2</p> <p>2-25 Draft CARE Motion for leave to file confidential material .5 hours Issue 2</p> <p>2-28 review PG&E comments on proposed decision</p> | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>.25 hours Issue 4</p> <p>2-28 Review CBE comments .25 Hours Issue 4</p> <p>2-28 Review IEP comments .1 Hour Issue 4</p> <p>3-1-12 Draft Reply comments 2.25 hours Issue 2</p> <p>3-5-12 Review PG&E reply comments on PD .25 hours Issue 4</p> <p>3-9-12 Review Decision 12-03-008 .75 hours Issue 4</p> <p>3-21-12 Draft rehearing request 3.5 hours Issue 2</p> <p>3-22-12 Draft rehearing request 4.2 Hours Issue2</p> <p>4-11-12 Review PG&E response to rehearing 1.25 Hours Issue 4</p> <p>4-17-12 Review CBE Application for rehearing .25 hours Issue 4</p> <p>4-27-12 Review PG&E response to CBE AFR .1 hour Issue 4</p> <p><u>2015</u></p> <p>1-29-15 Review D. 15-01-052 50 hours Issue 4</p> <p>2-20-15 Draft rehearing Request 7.5 hours Issue 3</p> <p>2-21-17 Draft rehearing request 6.25 Issue 3</p> <p>3-13-15 Review PG&E response .25 hours Issue 4</p> | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>5-21-15 Review Decision 15-05-056 .25 hours Issue 4</p> <p><u>2016</u></p> <p>2-11-16 Review scoping order penalty phase .25 hours Issue 4</p> <p>3-18-16 Draft RESPONSE TO ALJ ruling next steps 5.2 hours Issue 2</p> <p>3-19-16 Draft response to ALJ Ruling net Steps 7.5 hours Issue 2</p> <p>3-21-16 Review PG&Es response to penalty phase .2hours Issue 4</p> <p>8-3-16 Review proposed decision .5 Hours Issue 4</p> <p>8-15-16 Draft CARE Comments on ALJ Cooke PD 6.5 hours Issue 3</p> <p>8-16-16 Draft CARE Comments on ALJ Cooke PD 7 hours Issue 3</p> <p>8-30-16 PG&E REPLY COMMENTS ON Cooke PD .25 Hours Issue 4</p> | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

B. Specific Claim: *

| CLAIMED | | | | | | CPUC AWARD | | |
|-------------------------------------|------|-------|---------|-----------------|-------------------------|------------|---------|----------|
| ATTORNEY, EXPERT, AND ADVOCATE FEES | | | | | | | | |
| Item | Year | Hours | Rate \$ | Basis for Rate* | Total \$ | Hours | Rate \$ | Total \$ |
| [Advocate1] Robert Sarvey | 2010 | 11.25 | 155 | D.16-03-023 | \$1,912.50 ³ | | | |
| | 2011 | 25.35 | 155 | D.16-03-023 | \$4,309.50 ⁴ | | | |
| | 2012 | 20.4 | 155 | D.16-03-023 | \$3,468.00 ⁵ | | | |
| | 2015 | 14.75 | 175 | D.16-03-023 | \$2,507.50 ⁶ | | | |

³ Correct total is \$1,743.75.

⁴ Correct total is \$3,929.25.

⁵ Correct total is \$3,162.00.

| | | | | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------|----------------|------------------------|-------------------------|---------------------------------|---------------------|-----------------|
| | 2016 | 27.4 | 175 | D.16-03-023 | \$4,658.00 ⁷ | | | |
| | | | | Subtotal: | 16,855.50 ⁸ | | | |
| Robert Sarvey | 2010 | | | | | 11.25 | \$155 ⁹ | \$1,743.75 |
| Robert Sarvey | 2011 | | | | | 25.35 | \$155 ¹⁰ | \$3,929.25 |
| Robert Sarvey | 2012 | | | | | 20.4 | \$160 ¹¹ | \$3,264.00 |
| Robert Sarvey | 2015 | | | | | 14.75 | \$170 ¹² | \$2,507.50 |
| Robert Sarvey | 2016 | | | | | 27.4 | \$170 | \$4,658.00 |
| Subtotal: \$16,855.50 | | | | | | Subtotal: \$16,102.50 | | |
| INTERVENOR COMPENSATION CLAIM PREPARATION ** | | | | | | | | |
| Item | Year | Hours | Rate \$ | Basis for Rate* | Total \$ | Hours | Rate | Total \$ |
| Michael Boyd | 2017 | 4 | 155/hr | D.16-03-023 | \$310 | 4 | 77.5 ¹³ | \$310.00 |
| Subtotal: \$310 | | | | | | Subtotal: \$310.00 | | |
| TOTAL REQUEST: \$17,165.50¹⁴ | | | | | | TOTAL AWARD: \$16,412.50 | | |
| <p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). 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,</p> | | | | | | | | |

⁶ Correct total is \$2,581.25.

⁷ Correct total is \$4,795.00.

⁸ Correct subtotal is \$16,211.25.

⁹ See D.11-01-024.

¹⁰ See D.13-06-022.

¹¹ See D.13-06-022.

¹² See D.16-03-023.

¹³ D.16-03-023 approved a 2015 rate of \$150 for Boyd. We apply Resolution ALJ-329 (2016 Cost-of Living Adjustment) and Resolution ALJ-345 (2017 Cost-of Living Adjustment) for a 2017 rate of \$155.00. As claim preparation hours are compensated at ½ the preparer's normal hourly rate we adjust it here.

¹⁴ Actual total request is \$16,521.25 not \$17,165.50.

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 are typically compensated at 1/2 of preparer's normal hourly rate

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))

| | |
|-------------------------------------------------------|----|
| 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. CALifornians for Renewable Energy (CARE) made substantial contributions to D.17-10-024, D.15-05-056, D.15-01-052, and D.12-03-008.
2. The requested hourly rates for CARE'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 are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$16,412.50.

CONCLUSION OF LAW

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

ORDER

1. CALifornians for Renewable Energy (CARE) shall be awarded \$16,412.50.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay CALifornians for Renewable Energy 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 March 14, 2018, the 75th day after the filing of CALifornians for Renewable Energy'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**

| | | | |
|--------------------------------|----------------------------------------|---------------------------|----|
| Compensation Decision: | | Modifies Decision? | No |
| Contribution Decisions: | D1710024, D1505056, D1501052, D1203008 | | |
| Proceeding: | A0904001 | | |
| Authors: | ALJ Cooke | | |
| Payer: | Pacific Gas and Electric Company | | |

Intervenor Information

| Intervenor | Claim Date | Amount Requested | Amount Awarded | Multiplier? | Reason Change/Disallowance |
|------------------------------------------|-------------------|-------------------------|-----------------------|--------------------|--------------------------------------------------------------------------------|
| CALifornians for Renewable Energy (CARE) | 11/1/2017 | \$17,165.50 | \$16,412.50 | N/A | Correction of Approved Hourly Rates; Application of Cost-of-Living Adjustments |

Advocate Information

| First Name | Last Name | Type | Intervenor | Hourly Fee Requested | Year Hourly Fee Requested | Hourly Fee Adopted |
|-------------------|------------------|-------------|-------------------|-----------------------------|----------------------------------|---------------------------|
| Robert | Sarvey | Advocate | CARE | \$155 | 2010 | \$155 |
| Robert | Sarvey | Advocate | CARE | \$155 | 2011 | \$155 |
| Robert | Sarvey | Advocate | CARE | \$155 | 2012 | \$160 |
| Robert | Sarvey | Advocate | CARE | \$175 | 2015 | \$170 |
| Robert | Sarvey | Advocate | CARE | \$175 | 2016 | \$170 |
| Michael | Boyd | Advocate | CARE | \$155 | 2017 | \$155 |

(END OF APPENDIX)