

Decision 18-11-042 November 29, 2018

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SAN DIEGO GAS & ELECTRIC COMPANY (U902E) for Approval of SB 350 Transportation Electrification Proposals.

Application 17-01-020

And Related Matters.

Application 17-01-021

Application 17-01-022

DECISION GRANTING COMPENSATION TO COMMUNITY ENVIRONMENTAL COUNCIL FOR SUBSTANTIAL CONTRIBUTION TO DECISIONS 18-01-024 AND 18-05-040

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| Intervenor: Community Environmental Council | For contribution to Decisions D.18-01-024, D.18-05-040 |
| Claimed: \$12,820.00 | Awarded: \$12,820.00 |
| Assigned Commissioner: Carla J. Peterman | Assigned ALJs: Michelle Cooke, Sasha Goldberg |

PART I: PROCEDURAL ISSUES:

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| A. Brief description of Decisions: | <p>Decision D.18-01-024 approves with modifications 15 Priority Review Projects of San Diego Gas & Electric, Southern California Edison, and Pacific Gas & Electric with budgets totaling \$42 million. The decision advances the Commissions efforts to meet clean energy and transportation electrification goals of Senate Bill 350. This decision focused on the Priority Review Projects, which are shorter term, limited budget projects.</p> <p>Decision D.18-05-040 approves with modifications the Standard Review Projects of San Diego Gas & Electric, Southern California Edison, and Pacific Gas & Electric, for budgets totaling \$738 million.</p> |
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

| | Intervenor | CPUC Verified |
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| Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)): | | |
| 1. Date of Prehearing Conference (PHC): | March 16, 2017 | Verified |
| 2. Other specified date for NOI: | | |
| 3. Date NOI filed: | April 14, 2017 | Verified |
| 4. Was the NOI timely filed? | | Yes |
| Showing of customer or customer-related status (§ 1802(b)): | | |
| 5. Based on ALJ ruling issued in proceeding number: | | A.17-01-020, et al. |
| 6. Date of ALJ ruling: | | December 6, 2017 |
| 7. Based on another CPUC determination (specify): | D.18-06-022 | Verified |
| 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.17-01-020, et al. |
| 10. Date of ALJ ruling: | | December 6, 2017 |
| 11. Based on another CPUC determination (specify): | D.18-06-022 | Verified |
| 12. Has the Intervenor demonstrated significant financial hardship? | | Yes |
| Timely request for compensation (§ 1804(c)): | | |
| 13. Identify Final Decision: | D.18-05-040 | Verified |
| 14. Date of issuance of Final Order or Decision: | June 6, 2018 | Verified |
| 15. File date of compensation request: | August 2, 2018 | Verified |
| 16. Was the request for compensation timely? | | Yes |

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 |
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| | (Please note that Attachment 2 includes a list of issue areas, and of CEC Pleadings relevant to this Claim.) | Noted |
| <p>1. Lack of cost detail in TE Applications.</p> <p>The CEC protested both the PG&E and SCE TE Applications due to the lack of adequate budgetary detail and justification, and the fact that while the projects proposed appeared to us to be reasonable, the budgets appeared to be high relative to the costs of similar projects that we are aware of. Our efforts led PG&E to supply additional budgetary information to the docket, and forced additional scrutiny by the Commission and other parties on the numbers provided, for both PG&E and SCE. The CEC made a substantial contribution to the</p> | <p>Decision</p> <p>PG&E was directed to supply additional cost data and updated project budgets.</p> <p>“On August 23, 2017, PG&E filed a motion for acceptance of Updated Cost Estimates For Priority Review Projects after responding to a data request from the Energy Division [note that the Council submitted similar data requests to PG&E] that requested further details about PG&E’s cost estimates for the five PRPs. The motion updated each of the proposed projects’ individual budgets, but ensured the subtotal for all five PRPs at \$20 million.” [D.18-01-024, pg. 5.]</p> <p>Table 1 summarizes the funding approved for the authorized PRPs by utility and cost category (table not reproduced here). [D.18-01-024, pg. 85.]</p> <p>Pleadings</p> <p>“We have serious concerns, however, about the proposed costs, the level of detail provided about costs, and other program details, requiring that we protest the application in its current form.” [GPI/CEC Protest to SCE, 3/6/17, pg. 2, repeated in Protest to PG&E, pg. 3.]</p> <p>“In general, we urge a change in how utilities propose new programs in terms of cost details. All parties and the</p> | Noted |

