PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

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September 5, 2018 **Agenda ID #16814**

TO PARTIES OF RECORD IN APPLICATION 16-08-006:

This is the proposed decision of Administrative Law Judge Peter Allen. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's October 11, 2018 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties to the proceeding may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

Comments must be filed, pursuant to Rule 1.13, either electronically or in hard copy. Comments should be served on parties to this proceeding in accordance with Rules 1.9 and 1.10. Electronic and hard copies of comments should be sent to ALJ Cooke at mlc@cpuc.ca.gov and to the Intervenor Compensation Program at **[Icompcoordinator@cpuc.ca.gov]** The current service list for this proceeding is available on the Commission's website at www.cpuc.ca.gov.

/s/ ANNE E. SIMON
Anne E. Simon
Chief Administrative Law Judge

AES:avs
Attachment

Decision **PROPOSED DECISION OF ALJ ALLEN (Mailed 9/5/2018)**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Approval of the Retirement of Diablo Canyon Power Plant, Implementation of the Joint Proposal, And Recovery of Associated Costs Through Proposed Ratemaking Mechanisms (U39E).	Application 16-08-006

DECISION GRANTING COMPENSATION TO CALIFORNIANS FOR GREEN NUCLEAR POWER, INC. FOR SUBSTANTIAL CONTRIBUTION TO DECISION 18-01-022

Intervenor: Californians for Green Nuclear Power, Inc. (CGNP)	For contribution to Decision (D.) 18-01-022
Claimed: $319,691.10	Awarded: $223,083.21
Assigned Commissioner: Michael Picker	Assigned ALJ: Peter Allen

A. Brief description of Decision:	Decision 18-01-022 approved PG&E's application to retire Diablo Canyon units 1 & 2 at the end of their current operating licenses. It denied Tranche 1, a proposal to procure energy efficiency resources to offset portion of the demand that Diablo would no longer serve. It approved a portion of the funds requested for the employee retention program ($222.6 million) and allocates funds to cover a portion of license renewal activities ($18.6 million). It denies any funding for the Community Impacts Mitigation Program. The decision makes no specific provision for resources to replace the 2240 MW lost generating capacity of Diablo, nor does it make any binding requirement to ensure Diablo's output is replaced by new zero greenhouse gas emitting sources. Consideration of these matters is moved to the Integrated Resource Planning Proceeding.

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

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	October 6, 2016	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	February 28, 2017	Verified
4. Was the NOI timely filed?		Yes
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.16-08-006	Verified
6. Date of ALJ ruling:	April 5, 2017	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.16-08-006	Verified
10. Date of ALJ ruling:	April 5, 2017	Verified
11. Based on another CPUC determination (specify):		See CPUC Discussion in PART I(C).
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.18-01-022	Verified
14. Date of issuance of Final Order or Decision:	January 16, 2017	Verified
15. File date of compensation request:	June 13, 2018	Original File Date: May 18, 2018. Amended File Date: June 13, 2018
16. Was the request for compensation timely?		Yes

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

C. Additional Comments on Part I:

#	CPUC Discussion
12	The ruling of April 5, 2017, requested Californians for Green Nuclear Power, Inc. (CGNP) to identify grants, gifts or contributions it received for the purposes of funding the group's participation in this proceeding. On June 14, 2018, CGNP filed a motion for leave to file confidential material under seal. The material includes responsive information identifying CGNP donors and donated amounts. A review of the materials indicates that CGNP's supporters do not have a significant economic interest in the outcomes of this proceeding. This decision determines that CGNP has supported its showing of significant financial hardship. The relief requested by CGNP's motion to file personal information under seal is consistent with General Order 66-D Section 3.3, and Rules 11.1 and 11.4 of the Commission's Rules of Practice and Procedure.[2] Donors' information contained in the attachment to CGNP's motion is of personal and confidential nature and making it generally available for public inspection would unnecessarily intrude on these individuals' privacy. For the preceding reasons, CGNP's motion is granted. The donors' information that CGNP has filed at the Commission shall remain under seal and shall not be accessible to anyone other than Commission staff, the assigned Commissioner(s), the assigned administrative law judge(s), or the administrative law judge then designated as the Law and Motion judge. Any parties outside the Commission who have a legitimate reason to review donors' personal financial information shall do so by obtaining it from CGNP through the use of the appropriate nondisclosure agreement or, if an agreement cannot be reached, by filing a motion at the Commission to obtain access to the information under the terms of an appropriate nondisclosure agreement.

