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ATTACHMENT: D.21-03-039 **and D.20-02-066**

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Decision 21-03-039 March 18, 2021

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Develop an Electricity Integrated Resource Planning Framework and to Coordinate and Refine Long-Term Procurement Planning Requirements.

Rulemaking 16-02-007

DECISION GRANTING INTERVENOR COMPENSATION TO THE PROTECT OUR COMMUNITIES FOUNDATION FOR CONTRIBUTIONS TO DECISION 19-04-040

Intervenor: The Protect Our Communities Foundation	For contribution to Decision (D.) D. 19-04-040
Claimed: \$ 237,163	Awarded: \$193,192.00 (reduced by 18.5%)
Assigned Commissioner: Clifford Rechtschaffen ¹	Assigned ALJ: Julie A. Fitch

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	<p>D. 19-04-040 evaluates the first round of individual integrated resource (IRP) filings for all LSEs. It approves all the filed integrated resource plans (“IRPs”) from the major California utilities and load serving entities (“LSEs”). It rejects the Hybrid Conforming Portfolio (“HCP”) based on the conclusion it will result in more greenhouse gas emissions than the Commission’s prior adopted Reference System Portfolio (“RSP”).</p> <p>The decision determines that the realization of the PSP by 2030 will require concrete procurement of resources, with more focus on community choice aggregators (“CCAs”) to serve an expanding load. It also denies the Joint Petition for</p>
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¹ This proceeding was reassigned to Commissioner Rechtschaffen on February 12, 2021.

	Modification of D. 18-02-018 requesting the Commission to direct PG&E to ‘replace’ Diablo Canyon upon its retirement, for procurement through 2030.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:²

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	2/25/14 (for R.13-12-010) 4/26/16 (for R.16-02-007)	R.13-12-010
2. Other specified date for NOI:	NOI filed on 3/27/2014 (for R.13-12-010), which was absorbed by R. 16-02-007	Verified
3. Date NOI filed:	The OIR at pages 34-35 stated that “Parties who were previously found eligible for compensation in R.13-12-010 shall remain eligible in this proceeding and do not need to file an NOI within 30 days, provided there are no material changes in their bylaws or financial status.” POC filed an Amended NOI filed on 9/6/2018 (for R. 16-02-007) pursuant to ALJ Julie Fitch’s email ruling from 8/15/18.	Verified

² All statutory references are to California Public Utilities Code unless indicated otherwise.

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:	R.13-12-010; R.16-02-007	Verified
6. Date of ALJ ruling:	9/26/2014; Email ruling on 6/10/16 re-confirming eligibility in R. 16-02-007	Verified
7. Based on another CPUC determination (specify):	D.18-07-034 issued in A.15-09-010 on 7/30/18; D.18-09-039 issued in R.16-02-007 on 10/5/18 D.19-04-031 issued in A.15-09-013 on 5/3/19	Verified
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:	R.13-12-010	Verified
10. Date of ALJ ruling:	9/26/14	Verified
11. Based on another CPUC determination (specify):	D.18-07-034 issued in A.15-09-010 on 7/30/18; D.18-09-039 issued in R.16-02-007 on 10/5/18. D.19-04-031 issued in A.15-09-013 on 5/3/19	Verified

12. Has the Intervenor demonstrated significant financial hardship?	Yes
Timely request for compensation (§ 1804(c)):	
13. Identify Final Decision:	D.19-04-040 (for R. 16-02-007) Verified
14. Date of issuance of Final Order or Decision:	05/01/2019 Verified
15. File date of compensation request:	06/28/2019 Verified
16. Was the request for compensation timely?	Yes