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| <p>approval of both priority and standard review projects for both PG&E and SCE.</p> | <p>Commission know that ratepayer advocates will require additional justification for program details and we urge the utilities, as a way to expedite stakeholder reconciliation, to provide an appendix for each proposed project that contains considerably more budget details. In this way, parties who wish to learn more cost details can do so, while those who wish for a more surface level treatment can remain with the main text.” [GPI/CEC Protest, 3/6/17, pg. 2, repeated in Protest to PG&E, pg. 3.]</p> <p>“In general, GPI/CEC are supportive of both SCE and PG&E’s proposed priority review projects, but we urge that both utilities provide significantly more detail on cost estimates. In multiple projects, we are concerned about high management costs and urge including additional implementing partners, with smaller amounts of equipment deployed per partner, to promote diversity and a better chance of success in each project.” [GPI/CEC Opening Brief, 6/16/17, pg. 2.]</p> <p>“While we are supportive of the [PG&E’s] proposed priority review projects, we are concerned about high management costs and the limited scope of each project. \$1.15 million in operating expenses seems disproportionately high for each \$2.2 million in capital costs, especially as these projects are capital intensive projects.” [GPI/CEC Opening Brief, 6/16/17, pg. 8.]</p> <p>“In general, GPI/CEC are supportive of both SCE and PG&E’s proposed standard review projects, but we urge that both utilities and the Commission exercise vigilance with respect to program costs. We encourage them to find ways to maximize installations for the proposed costs, such as utilizing 24</p> | |
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| | <p>kW DCFs, among other recommendations.” [GPI/CEC Opening Brief, 11/21/17, pg. 5.]</p> <p>“We appreciate that PG&E submitted additional budget information after parties like GPI/CEC requested this, but the PD still does not engage in any analysis (with one exception that we acknowledge and highlight) with respect to achieving maximum impact with the proposed funds.” [GPI/CEC Comments, 12/12/17, pg. 2.]</p> <p>“Some parties, including GPI/CEC, highlighted the lack of detailed budget information, or of budget justifications, in the utility applications. The PD approves PG&E’s motion to accept updated budget information (PD, p. 5). CEC agrees and appreciates PG&E’s effort to provide additional budget information as GPI/CEC had called for in our protests and briefs. Nevertheless, the PD fails to engage in almost any cost or cost-effectiveness analysis or, more generally, to examine whether the proposed pilots will maximize impact and data gathering (with one exception, which we highlight below in our comments on PG&E’s proposed projects). The purpose of pilot projects is to gather as much data as is feasible and to allow policymakers to determine if a larger program has merit.” [GPI/CEC Comments, 12/12/17, pg. 3.]</p> <p>“The PD approves with modifications SCE’s Residential Make-Ready Pilot Rebate program, requiring SCE to treat costs as expenses instead of regulatory assets (p. 41). GPI/CEC called for this rate treatment in our comments on the application, so we agree with the PD on this key modification.” [GPI/CEC Comments, 12/12/17, pg. 3.]</p> | |
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| <p>2. Balancing marketing effectiveness and promotion of transportation electrification in DACs.</p> <p>One of the important objectives of the transportation electrification (TE) program as memorialized in statute by SB 350 is that the program should benefit DACs. There are a variety of compelling reasons to target these projects at DACs, not the least of which is that petroleum-powered transportation, especially from medium and heavy-duty vehicles, is a major source of air pollution in DACs. On the other hand the early stages of the commercialization of new technologies are more likely to occur in higher-income markets, which presents a dilemma. The CEC made a substantial contribution to Decisions D.18-01-024 and D.18-05-</p> | <p>Decision</p> <p>Several parties suggest SCE should set aside a percentage of the rebates to go to customers in DACs. As Green Power Institute and Community Environmental Council note:</p> <p>“EV policies are designed first and foremost to promote EV adoption and mitigate climate change... where it makes sense to include DAC carveouts or a DAC focus in order to enhance EV adoption, we fully support such policies. But we don’t support shifting the focus of EV policy to economic development of DACs when that is not the intention of legislators or the Commission in this proceeding (footnoted to 7/10/17 GPI/CEC Reply Brief).” [D.18-01-024, pg. 48.]</p> <p>“Fast Charge conforms to the September 14, 2016 ACR instructions to leverage non-utility funding by requiring the site host at all sites located outside of disadvantaged communities to cover the entire cost of the DCFC equipment, network services, O&M. Lowering up-front installation costs through utility investment in and ownership of make-ready infrastructure improves the business case for investment in DCFCs. As PG&E states, “[u]tility make-ready investments will amplify the scale of future charger deployments by allowing public and private funding to be repurposed toward more chargers instead of make-ready costs, providing for even greater access for drivers.” As described by GPI/CEC, by subsidizing only the make-ready infrastructure, PG&E’s program will allow third parties and site owners to rapidly build out DCFCs where it makes the most sense to do so.” [D.18-05-040, pg. 71.]</p> | <p>Verified</p> <p>Verified</p> |
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| <p>040 by characterizing the dilemma, and suggesting approaches to maximize DAC benefits from the various projects approved by the Decisions while taking maximum advantage of market dynamics. The Decisions embrace our approach.</p> | <p>Pleadings</p> <p>“We also highlight below the need to not focus only on DACs for education and outreach, as for example PG&E currently proposes, because this is not a substantial part of the potential market for EVs in the near or mid-term. We also highlight below projects that are particularly good use cases for investing in DACs and urge PG&E to consider our recommendations.” [GPI/CEC Opening Brief, 6/16/17, pg. 4.]</p> <p>“Rather, EV policies are designed first and foremost to promote EV adoption and mitigate climate change. In sum, where it makes sense to include DAC carveouts or a DAC focus in order to enhance EV adoption, we fully support such policies. But we don’t support shifting the focus of EV policy to economic development of DACs when that is not the intention of legislators or the Commission in this proceeding.” [GPI/CEC Reply Brief, 7/10/17, pg. 6.]</p> <p>“GPI/CEC support the PD’s focus on TE pilots taking place in DACs where such an emphasis is likely to improve data gathering and the effectiveness of the proposed pilot project; we do not, however, support such an emphasis when an exclusive focus on DACs will likely diminish data gathering and effectiveness, as is the case with SCE’s urban cluster DCFC pilot.” [GPI/CEC Comments, 12/12/17, pg. 2.]</p> | <p>Noted</p> |
| <p>3. Need for Independent Evaluator.</p> <p>In line with our concerns about budgetary detail and cost control with</p> | <p>Decision</p> <p>The utilities will collectively fund a budget equal to four percent of their total approved PRP budgets from all ratepayers, and issue an RFP to select a third-party evaluator. The evaluator should conduct an assessment of each</p> | <p>Verified</p> |