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): *(For each contribution, support with specific reference to the record.)*

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
CGNP made numerous unique contributions that originated from its team of scientists who have doctoral degrees and decades of		Verified

[2] *See* also D.98-04-059 at 40.

experience in precisely the issues considered in this application. CGNP's legal representation is highly experienced in CPUC matters. CGNP was the only party that remained active through all phases of the proceeding to advocate continued operation of DCPP through the license renewal period (2045). [CGNP remains active in the proceeding as the Commission considers it Application for Rehearing.]		
Retirement of Diablo Canyon (Scoping Issue 2.1)		
As explained in the decision:		
"Only one active party, CGNP, argues that Diablo Canyon should continue to operate beyond 2025. CGNP makes three substantive arguments for keeping Diablo Canyon operating: Diablo Canyon is more cost effective than the alternative sources of supply, retiring Diablo Canyon would diminish system reliability, and retiring Diablo Canyon would have an adverse impact on GHG emissions."	D.18-01-022, pp. 11	
CGNP analyzed in depth PG&E's submissions from its 2010 license renewal	CGNP Opening Brief, pp. 5 CGNP Opening Brief, pp. 19 - 23	

application, in which PG&E asserted that continued operation of DCPP is more cost effective than all 18 alternatives considered. CGNP highlighted the large disconnect between PG&E's testimony in 2010 and the present application. Detailed analysis by CGNP showed that very high assumed costs for once-through-cooling (OTC) mitigation were the largest single reason for the substantially increased estimated costs in PG&E's present application. CGNP detailed the OTC mitigation options discussed as part of the mitigation framework between PG&E and the Regional Water Quality Board. Detailed analysis by CGNP showed that by correcting PG&E's estimate, using itemized costs for the specific practical OTC mitigation options discussed within the framework, future revenue requirements for DCPP would be far less. Additional in-depth analysis detailed how future revenue requirements for Diablo can be expected to be less than wholesale electricity prices. CGNP also shed light on other important issues related to future costs of	CGNP Opening Brief, pp. 22 CGNP Reply Brief, pp. 3, 14 CGNP Opening Brief, pp. 24 - 25 CGNP Opening Brief, pp. 25 - 31	

operating Diablo Canyon. CGNP brought into the record testimony by PG&E, confirmed by their expert witness, that the large age-limited components of DCPP have already been replaced. It introduced data from PG&E's FERC filings, showing the estimated service lives of DCPP components by category and value. It also introduced into the record industry data showing trends in expenses for nuclear plants across the US, extending well into the relicensing period. CGNP used this information to point out that estimates for future DCPP expenses embraced by TURN, CEERT and FOE increase at excessive rates and are based upon assumptions that are inconsistent with engineering facts. CGNP introduced significant evidence, including information from Westinghouse, that flexible operation of DCPP would be possible. It gave examples of reactors around the world that operate in a load following mode. Proposed Replacement Procurement / GHG emissions (Scoping Issue	CGNP Opening Brief, pp. 34 CGNP Opening Brief, pp. 32 – 35 CGNP Reply Brief, pp. 14 - 16 CGNP Rebuttal Testimony, pp. 4, 11 – 16, 22 - 25 CGNP Opening Brief, pp. 40 CGNP Reply Brief, pp. 3 D.18-01-022, pp. 12 CGNP Rebuttal Testimony, pp. 3 CGNP Opening Testimony, pp. 8 - 14	

