Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's own motion to consider alternative-fueled vehicle tariffs, infrastructure and policies to support California's greenhouse gas emissions reduction goals.	Rulemaking 09-08-009 (Filed August 20, 2009)

DECISION AWARDING COMPENSATION TO THE GREEN POWER INSTITUTE FOR SUBSTANTIAL CONTRIBUTION TO DECISION (D.) 10-07-044 AND D.11-07-029

Claimant: Green Power Institute (GPI)	**For contribution to** D.10-07-044 and D.11-07-029
Claimed: $54,919	**Awarded:** $43,234.32 (reduced 21%)
Assigned Commissioner: Michael R. Peevey	**Assigned ALJ:** Regina DeAngelis

PART I: PROCEDURAL ISSUES

A. Brief Description of Decisions:

D.10-07-044 in Phase 1 of this Rulemaking addressed the question of the Commission's jurisdiction over providers of electric vehicle charging services and concluded that the legislature did not intend that this Commission regulate such entities as public utilities pursuant to Pub. Util. Code Sections[1] §§ 216 and 218. D.11-07-029 in Phase 2 of this Rulemaking further established Commission policies intended to overcome barriers to electric vehicle deployment, in compliance with § 740.2

[1] All statutory references are to the Public Utilities Code unless otherwise stated.

B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent (NOI) to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	November 18, 2009	Correct
2. Other Specified Date for NOI:		
3. Date NOI Filed:	December 18, 2009[2]	Correct
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:	R.09-08-009	Correct
6. Date of ALJ ruling:	January 28, 2010	Correct
7. Based on another CPUC determination (specify):		
8. Has the Claimant demonstrated customer or customer-related status?		Yes
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.09-08-009	Correct
10. Date of ALJ ruling:	January 28, 2010	Correct
11. Based on another CPUC determination (specify):		
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.10-07-044 D.11-07-029	Correct Correct
14. Date of Issuance of Final Order or Decision:	August 2, 2010 July 25, 2011	Correct Correct
15. File date of compensation request:	September 21, 2011	Correct
16. Was the request for compensation timely?		Yes

[2] GPI filed an amendment to its claim for compensation on May 2, 2012. The only difference between this claim and the claim it filed on December 18, 2009 was the inclusion of its showing of productivity, an area that it had inadvertently omitted.

PART II: SUBSTANTIAL CONTRIBUTION

A. Claimant's claimed contribution to the final decision:

Contribution	Specific References to Claimant's Presentations and to Decision	Showing Accepted by CPUC
1. **Phase 1 threshold issue: Are electric vehicle (EV) service providers electric utilities?** GPI argued that vehicle service providers are not electric utilities under the state's public utilities code, and should not be subject to Commission jurisdiction. GPI Brief, February 8, 2010, at 3 – 4. GPI Reply Brief, March 1, 2010, at 1 – 3.	D.10-07-044 The Commission decided the phase 1 threshold issue in this proceeding in favor of NOT extending its jurisdiction to EV service providers, thus adopting GPI's position.	Accepted
2. Use of existing rate structures. GPI argued that existing time of use (TOU) rates are sufficient for the present, but that some nuances of plug-in electric vehicle (PEV) charging, rate design and revenue allocation will require modifications as the market develops. GPI Comments, September 24, 2010, at 1. GPI Comments, November 12, 2010, at 5.	D.11-07-029 The Decision adopts GPI's position, concluding (at 19): "existing residential EV rates are sufficient fort the early market."	Accepted
3. No demand charge for EVs. GPI opposed the use of demand charges in EV tariffs, arguing that TOU rates deliver a superior price signal. GPI Comments, September 24, 2010, at 6.	D.11-07-029 The Decision adopts GPI's position, stating (at 23): "We are persuaded that adding demand charges to residential EV rates would be too great a change to residential rates at this time."	Accepted
4. Inter-Utility EV rates. GPI urged the Commission not to foreclose any options regarding inter-utility billing at this time. GPI Comments, September 24, 2010, at 8.	D.11-07-029 The Decision adopts GPI's position, stating (at 24): "We find that it is premature for the Commission to direct the utilities to implement inter-utility billing. We leave open the possibility that further development of this concept may be useful in the future."	Accepted
5. Support on-going meter	D.11-07-029	Accepted