C. Additional Comments on Part I:

#	Intervenor's Comment(s)	CPUC Discussion
2, 5, 7, 9, 10, 11, 13, 14, 15	<p>POC is eligible for intervenor compensation for the current proceeding, R.16-02-007, which absorbed R.13-12-010, because it has previously met and continues to meet the Commission's long-standing definitions of eligibility. <i>See</i> 9/26/2014 ALJ Ruling on POC's Amended Showing of Significant Financial Hardship. In R.13-12-010, POC sought a ruling on its significant financial hardship in its notice of intent to claim intervenor compensation, timely filed in R.13-12-010 pursuant to Pub. Util. Code § 1804(a). POC was ruled to have a significant financial hardship and that it had customer status, based on the same grounds that support POC's request here.</p> <p>R.13-12-010's proceeding and ruling carried into this current proceeding R.16-02-007, where ALJ Fitch confirmed by email on June 10, 2016 that POC could rely on the eligibility ruling from R.13-12-010.</p> <p>POC also filed for intervenor compensation within this same proceeding on 4/13/18, for its significant contributions to D. 18-02-018-- the first phase of this proceeding. The Commission found POC to have significant financial hardship and also granted POC's request for intervenor compensation in the</p>	Verified

	<p>amount of \$64,306.14 on 10/5/2018. <i>See</i> D. 18-09-039.</p> <p>Participation in this proceeding posed a substantial financial hardship for POC because the economic interest of POC's constituents and supporters is small in comparison to the costs of POC's effective participation. <i>See</i> Pub. Util. Code § 1802(h). POC represents the interests of a specific Constituency: Southern California and San Diego area residential and small business ratepayers, including ratepayers in smaller communities whose interests are often not adequately represented in Commission proceedings. POC represents the interests of this constituency and POC's supporters within this constituency.</p> <p>POC's Intervenor Compensation request here, is timely filed within 60 days of the Commission's issuance of D. 19-04-040 on 5/1/19. <i>See</i> Intervenor Compensation Guide, Sec. III.A.1 ("When to file a claim") at p. 18 (2017).</p>	
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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
<p>1. Issue A: GHG Emissions benchmarks and Preferred Portfolios</p> <p>If price alone does not stimulate rapid replacement of fossil resources, the Commission should step in and continue mandating higher levels of GHG-free generation capacity. (POC Comments on PSP and TPP 1/31/2019 at p. 27)</p> <p>LSE portfolios by no means equate to signed contracts to 2030, many of the resources within the portfolios are still up in the air. The Commission needs to keep a close eye on all LSEs to make sure that GHG emissions are met. (POC Reply Comments 2/19/2019 at p. 3)</p> <p>Newly-enacted S.B.100 requires California's utilities to obtain 60% of</p>	<p>Each load-serving entity, in its individual integrated resource plan filed beginning in 2020, shall ensure that it submits at least one conforming portfolio designed to accomplish meeting its individual greenhouse gas emissions benchmark set by the Commission. (D. 19-04-040 at p. pp. 179-180)</p> <p>The Commission should require each LSE to comply with Conclusion of Law 27 and Ordering Paragraphs 12 or 14 of D.18-02-018 in the next IRP cycle by submitting a conforming portfolio that utilizes either the GHG Planning Price or meets the LSE's individual GHG Benchmark. (D. 19-04-040 at p. pp. 174)</p> <p>The Commission should require LSEs in their individual IRPs in the future to distinguish contractual obligations and development status of individual resource choices within their portfolios. (D. 19-04-040 at p. pp. 172)</p> <p>The HCP also does not appear to come close to achieving the 60% RPS</p>	<p>Noted. The Commission noted that some claimed contributions by POC had already been formally adopted in a previous IRP decision, (D.18-02-018). In addition, some hours appear excessive for the issues raised here. For these reasons, the Commission has applied a 20% deduction on all hours spent on issue A in 2018.</p>