2.2) CGNP argued that Tranches 1, 2 and 3 should not be approved. CGNP also argued that approving the Clean Energy Charge (CEC) proposed in the application would be inconsistent with CPUC's fiduciary responsibilities. We argued it would be unwise to subject ratepayers to the CEC as it would pre-approve future charges, for any amount, for projects which have not yet even been proposed. CGNP presented extensive testimony on the many difficulties inherent in the proposal to replace DCPP with intermittent wind and solar, many of which were not considered in the joint application. CGNP was also the only party to present analysis of additional costs imposed upon the ratepayer due to the intermittent nature of wind and solar sources. CGNP also presented a detailed estimate of the cost to ratepayers of replacing DCPP with a combination of photovoltaics combined with pumped storage. Opposition from CGNP contributed to PG&E's unilateral announcement	CGNP Opening Testimony, pp. 25 – 27, 50, 68 CGNP Opening Testimony, pp. 93, 111 - 115 CGNP Opening Testimony, pp. 34 – 62, 93 - 97 CGNP Opening Testimony, pp. 99 - 102 CGNP Opening Testimony, pp. 118 – 123 CGNP Rebuttal Testimony, pp.	

that it would withdraw both the Clean Energy Charge and Tranches 2 and 3. "Specifically, after careful review of the important feedback provided by parties in their January 27, 2017 opening testimony on the Diablo Canyon replacement proposal, PG&E is withdrawing the Diablo Canyon Tranches #2 and #3 replacement proposals, as well as the proposal to implement the Clean Energy Charge to recover the costs associated with Tranches #2 and #3. The Joint Parties believe that these aspects of the Diablo Canyon replacement proposal are better addressed in the Commission's Integrated Resource Plan ("IRP") proceeding (Rulemaking 16-02-007)."	D.18-01-022, Order – item 3 PG&E February 27, 2017 e-mail.	
CGNP argued against Tranche 1, observing that California had long achieved rather higher per-capita energy efficiency than other states. CGNP argued that Tranche 1 would not be cost-effective, nor would it likely achieve the projected results. The decision reaches a similar conclusion on pp. 21: "There is no reason to approve a $1.3 billion rate	CGNP Opening Testimony, pp. 25 – 27 CGNP Rebuttal Testimony, pp. 4 - 5	

increase for a proposal that will most likely either fail to achieve its goal or will achieve a goal not worth reaching. Accordingly, PG&E's Tranche 1 proposal is not adopted."	D.18-01-022, pp. 21 CGNP Opening Testimony, pp. 25	
The decision disallowed any procurement for Tranche 1.		
As noted on page 12 of the decision "CGNP argues that retiring Diablo Canyon will make it 'impossible' for the state to meet its GHG reduction goals, and accordingly it should be relicensed and kept available. (CGNP Opening Brief at 41-42.) CGNP claims that the retirement of Diablo Canyon would result in California importing large amounts of fossil fuel generated electricity from PacifiCorp… This issue is discussed in more detail below in the section addressing replacement procurement…" While the decision did not endorse CGNP's position, it acknowledges that the matter of what needs to be done to avoid an increase in greenhouse gas emissions due to Diablo Canyon retirement remains an unsettled issue. The decision states that the Commission's IRP is the	D.18-01-022, pp. 22	

appropriate process to consider this. CGNP agrees, but also argues that DCPP retirement must also be decided there, as an integral part of the IRP process. Employee Retention program (Scoping Issue 2.3**)** CGNP argued that the employee retention program is unnecessary, but does note that retention payments may be necessary for a very limited set of hard-to-fill positions. The decision quotes CGNP analysis as follows: "CGNP, on the other hand, has used PG&E's data to support its analysis, and comes to a more nuanced conclusion than that embodied by PG&E's broad-brush proposal: In response to Commission_001-Q15, PG&E witness King stated that there are 442 employees eligible for full retirement and 471 eligible for retirement with partial benefits before 2024. [fn. Omitted] These employees constitute 63% of the 1458 regular Diablo employees, and it is highly unlikely they would be eager to leave when they could continue to work towards	Conclusions of Law - 2 CGNP Rebuttal Testimony, pp. 6 CGNP Opening Brief, pp. 11 CGNP Opening Brief, pp. 14 - 17 D.18-01-022, pp. 21	