improvements. GPI's preferred, albeit long-term option for metering EVs is the development and use of on-vehicle meters. We also argued for the increased functionality of meters to aid in addressing additional environmental and social goals. GPI Comments, September 20, 2010, at 4-6.	The Decision adopts, as one of its primary goals for metering EVs, the policy goal to (at 33): "help support the on-going development of metering technology and services to improve EV charging."	
6. Meter ownership and protocols. GPI argued that submeters and second meters should be the responsibility of vehicle owners, although some form of utility financing should be made available. We also argued strongly in favor of the early development of sub-metering protocols for the mutual protection of vehicle owners and utilities. GPI Comments, November 12, 2010, at 1-4.	D.11-07-029 The Decision agrees with GPI that submeters and second meters are supplementary devices, and should be the property of the vehicle owner. The Decision also determines, in accordance with the position of GPI, that a submetering protocol needs to be developed as quickly as possible.	Accepted
7. EVs are new load. GPI urged the Commission to treat EV load as new load for rate-making purposes. GPI Comments, September 24, 2010, at 2.	D.11-07-029 The Decision adopts GPI's position (at 54): "We find it appropriate to designate EV load as new and permanent."	Accepted
8. EVs as load management technology GPI argued that in addition to promoting a better load factor on the grid via over-night charging, one of the key potential benefits of EV smart charging, which can be delivered during all hours, is that of providing enhanced grid-operability services such as regulation, reserve, and fast ramping. GPI Comments, November 12, 2010, at 6-8.	D.11-07-029 The Decision concludes (at 70): "Electric Vehicle demand response and load management technology, generally, offers the potential to more efficiently utilize grid resources, including the integration of renewables."	Accepted

B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Division of Ratepayer Advocates (DRA) a party to the proceeding?	Yes	Correct
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Correct
c. If so, provide name of other parties: Clean Energy Fuels Corporation/Wal-Mart Stores, Inc./Sam's West, Inc.; Natural Resources Defense Council; The Environmental Coalition; California Center for Sustainable Energy; EV-Charge America; California Air Resources Board; Electric Power Research Institute; Fisker Automotive, Inc.; Center for Carbon-Free Power Integration-University of Delaware; Nissan North America, Inc.; Plug Smart; Toyota Motor Engineering & Manufacturing North America., Inc.; Ecotality, Inc.; Los Angeles Department of Water and Power; San Diego Gas & Electric Company/Southern California Gas Company; Southern California Public Power Authority; Mitsubishi Motors R&D of America Inc.; AeroVironment, Inc.; Southern California Edison Company; BP America/Western States Petroleum Association; International Council on Clean Transportation; Plug In America; Center for Energy Efficiency and Renewable Technologies; Pacific Gas and Electric Company; Better Place; Tesla Motor Corporation; Interstate Renewable Energy Council; North Coast Rivers Alliance; Californians for Renewable Energy and Northern Coast Rivers Alliance; GPI; Coulomb Technologies, Inc.; Silicon Valley Leadership Group; General Motors; Consumer Federation of California; Environmental Defense Fund, Sacramento Municipal Utilities District; California Department of Food and Agriculture.		Correct
d. Claimant's description of how Claimant coordinated with DRA and other parties to avoid duplication or of how Claimant's participation supplemented, complemented, or contributed to that of another party: This proceeding covered a wide variety of topics related to alternative-fueled vehicles. The GPI focused its participation in our primary area of interest, the conversion of transportation to run on renewable energy. GPI coordinated its efforts in this proceeding with other parties in order to avoid 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 GPI avoided duplication to the extent possible, and tried to minimize it where it was unavoidable.		We agree that GPI took steps to avoid unnecessary duplication and coordinated its efforts with others parties to supplement or complement the record. We make no reduction to GPI's claim for duplication of effort.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