<p>their retail sales of electricity from qualifying renewable sources by 2030. To meet this new requirement, the Commission should consider adopting a more aggressive GHG emissions target than the current 42 MMT by 2030 in the next phase of this proceeding. (POC IRP Comments 9/12/2018 at p. 28).</p> <p>In general, LSE's should retire the use of fossil-fuel plants as soon as practicable and immediately stop procurement of fossil fuel resources in order to accomplish S.B. 100's goal of 100% zero-emitting energy resources in California by 2045...(POC PSP Comments at p. 19).</p> <p>The Commission should adopt the Preferred Resource Portfolios which achieve more aggressive GHG emissions targets. The Commission has failed in the past to keep pace with implementing California's clean energy laws and must not do so again. (IRP Comments 9/12/2018 at p. 6)</p> <p>SDG&E also fails to proffer a Preferred Portfolio, unlike the other major investor-owned utilities, SCE & PG&E.... A Preferred Scenario to achieve a more aggressive GHG reduction target is not analyzed by SDG&E. (POC IRP Comments 9/12/2018 at pp. 6, 28-29).</p>	<p>requirements in 2030. For all of these reasons, we conclude that the HCP should in no way be our "preferred" system portfolio for future planning. Thus, we will not adopt the HCP as the PSP. (D. 19-04-040 at p. p. 107)</p> <p>Of most concern to us, based on the above results, is the fact that the HCP would, in each analysis provided, result in greater GHG emissions in 2030 than the RSP adopted last year, after 2017 IEPR assumption adjustments. (D. 19-04-040, at p. 173).</p> <p>.....The majority of the LSEs did not engage in the comprehensive planning necessary for California to achieve its GHG and air pollutant requirements and goals. []. We agree that this will be an ongoing challenge, and is part of the reason for the iterative nature of the IRP process. (D. 19-04-040 at p. pp. 152)</p>	
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<p>2. Issue B: Denial of Petition for Modification re: Diablo Canyon</p> <p>POC took the lead in advocating against the Joint PFM requesting the Commission direct PG&E to replace the capacity lost with the retirement of Diablo Canyon. POC was the only party to directly challenge the PFM as onerous and unnecessary, which the Commission ultimately agreed with—determining it will not direct specific LSE procurement.</p> <hr/>	<p>POC also disagrees with the Joint PFM, arguing that it is not an appropriate use of the mechanism. They argue that the Joint PFM simply rehashes arguments already made by individual parties leading up to D.18-02-018, and does not introduce any new facts or reasons for consideration of the PFM. In support of their argument, POC includes specific quotes from the FOE and CURE comments on D.18-02-018 when it was at the proposed decision stage that largely track the Joint PFM filed subsequently. (D. 19-04-040 at p. 144)</p>	<p>Verified</p>
<p>The Decision approves the Preferred Reference System Plan which plans for procurement through 2030 based upon the results of the modeling. Because the modeling assumes 2024-2025 retirement of Diablo Canyon, any procurement ordered based upon the model addresses retirement of Diablo Canyon during and after 2024-2025. (POC Response to Joint Party PFM at p. 5)</p>	<p>POC argues that there is no need for the Commission explicitly to direct PG&E or CCAs to “replace” Diablo Canyon, since they are already doing so without the need for such direction, by proposing their procurement plans out to 2030. (D. 19-04-040 at p. 145)</p>	<p>Verified</p>
<p>The 42 MMT target, with GHG emission reductions of 9 MMT beyond existing policies, easily offsets the loss of Diablo Canyon. (<i>Ibid</i> at p. 5).</p>	<p>Including an assumption of the retirement date for Diablo Canyon in the analysis for each IRP cycle will allow the LSEs collectively to plan for the purchase of power in an orderly fashion to serve the load that was previously served by Diablo Canyon output. Each LSE is required to plan to serve their portion of that load in general, regardless of the planned retirement of any particular power plant. (<i>Ibid.</i> at p. 149)</p>	<p>Verified</p>