retirement. Older workers face well-known difficulties in finding new employment, thus given the choice of transferring within PG&E vs. a severance package if their job was eliminated, there would be little incentive for employees to leave voluntarily." The decision also quotes CGNP criticisms of the participation rate in the employee retention program CGNP criticized the fact that the employee retention program was negotiated in secret, with no representative for the ratepayers present. The decision comments that PG&E did not have authority to promise funding for the employee retention program proposal that was a product of these secret negotiations. The decision disallowed PG&E's proposed employee retention program. The decision authorized an alternative employee retention program, greatly reduced in scope. **Community Impacts Mitigation Program**	D.18-01-022, pp. 26 CGNP Opening Brief, pp. 14 - 17 CGNP Opening Brief, pp. 15 D.18-01-022, pp. 26 CGNP Opening Brief pp. 15 D.18-01-022, pp. 30 CGNP reply brief, pp. 10 CGNP Opening Testimony, pp. 111 D.18-01-022, pp. 30 Conclusions of Law – 5	

(Scoping Issue 2.4) CGNP opposed the Community Impacts Mitigation Program (CIMP) stating that "There is no conceivable justification for ratepayers, who have had no say in the matter, to be held liable for additional costs of the PG&E voluntary abandonment of Diablo. CGNP argued that the CIMP should be funded by PG&E shareholders. The decision disallows the CIMP, arguing that the CIMP amounts to a substitute tax which is improperly placed upon ratepayers.	Conclusions of Law – 6 CGNP Opening Brief, pp. 17. CGNP Opening Testimony, pp. 84 - 86 CGNP Rebuttal Testimony, pp. 19 Conclusions of Law - 8	

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?	YES	Yes
b. Were there other parties to the proceeding with positions similar to yours?	No party held views similar to our primary position to relicense DCPP and to continue operation beyond 2024-2025. Some parties held somewhat similar positions on	Noted

	other issues, but for different reasons.	
c. If so, provide name of other parties: Several parties, including ORA, CLECA, and Shell, expressed positions similar to CGNP regarding deferral of replacement power decisions to an IRP. ORA expressed positions similar to CGNP regarding Employee Retention and CIMP.		Noted
d. Intervenor's claim of non-duplication: Despite other parties' objections to some of PG&E's positions regarding Replacement Power, Employee Retention, and CIMP, CGNP claims that its participation in and contribution to this proceeding did not duplicate that of any other party. CGNP's reasons for opposing PG&E's positions were unique. Given that the Commission quoted from CGNP's filings in reaching important findings, the Commission should conclude that no reduction in compensation are warranted due to any duplication of effort.		Noted

PART III: REASONABLENESS OF REQUESTED COMPENSATION:

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

	CPUC Discussion
a. Intervenor's claim of cost reasonableness: CGNP's extensive contributions covered the full scope issues considered in the proceeding. CGNP scientists brought to attention a range of issues that would not otherwise have been part of the record. These were backed by extensive research of the literature and of previous regulatory filings. As outlined above CGNP's participation influenced the proceeding and decision in several respects, so that the hours claimed are reasonable. The final decision disallowed a number of costs to the ratepayer as had been advocated by CGNP. This included the rejection of Tranche 1 energy efficiency procurements, with a $1.3 billion reduction in revenue requirement. CGNP arguments helped to bring about PG&E's unilateral announcement that it would withdraw Tranches 2 and 3, as well as the Clean Energy Charge, with substantial savings to the ratepayer. The Community Impacts Mitigation Program was disallowed, eliminating an $85 million revenue requirement, consistent with CGNP arguments. The proposed Employee Retention Program was also greatly reduced in scope and cost, based upon reasoning in the decision that cited CGNP arguments.	Noted