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| | <p>[GPI/CEC Protest, 3/6/17, pg. 4.]</p> <p>“Consumers are still generally ignorant about EVs, their benefits and their limitations. E&O is absolutely essential for meeting the dramatic shifts that SCE highlights in its application. While GPI/CEC generally support SCE’s proposed projects as part of its SB 350 plan (with some concerns as described below), we again strongly urge SCE and the Commission to include robust E&O as part of this plan. Currently, SCE proposes minimal E&O. PG&E and SDG&E, by contrast, are planning more significant E&O as part of their proposed plans. We urge SCE at the very least to increase its proposed E&O efforts to be on par with PG&E’s and SDG&E’s SB 350 applications, which include a substantial focus on EV E&O in furtherance of proposed programs.”</p> <p>[GPI/CEC Opening Brief, 6/16/17, pg. 14.]</p> | |
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

| | Intervenor’s Assertion | CPUC Discussion |
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| a. Was the Public Advocate’s Office at the California Public Utilities Commission (Cal PA) a party to the proceeding? ¹ | 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: TURN, NRDC, Green Power Institute, Charge Point, National Diversity Coalition, National Asian American Coalition, Tesla, California Transit Assoc., Greenlining Institute, and the three large electric IOUs. | | Verified |
| d. Intervenor’s claim of non-duplication: This proceeding covers a wide variety of topics related to the state’s long-term goals for | | Noted |

¹ The Office of Ratepayer Advocates (ORA) was renamed the Public Advocate’s Office at the California Public Utilities Commission (Cal Advocates), pursuant to Senate Bill 854, which the Governor approved on June 27, 2018.