<p>The Decision already provides direction for GHG emission reductions covering nearly 75% of retail sales in California. (<i>Ibid</i> at p. 5).</p> <p>The Commission has fulfilled its statutory commitments by requiring compliance with the RPS, and setting a very ambitious GHG target of 42 MMT by 2030 for the electricity sector. As explained above, this target already includes the planning assumption for retirement of Diablo Canyon. (<i>Ibid.</i> at p. 9).</p>	<p>The Commission should continue to utilize an assumption of 2024 and 2025 for retirement of the Diablo Canyon nuclear units in its GHG analysis for meeting the electric sector emissions targets by 2030. (D. 19-04-040, COL 25 at p. 175)</p>	Verified
<p>Forcing each LSE to identify how it is replacing one particular power plant, as Petitioners urge, would be extremely onerous, and provide no additional benefit beyond the current policy direction provided in the Decision, which already takes Diablo Canyon’s retirement into account. (POC Response to Joint Party PFM at p. 6).</p>	<p>POC also argues that focusing emissions reduction efforts around the closure of one particular plant is onerous and provides no additional benefit beyond the policy direction provided in D.18-02-018. (D. 19-04-040 at p. 145)</p>	Verified
<p>Contrary to Petitioners’ assertions, the Decision is entirely consistent with D.18-01-022 in that both do <i>not</i> require procurement for LSEs to replace Diablo Canyon when it retires by 2025. (POC Response to Joint Party PFM at p. 7)</p>	<p>Expecting an exact one-for-one replacement of energy from Diablo Canyon that is timed perfectly to coincide with the Diablo Canyon closure would be a costly and illogical way to ensure that the emissions trajectory of the electric sector is on track to meet the State’s goals. (D. 19-04-040 at p. 148)</p>	Verified
<p>There is no state law linking any requirement regarding GHG emissions specifically to Diablo Canyon. (<i>Ibid.</i> at p. 8)</p>	<p>We will not, however, allocate a specific replacement capacity or energy to each LSE. (D. 19-04-040 at p. 150)</p>	Verified

<p>3. Issue C: Pollutant Impacts on Disadvantaged Communities</p> <p>Throughout all phases of this proceeding, POC has advocated in comments, briefings, and meetings for the Commission for stronger actions to address fossil fuel resources near disadvantaged communities, as required by SB 350. POC developed evidence and information for the Commission to consider in assessing GHG emissions, reliability, and cost issues, as well as criteria pollutants and impacts on disadvantaged communities, on an integrated basis in the IRP process. POC's recommendations were taken up by the Commission and the Commission has decided that more work shall be done on this issue in the 2019-2020 IRP cycle.</p> <hr/> <p>While the fact that polluting power plants are located in DACs is a serious problem, in terms of environmental burdens and social justice, both SDG&E and SCE plans err in considering the location of plants in a DAC as the <i>only</i> criteria for whether the plant and Integrated Resource Plan has an effect on a DAC. It is important to consider the total amount of pollution, which is in part a function of how many hours and at what capacity factor the plants are run. (IRP Comments 9/12/2018 at p. 4).</p> <p>The failure of [] LSEs to sufficiently measure and analyze baseline and projected emissions is in violation of SB 350 as impacts on DACs cannot even begin to be considered without any quantitative data on air pollutant emissions that are harmful to human</p>	<p>The Commission should continue to examine GHG emissions, reliability, and cost issues, as well as criteria pollutants and impacts on disadvantaged communities, on an integrated basis in the IRP process. (D. 19-04-040, at p. 173)</p> <p>All LSEs filing Standard Plans identified whether they served disadvantaged communities. About half of the LSE plans (16 CCAs and 3 ESPs) did not meet the criteria pollutant reporting requirements. (D. 19-04-040 at p. 20)</p> <p>In addition, many parties commented that the Commission has not done enough work prioritizing issues in disadvantaged communities, and that more work is needed to attribute air pollutants correctly. (D. 19-04-040 at p. 100).</p>	<p>Verified</p> <p>Verified</p> <p>Verified</p>
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<p>health. (POC Reply Comments on IRPs 09/26/2018 at p. 6)</p> <p>In particular, future IRP filings must specify specific steps utilities will take to address the disproportionate effects of fossil-fuel power plants and infrastructure on disadvantaged communities as required by § 454.52(a)(1)(H). (POC PSP comments at p. 20).</p> <p>SDG&E's plan is inadequate because it only addresses air quality impacts of power plants physically situated within the borders of disadvantaged communities while ignoring the air quality impacts of facilities directly adjacent to them (POC IRP Comments 9/12/2018 at p. 7).</p> <p>Both SDG&E and SCE's plans fail adequately to consider – or to propose specific steps to address – the effects of fossil-fuel power plants and infrastructure on disadvantaged communities as required by § 454.52(a)(1)(H). (POC IRP Comments 9/12/2018 at p. 4).</p> <p>Batteries also provide system flexibility and flattening of the daily load curve. Thus, the emissions concerns of CEJASC regarding startup, shutdown, and partial load operations⁷ will be addressed by increased use of battery storage. The higher the concentration of batteries on the system, the more likely emissions free sources will be selected and the more likely it will be that fossil fuel facilities will be able to run at their optimal range (lowest emissions/kWh) until retirement.</p>		
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<p>(Reply Comments, Production Cost Modeling 10/17/2018 at p. 3)</p> <p>As noted previously by POC, not only are reductions in emissions required, investments in DACs are also required. (POC Reply Comments, Production Cost Modeling 10/17/2018 at p. 2)</p> <p>POC recommends in the 2019-2020 IRP cycle that Commission Staff review a full range of the most economic ways to retire unneeded GHG-emitting generation resources. Consistent with SB350's mandates, the Commission should also evaluate how to prioritize those retirements in disadvantaged communities. (POC Comments on PSP and TPP 1/31/2019 at p. 12)</p> <p>In particular, future IRP filings must specify specific steps utilities will take to address the disproportionate effects of fossil-fuel power plants and infrastructure on disadvantaged communities as required by § 454.52(a)(1)(H). This includes but is not limited to considering the total amount of pollutants emitted near disadvantaged communities and how to retire these plants instead of merely considering the location of plants as a measure of whether disadvantaged communities are affected. (Comments on PSP and TPP 1/31/2019 at p. 21)</p>	<p>The Commission should continue to examine GHG emissions, reliability, and cost issues, as well as criteria pollutants and impacts on disadvantaged communities, on an integrated basis in the IRP process. (D. 19-04-040, at p. 173)</p>	<p>Verified</p>
<p>4. Issue D: Standard methodology/ Clean Net Short</p> <p>...The Clean Net Short (CNS) methodology has significant problems that put reaching the planning target of 42 MMT CO₂e at risk. For example,</p>	<p>SCE, CEJA, Sierra Club, and POC also suggested that the Commission consider establishing a standard methodology, similar to the CNS</p>	<p>The Commission will consider this issue for the next IRP Cycle.</p>