These substantial reductions in costs to the ratepayer exceed by orders of magnitude the cost of CGNP efforts in this proceeding. Thus CGNP's claim should be found to be reasonable.	
b. Reasonableness of hours claimed: CGNP was vigorously involved in every aspect of the proceeding. CGNP was assiduous in ensuring that its participation in all stages of this proceeding was efficient, professional and cost-effective. Both the hourly rates and overall costs claimed are reasonable, and generally consistent with awards to other parties having comparable experience. CGNP divided the efforts efficiently according to the expertise of its experts. Mike Gatto is CGNP's lead attorney. He is a former four-term member of the California State Assembly. During his tenure he presided over Assembly sessions as Assistant Speaker, and chaired the Appropriations, Consumer Protections and Privacy, and Utilities and Commerce Committees. He has substantial experience in cases before the California Public Utilities Commission. Dr. Abe Weitzberg is CGNP's expert on nuclear power technology and operations. He researched the ability of Diablo Canyon to be run in a flexible mode. He researched the issues and costs related to the employee retention program and the Community Impacts Mitigation Program. Dr. Weitzberg has fifty-seven years of broad-based experience within the nuclear industry, including commercial nuclear power and the support of U. S. Government programs. Dr. Michael Marinak is CGNP's expert on nuclear energy costs. His nuclear engineering degree and research affords him knowledge across the broad range of issues related to nuclear energy technology, including economics. He performed analysis of the costs of continued operations of Diablo Canyon, including extensive analysis of PG&E's current and previous regulatory filings as well as industry data. He analyzed the direct and imposed costs of intermittent solar and wind sources proposed as replacements. Dr. Marinak also performed an in-depth review estimates for future DCPP expenses put forth by TURN, CEERT and FOE. In 2005, Dr. Marinak provided input to the CPUC A.04.01-009 proceeding regarding DCPP's Replacement Steam Generators. He has 26 years experience as a computational physicist in nuclear energy research. Dr. Gene Nelson is CGNP's Government Liaison and Legal Assistant. He was responsible for drafting and filing almost all CGNP submissions in this proceeding - mostly under the guidance of Attorney Mike Gatto, exceeding	Noted

1,300 pages. He performed detailed analysis of the cost of replacing Diablo Canyon with photovoltaics and pumped storage systems. He performed extensive research and analysis of PG&E's previous relevant regulatory filings. He represented CGNP at most meetings associated with this application. His education includes a Ph.D. in Radiation Biophysics. He recently served as an engineering professor at Cal Poly San Luis Obispo and a physical sciences professor at Cuesta College, among other colleges and universities. Dr. Nelson has been involved in community and regulatory matters regarding the safe operation of Diablo Canyon Power Plant (DCPP) since he and his wife relocated to San Luis Obispo, California in 2006. In support of DCPP since 2006, he has been volunteering as an Amateur Radio operator in connection with DCPP, the American Red Cross and the San Luis Obispo Emergency Communications Council. He began participating in Diablo Canyon Independent Safety Committee (DCISC) meetings in 2007. He began collaborating with CGNP in 2013. His community outreach includes numerous letters to the editor, "OpEds" and participation in radio and television interviews regarding DCPP. He has also been active in pro-DCPP outreach to relevant governmental and regulatory bodies. He strongly advocates for the continued safe operation of DCPP beyond 2025. Dr. Alex Cannara is CGNP's expert in electrical engineering and electric power grids. His extensive analysis described the limitations of solar and wind systems proposed as replacements for Diablo Canyon. He analyzed overall environmental impacts of these sources proposed as replacements in Tranches 2 and 3. He analyzed the ability of increased energy efficiency to meet the goals proposed in Tranche 1. He also researched patterns of demand in the CAISO grid, including quantifying the need for baseload generation. He has extensive experience presenting talks on the safety, environment benefits and economic benefits of nuclear energy to corporate, professional and environmental audiences. The Commission should find that the involvement of each of the aforementioned experts was necessary for CGNP to address completely the range of issues in the proceeding. The Commission should approve CGNP's claim in its entirety.	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Hours**	**Rate $**	**Total $**
Attorney Mike Gatto	2017-2018	223.8	$750	Established billing rate. See Appendix for details	$167,850.00	188.70 [2017]	$390.00 [E]	$73,593.00
Mike Gatto						1.70 [2018] [D]	$390.00 [E]	$663.00
Abraham Weitzberg, Ph.D.	2016-2017	138.5	$150.00	See Appendix for details	$20,775.00	55.00 [2016]	$150.00	$8,250.00
Abraham Weitzberg						83.50 [2017]	$150.00	$12,525.00
Michael Marty Marinak, Ph.D.	2016-2018	280.2	$109.94	See Appendix for details	$30,805.19	1.00 [2016]	$109.94	$109.94
Michael Marinak						249.90 [2017]	$109.94	$27,474.01
Michael Marinak						37.50 [2018]	$109.94	$4,122.75
Gene Nelson, Ph.D.	2016-2018	501.3	$130.00	See Appendix for details	$65,169.00	165.10 [2016]	$130.00	$21,463.00
Gene Nelson						314.70 [2017]	$130.00	$40,911.00
Gene Nelson						5.20 [2018] [D]	$130.00	$676.00 [A]
Alexander Cannara, Ph.D.	2016-2017	137.1	$200.00	See Appendix for details	$27,420.00	30.50 [2016]	$200.00	$6,100.00
Alexander Cannara						106.60 [2017]	$200.00	$21,320.00
Carl Wurtz	2016-2018			Waived compen-sation.	$0.00	0.00	$0.00	0.00
					Subtotal: $312,019.19			***Subtotal:* $217,207.70**

INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Hours**	**Rate**	**Total $**
Michael Marty Marinak, Ph.D.	2018	23.8	$54.97	See Appendix	$1,308.29	23.80	$54.97	$1,308.29
Gene Nelson, Ph.D.	2018	71.2	$65.00	See Appendix	$4,628.00	55.50 [B]	$65.00	$3,607.50
					Subtotal: $5,936.29			***Subtotal: $4,915.79***

COSTS				
#	**Item**	**Detail**	**Amount**	**Amount**
1.	Abraham Weitzberg, Ph.D.	Travel Expenses	$739.22	$701.72 [C]
2.	Gene Nelson, Ph.D.	Travel Expenses	$738.40	No Receipts submitted for Nelson $0.00
3.	Alexander Cannara, Ph.D.	Travel and Duplication of Copies Expenses	$258.00	$258.00
			Subtotal: $1,735.62	***Subtotal: $959.72***
			TOTAL REQUEST: $319,691.10	***TOTAL AWARD: $223,083.21***

*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. 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 are typically compensated at ½ of preparer's normal hourly rate

ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR[3]	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Michael Anthony Gatto	12/01/2004	232674	No

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

Attachment or Comment #	Description/Comment
1	Certificate of Service

[3] This information may be obtained through the State Bar of California's website at http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch .

2	Appendix with time and expense records and statements of qualifications.

D. CPUC Comments, Disallowances, and Adjustments *(CPUC completes)*

Item	Reason
[A]	Total of 513.80 hours reported for Nelson for the 2016-2018 time period.
[B]	43.00 Intervenor Compensation hours claimed for Nelson for 2018.
[C]	Maximum per diem per day in SF for meals for Weitzberg is $46.00 (including $5.00 for incidentals).
[D]	Decision was voted out on 01/11/2018. Any claims after that date are not compensable.
[E]	CGNP requested an hourly rate of $750 for work performed by their counsel Gatto in 2017 and 2018. CGNP's request did not provide any basis for that hourly rate other than stating that it was an "established billing rate," and directing readers to "See Appendix for details," but no Appendix with that information was attached or provided. Accordingly, Commission intervenor compensation staff requested the missing Appendix and justification for the requested $750 per hour rate. In response, staff received an e-mail from Mr. Gatto that (in relevant part) states: "When I read your initial email (and from my experience in previous matters), I assumed you were seeking confirmation that it is indeed my pattern and practice to command the listed hourly rate, and furthermore, the background therefor. To that extent, I can relay that $750 is a *discounted* hourly rate. My standard rack rate is $1000 per hour, and I have dozens of clients who pay that. My rates are based on the following: I've been in practice for fourteen years. I started at O'Melveny & Myers, and was on the partnership track there. Had I remained, my rates would be significantly higher. I graduated Magna Cum Laude from Loyola Law School, while holding down a full-time job. My legal experience is augmented, particularly in matters like this, by me serving four terms in the California Legislature. My knowledge is specialized, and I don't take just any client. I have taken several energy-related cases to the Supreme Court. [I] hope this explains my rate. If you would like to see my current CV, kindly visit www.ActiumLLP.com/Mike-Gatto Please contact me if you have any questions. **Hon. Mike Gatto** **Partner, Actium LLP"**

By itself, Mr. Gatto's e-mail does not provide adequate information or detail to justify the requested rate. Following the provided link to Mr. Gatto's CV sends the reader to his website, which also provides little detail, and does not list any dates. The website for the State Bar of California provides the following information about Mr. Gatto's experience:

Status History

Effective Date	**Status Change**
Present	Active
1/1/2015	Active
12/13/2010	Inactive
12/1/2004	Admitted to The State Bar of California

Based on this information, it appears that at the beginning of 2018, Mr. Gatto had been admitted to practice in California for approximately 14 years, and had actively practiced law for a total of approximately 9 years.