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| <p>the transition of the transportation sector to electrification. The Community Environmental Council has been an active participant in the Commission’s Transportation Electrification related proceedings since the inception of the program, and is continuing these efforts in the present Applications (A.17-01-021 & A.17-01-022). The Council coordinated its efforts in this proceeding with other parties in order to avoid duplication of effort, joined other parties (Green Power Institute) for joint filings, and added significantly to the outcome of the Commission’s deliberations through our own unique perspective of conducting on-the-ground electric vehicle readiness efforts on the Central Coast of California. Our experience working with EV drivers, education and outreach to the non-EV driving public, assistance of governments and businesses to install charging stations and develop EV friendly policy, and help fleets and employees electrify gives us a distinctive view into the entire EV ecosystem. Some amount of duplication has occurred in this proceeding on all sides of contentious issues, but the Council avoided duplication to the extent possible, and tried to minimize it where it was unavoidable.</p> | |
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PART III: REASONABLENESS OF REQUESTED COMPENSATION:

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

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| <p>a. Intervenor’s claim of cost reasonableness:</p> <p>The CEC is providing, in Attachment 2, a listing of all of the pleadings we provided in these Proceedings, A.17-01-021, A.17-01-022, and consolidated proceedings 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.18-01-024 and D.18-05-040.</p> <p>The hours claimed herein in support of Decisions D.18-01-024 and D.18-05-040 are reasonable given the scope of the Proceedings, and the strong participation by the CEC. CEC staff maintained detailed contemporaneous time records indicating the number of hours devoted to the matters settled by these Decisions in this case. CEC also reduced travel time and time spent to the proceeding by participating in workshops and hearings via teleconference. In preparing Attachment 2, Mr. Chiacos 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 CEC submits that all of the hours included in the attachment are reasonable, and should be compensated in full.</p> <p>Mr. Chiacos is CEC’s Director of Energy and Climate Programs and is a</p> | <p style="text-align: center;"><u>CPUC Discussion</u></p> <p>Noted</p> |
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| <p>clean energy analyst and consultant with more than 12 years of experience and accomplishments in the energy and environmental fields. He founded Plug-in Central Coast, and his team serves on the Steering Committee of this group along with the Air Pollution Control Districts of Ventura, Santa Barbara, and San Luis Obispo Counties. Plug in Central Coast is the official EV Readiness group for the region, funded by the California Energy Commission. Mr. Chiacos has led development of the regional EV Readiness Plan, and works with local businesses and governments to develop EV friendly policies. The Council has worked with dozens of charging station companies, businesses, governments, and other site hosts to install hundreds of charging stations throughout Ventura, Santa Barbara, and San Luis Obispo Counties. The Council also hosts multiple consumer facing EV education events annually such as Drive Electric Week and the Santa Barbara Green Car Show, which attracts 35,000 people as part of Earth Day and features dozens of EVs and a Ride and Drive. Through on-the-ground interactions with different actors of the EV ecosystem, the Council seeks to transform these lessons learned into effective policy. More information on the Council and its energy program may be found at http://www.cecsb.org/</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.” This proceeding is concerned with pilot projects that are intended to promote the electrification of transportation in California. Transportation electrification is a major goal of California environmental policy, and this will only occur in a cost-effective manner if there is careful planning for the development of the supporting infrastructure. The benefits of a well-planned transition to electrified transportation overwhelm the cost of our participation in this proceeding.</p> | |
| <p>b. Reasonableness of hours claimed:</p> <p>The CEC made Significant Contributions to Decisions D.18-01-024 and D.18-05-040, by participating in working groups and hearings, and providing a series of 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 CEC’s claim in its entirety.</p> | <p>Noted</p> |