<p>SCE proposes three different methods of GHG accounting and each results in significantly different projected GHG emissions in 2030 (POC IRP Comments 9/12/2018 at p. 29).</p> <p>The method used to calculate the clean net short does not clarify if the baseline from which the calculation is based... (POC GHG Accounting comments at p. 2)</p> <p>...The clean net short methodology proposed here does not account for permitted use of bucket 2 and bucket 3 resources to meet RPS compliance.”(POC GHG Accounting comments at p. 3)</p> <p>CNS method allows an LSE to "count" surplus GHG-free electricity generation beyond what is needed for its own bundled customers, as a type of offset so the LSE can claim lower GHG emissions. This feature of the methodology creates the likelihood of double counting the same emission reduction because the sale by one LSE of surplus electricity necessarily means another LSE is purchasing that same energy” (POC IRP Comments 9/12/2018 at p. 30).</p> <p>Given these known limitations, the Commission needs to take into account the flaws and risks of using this measuring tool, or its intended goals may not be met. (POC IRP Comments 9/12/2018 at p. 31)</p>	<p>calculator, for estimating air pollutant emissions attributable to the LSE portfolios. We will consider this for the next IRP cycle, subject to staff and consulting availability. (D. 19-04-040 at p. 156)</p> <p>On the GHG emissions analysis, several parties including Cal Advocates, noted the disconnect between aggregate GHG emissions and the CNS calculator submissions by LSEs in their individual IRPs (D. 19-04-040 at p. 100)</p> <p>It is important for LSEs to keep in mind that the CNS calculator was not designed to send portfolio investment signals, as it utilizes average rather than marginal hourly emissions factors to compute emissions associated with a resource portfolio, and therefore it is not an appropriate tool for LSE portfolio development decision making. (D. 19-04-040 at p. 17)</p>	<p>Verified</p> <p>Verified</p>
<p>5. Issue E: Cost Effectiveness</p> <p>Throughout all phases of this proceeding, POC has urged the</p>		<p>Noted. The Commission noted that some claimed contributions by POC</p>