Claimant's explanation as to how the cost of claimant's participation bore a reasonable relationship with benefits realized through claimant's participation	CPUC Verified
The GPI provided a detailed breakdown of its staff's time spent in this proceeding for work performed that was directly related to our substantial contributions to D.10-07-044 and D.11-07-029. The hours claimed herein in support of D.10-07-044 and D.11-07-029, are reasonable given the scope of the proceeding, and GPI's participation. Morris acted in this proceeding as both witness and participating party. Tam Hunt, GPI's attorney, has performed similar services in Phase 2 of this proceeding. GPI staff maintained detailed contemporaneous time records indicating the number of hours devoted to this case. In preparing Attachment 2, 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.	After the disallowances we make in this decision, the remainder of GPI's hours and costs are reasonable and will likely result in benefits to customers, although difficult to quantify, which will outweigh the cost of GPI's participation.

B. Specific Claim*:

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate**	**Total $**	**Hours**	**Rate $**	**Total $**
G. Morris	2009	5.50	240	D.09-12-041	1,320	5.50	240	1,320
G. Morris	2010	93.00	240	D.09-12-041	22,320	63.50	240	15,240
G. Morris	2011	11.50	240	D.09-12-041	2,760	10.00	240	2,400
T. Hunt	2010	68.50	300	Adopted here	20,550	57.75	300	17,325
T. Hunt	2011	19.00	300	D.11-10-040	5,700	19.00	300	5,700
					***Subtotal:* $52,650**			***Subtotal:* $42,005**
INTERVENOR COMPENSATION CLAIM PREPARATION**								
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate**	**Total $**	**Hours**	**Rate $**	**Total $**
G. Morris	2011	18.50	120	½ D.09-12-041 rate	2,220	10.00	120	1,200
					***Subtotal:* $2,220**			***Subtotal:* $1,200**

COSTS			
Item	**Detail**	**Amount $**	**Amount $**
Postage	Mailing of documents to CPUC and service list	49.32	49.32
		***Subtotal:* $49.32**	***Subtotal:* $49.32**
		TOTAL REQUEST: $54,919[3]	**TOTAL AWARD: $43,234.32**

* 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. Claimant'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. CPUC Adoptions and Disallowances:

Adoptions	
2010-hourly rate for T. Hunt	D.11-10-040 in R.08-08-009 approved the hourly rate of $300 for Tamlyn Hunt's 2011 work. We apply this same rate to his 2010 work here, adopting the same rate without further discussion.
Disallowances	
2010-Morris hours	GPI requests compensation of 4 hours for Morris' time spend "reviewing the Scoping Memo and Ruling and for other unspecified documents." We approve 1.5 hrs of this time and disallow the remaining 2.5 hours for excessiveness. Other intervenors were able to accomplish this same task in the approved amount of time.
	GPI requests compensation of 12 hours for Morris' time spent working on GPI's Brief on Phase I issues. The document is a 4 page brief. The requested compensation is excessive. We approve the more reasonable amount of time of 5 hours and disallow the remaining 7 hours of time as excessive. The adjusted time more closely reflects our standards on the reasonableness of hours.
	GPI requests compensation of 9 hours for Morris' review and analysis of other parties' Briefs on Phase I issues. We approve 5 hours of this time, equal to the same time requested by other intervenors for this same task, and disallow the remaining 4 hours for excessiveness.
	GPI requests compensation of 6 hours for Morris' preparation of GPI's Reply Brief on Phase I Issues. The document filed is 2.5 pages in length, and is comprised mostly of the arguments of various parties and GPI's agreement/disagreement with their positions. The requested amount of time is excessive given the scope of the work. We

[3] Rounded to nearest dollar amount.