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| c. Allocation of hours by issue: 1. Lack of Cost Detail in TE Applications 35% 2. Balancing Marketing Effectiveness and Promotion of ET in DACs 25% 3. Need for Independent Evaluator 10% 4. Need for Education and Outreach 30% | Noted |
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B. Specific Claim:*

| CLAIMED | | | | | | CPUC AWARD | | |
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| ATTORNEY, EXPERT, AND ADVOCATE FEES | | | | | | | | |
| Item | Year | Hours | Rate \$ | Basis for Rate* | Total \$ | Hours | Rate \$ | Total \$ |
| M. Chiacos | 2017 | 44 | 230 | CPUC Rate Table, Expert 11 years' experience | 10,120 | 44.00 | \$230.00 | \$10,120.00 |
| M. Chiacos | 2018 | 3.5 | 240 | CPUC Rate Table, Expert 12 years' experience | 840 | 3.50 | \$240.00 | \$840.00 |
| <i>Subtotal: \$10,960.00</i> | | | | | | <i>Subtotal: \$10,960.00</i> | | |
| INTERVENOR COMPENSATION CLAIM PREPARATION ** | | | | | | | | |
| Item | Year | Hours | Rate \$ | Basis for Rate* | Total \$ | Hours | Rate | Total \$ |
| M. Chiacos | 2018 | 15.5 | 120 | ½ rate for 2018 | 1,860.00 | 15.50 | \$120.00 | \$1,860.00 |
| <i>Subtotal: \$1,860.00</i> | | | | | | <i>Subtotal: \$1,860.00</i> | | |
| TOTAL REQUEST: \$12,820.00 | | | | | | TOTAL AWARD: \$12,820.00 | | |

**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

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

| Attachment or Comment # | Description/Comment |
|-------------------------|---|
| Attachment 1 | Certificate of Service |
| Attachment 2 | Allocation of effort by issue, list of pleadings, breakdown of hourly efforts |
| Attachment 3 | Mr. Chiacos' Resume |

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)))

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

FINDINGS OF FACT

1. Community Environmental Council has made a substantial contribution to D.18-01-024 and D.18-05-040.
2. The requested hourly rates for Community Environmental Council'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 \$12,820.00.

CONCLUSION OF LAW

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

ORDER

1. Community Environmental Council is awarded \$12,820.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company ratepayers, Southern California Edison Company ratepayers, and San Diego Gas & Electric Company ratepayers shall pay Community Environmental Council their respective shares of the award, based on their California-jurisdictional electric revenues for the 2017 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 October 17, 2018, the 75th day after the filing of Community Environmental Council'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 November 29, 2018, at San Francisco, California.

MICHAEL PICKER
President
CARLA J. PETERMAN
LIANE M. RANDOLPH
MARTHA GUZMAN ACEVES
CLIFFORD RECHTSCHAFFEN
Commissioners

APPENDIX**Compensation Decision Summary Information**

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|---------------------------|--|--------------------|----|
| Compensation Decision: | D1811042 | Modifies Decision? | No |
| Contribution Decision(s): | D1801024 and D1805040 | | |
| Proceeding(s): | A1701020, A1701021, 1701022 | | |
| Author: | Cooke, Goldberg | | |
| Payer(s): | Pacific Gas and Electric Company ratepayers, Southern California Edison Company ratepayers, and San Diego Gas & Electric Company ratepayers. | | |

Intervenor Information

| Intervenor | Claim Date | Amount Requested | Amount Awarded | Multiplier ? | Reason Change/Disallowance |
|---------------------------------|------------|------------------|----------------|--------------|----------------------------|
| Community Environmental Council | 08/02/2018 | \$12,820.00 | \$12,820.00 | N/A | N/A |

Advocate Information

| First Name | Last Name | Type | Intervenor | Hourly Fee Requested | Year Hourly Fee Requested | Hourly Fee Adopted |
|------------|-----------|--------|------------|----------------------|---------------------------|--------------------|
| Michael | Chiacos | Expert | CEC | \$230.00 | 2017 | \$230.00 |
| Michael | Chiacos | Expert | CEC | \$240.00 | 2018 | \$240.00 |

(END OF APPENDIX)