The following table shows the most recently-adopted ranges for hourly rates for work performed by intervenor representatives at the Commission. The hourly rate ranges are rounded to the nearest five-dollar increment.

Years of Experience	**2016**	**2017**	**2018**
Attorneys			
0-2	$165-$225	$170-$230	$175-$235
3-4	$220-$255	$225-$260	$230-$265
5-7	$305-$325	$310-$330	$315-$340
8-12	$325-$380	$330-$390	$340-$400
13+	$325-$575	$330-$585	$340-$600

Because the vast majority of the hours that Mr. Gatto worked on this proceeding were in 2017, the 2017 hourly rates are applicable. The question becomes how many years of relevant experience does Mr. Gatto have? Using the 14 years that Mr. Gatto has been admitted to the bar, and taking into consideration his legislative experience, he would fall under the "13+" years of experience level, which would support a rate of $330 to $585 per hour, with Mr. Gatto's years of experience suggesting a rate toward the lower end of that range. Using Mr. Gatto's 9 years of active practice, he would fall under the "8-12" years of experience level, which would support a rate of $330 to $390 per hour. An hourly rate of $390 per hour for Mr. Gatto in this proceeding is consistent with

	both of these approaches – it reflects his years of experience as a legislator, puts him at the top of the range for the years he has actively practiced law, and takes into consideration that there are attorneys with significantly more experience (and Commission-specific experience) than Mr. Gatto. CGNP is awarded compensation for Mr. Gatto's time at the rate of $390 per hour.

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))?	No

FINDINGS OF FACT

1. CALIFORNIANS FOR GREEN NUCLEAR POWER, INC. has made a substantial contribution to D.18-01-022.

2. The requested hourly rates for CALIFORNIANS FOR GREEN NUCLEAR POWER, INC'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, as adjusted herein, are reasonable and commensurate with the work performed.

4. The total of reasonable compensation is $223,083.21.

CONCLUSION OF LAW

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

ORDER

1. CALIFORNIANS FOR GREEN NUCLEAR POWER, INC. shall be awarded $223,083.21.

2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company ratepayers shall pay CALIFORNIANS FOR GREEN NUCLEAR POWER, INC. 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 August 28, 2018, the 75th day after the filing of CALIFORNIANS FOR GREEN NUCLEAR POWER, INC's request, and continuing until full payment is made.

3. The comment period for today's decision is not waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX
Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	
Contribution Decision(s):	D0409050, D0604018, D1511014, D1711024		
Proceeding(s):			
Author:			
Payer(s):			

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Californians for Green Nuclear Power, Inc.	06/13/18	$319,691.10	$223,083.21	N/A	Hourly Rate Miscalculation and Rate Reduction

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Mike	Gatto	Attorney	$750.00	2017	$390.00
Mike	Gatto	Attorney	$750.00	2018	$390.00
Abraham	Weitzberg	Expert	$150.00	2016	$150.00
Abraham	Weitzberg	Expert	$150.00	2017	$150.00
Michael	Marinak	Expert	$109.94	2016	$109.94
Michael	Marinak	Expert	$109.94	2017	$109.94
Michael	Marinak	Expert	$109.94	2018	$109.94
Gene	Nelson	Expert	$130.00	2016	$130.00
Gene	Nelson	Expert	$130.00	2017	$130.00
Gene	Nelson	Expert	$130.00	2018	$130.00
Alexander	Cannara	Expert	$200.00	2016	$200.00
Alexander	Cannara	Expert	$200.00	2017	$200.00
Carl	Wurtz	Expert	Waived Compensation	2016	$0.00
Carl	Wurtz	Expert	Waived Compensation	2017	$0.00
Carl	Wurtz	Expert	Waived Compensation	2018	$0.00

(END OF APPENDIX)