	approve 3 hours for this work and disallow the remaining 3 hours for excessiveness. The adjusted time more closely reflects our standards on the reasonableness of hours
	GPI requests 8 hours of Morris' time spent on November 30, 2010, participating in a workshop on rates. We approve 5.5 hours of this requested time, similar to the same amount of time requested by other intervenors who participated in the same workshop. We disallow the remaining 2.5 hours for excessiveness.
	GPI requests 15 hours for Morris' preparation of GPI's Comments in Response to an ALJ Rulings. The document is 8 pages in length and we have approved all of Hunt's 4.5 hours for work on this document. If we approved all of GPI's hours as requested, GPI would receive compensation for 19.5 hours spent on this task. The hours as requested are excessive. We approve a total of 9 hours for both participants work on this document, and disallow the remaining 10.5 hours of Morris' time for excessiveness. The adjusted hours more closely reflects our standards on the reasonableness of hours.
2011-Morris Hours	GPI requests a total of 5.5 hours of compensation for Morris' time spent preparing its Comments on the Proposed Decision. Given the scope of the work and the document produced (4 pages in length), we disallow 1.5 hours of the requested time for excessiveness. The adjusted hours more closely reflects our standards on the reasonableness of hours.
	We disallow 8.5 hours of GPI's time spent on compensation matters. While we applaud GPI's use of the template for its request for an award of compensation, we note that GPI continues to use the non-standardized template to prepare its NOI. The use of the standardized forms available to intervenors at: http://www.cpuc.ca.gov/NR/rdonlyres/D652AEC2-6DD1-40C5-8FE0-D0A32F486590/0/Notice_of_Intent_to_Claim_Intervenor_Compensation_Standardized_Form.pdf allows for the most expeditious method to complete this type of work, and lowers the level of ratepayer burden through compensation awards. Another intervenor in this proceeding with double the participants of GPI and who also participated in many working group meetings, requested a total of 13 hours for compensation preparation. Given these factors and when compared to other intervenor claims for awards submitted in this proceeding, the approval of 10 hours for GPI's preparation of these same matters is reasonable.
2010-Hunt Hours	GPI requests a total 7.5 hours for Hunt's "review and analysis of two staff issue papers, reviewing of the Order Instituting Rulemaking and various other documents." We approve a total of 2 hours for this work and disallow the remaining 5.5 hours for excessiveness. Other intervening parties were able to complete this same task in 2 hours. We find it reasonable to apply this same allowance to GPI's hours also. The adjusted time more closely reflects our standards on the reasonableness of hours.
	GPI requests a total of 14.5 hours for both Morris' and Hunt's work preparing GPI's Comments on First Workshop Issues Paper. We have approved 2.5 hours for Morris work on this document. We allow a total of reasonable compensation of 10.5 hours for this work (10 pages). We disallow 4.0 hours of Hunt's time for excessiveness to

	achieve this adjustment in approved hours.
	GPI requests a total of 10.25 hours for both Morris' and Hunt's work preparing GPI's Comments on Second Workshop Issues Paper. We have approved 2.5 hours for Morris work on this document. We allow a total of reasonable compensation of 9.0 hours for this work (8 pages). We disallow 1.25 hours of Hunt's time for excessiveness to achieve this adjustment in approved hours.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No

B. Comment Period: Was the 30-day comment period waived (*see* Rule 14.6(2)(6))?	Yes

FINDINGS OF FACT

1. The Green Power Institute has made a substantial contribution to Decisions (D.)10-07-044 and D.11-07-029.
2. The claimed fees, as adjusted herein, are reasonable and commensurate with the work performed.
3. The total of reasonable contribution is $43,234.32.

CONCLUSION OF LAW

1. The claim, with any adjustment set forth above, satisfies all requirements of Public Utilities Code §§ 1801-1812.

ORDER

1. The Green Power Institute is awarded $43,234.32.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), Southern California Gas Company (SoCalGas) and Southern California Edison Company (SCE), shall pay Green Power Institute (GPI) the total award. PG&E, SDG&E, SoCalGas, and SCE shall allocate payment responsibility among themselves based on their 2010 California-jurisdictional gas and electric revenues, reflecting the year in which the proceeding was primarily litigated. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning

December 5, 2011, the 75th day after the filing of GPI's request, and continuing until full payment is made.

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

This order is effective today.

Dated _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		**Modifies Decision?** No
Contribution Decisions:	D1007044 and D1107029	
Proceeding:	R0908009	
Author:	ALJ Regina DeAngelis	
Payees:	Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company, and Southern California Edison Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Green Power Institute	9/23/2011	$54,919.00	$43,234.32	No	excessive hours

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Gregory	Morris	Expert	Green Power Institute	$240	2010 – 2011	$240
Tamlyn	Hunt	Attorney	Green Power Institute	$300	2010 – 2011	$300

(END OF APPENDIX)