<p>Commission to adopt a least cost approach to procurement by updating the solar and battery costs to align with currently available pricing. Thus, the Commission’s model results will be more informative as to the speed at which California can affordably transition to renewable energy-- as illustrated by the following comments.</p> <hr/> <p>As GHG-free in-state generation increases, the Commission should review the best and least cost approach for retiring generation. (POC Comments on PSP and TPP 1/31/2019 at p 22)</p> <p>The falling cost of GHG-free energy should drive rapid replacement of fossil generation with clean alternatives. (POC Comments on PSP and TPP 1/31/2019 at p 27)</p> <p>Staff described the excess reliability as “orders of magnitude” more reliable than the target reliability metric.²⁴ This extreme excess in reliability is not a feature, but rather a detriment to California. Large excesses of reliability burden ratepayers with excessive costs from an overly redundant system. (POC Comments on PSP and TPP 1/31/2019 at pp. 11-12)</p> <p>POC estimates that the levelized cost of residential BTM solar with battery storage is in the range of \$0.08/kWh in 2018, and the levelized cost of residential BTM solar with battery storage is in the range of \$0.05/kWh in 2018.⁹ In this context, EE measures with a cost-effectiveness of</p>	<p>... enable California to achieve a decarbonized electric system that also functions reliably and at least cost to ratepayers overall, something that no individual LSE can achieve on its own. (D. 19-04-040 at p. 3)</p> <p>We also wish to make clear to all LSEs that there is a shared responsibility among all of them for a reliable electric system that meets the state’s environmental goals at least cost. (D. 19-04-040 at p. 135)</p> <p>In addition, the IRP process, while focused on meeting the state’s GHG emissions goals, is intended to do so in a way that is reliable and least cost. Neither reliability nor cost is an afterthought or secondary to the environmental goals. (D. 19-04-040 at p. 131)</p>	<p>had already been formally adopted in a previous IRP decision, (D.18-02-018) and were simply being restated again in D.19-04-040. In addition, some conclusions quoted are not directly relevant to the topics presented by POC. For these reasons, the Commission applied a 50% deduction on all hours spent on issue E in 2018.</p> <p>Verified</p> <p>Verified</p> <p>Verified</p>
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<p>\$0.05/kWh to \$0.08/kWh are cost-effective in 2018 relative to the solar with battery storage alternative. (Comments on Energy Efficiency 10/31/2018 at p. 5-6)</p>		
<p>6. Issue F: Reliability</p> <p>Attachment 2 highlights that the 40-year retirement assumption can remove 2,768 MW of fossil generation²⁹ and then by calibrating the HCP close to the 0.1 LOLE target, another 2,795 MW of fossil generation³⁰ can be retired. Combined, those retirements would result in 5,568 MW of fossil generation taken offline by 2030 without sacrificing reliability. (POC Comments on PSP and TPP 1/31/2019 at p. 16)</p> <p>The Commission should examine whether all natural gas plants should remain in operation for the planning horizon, given SB350 and SB 100, and whether SCE should accelerate battery storage deployments to displace its expiring gas-fired generation PPAs (POC Reply Comments on IRPs 09/26/2018 at p. 8)</p> <p>the National Renewable energy Laboratory (NREL) notes that “ELCCs can be increased to nearly 100% -- i.e., firm power equivalence -- with modest amounts of storage and/or load control, even at significant levels of penetration.” (POC Reply Comments, Production Cost Modeling 10/17/2018 at p. 6)</p> <p>POC recommends that BTMPV in the ELCC studies also be included and</p>	<p>Given that these two scenarios resulted in acceptable reliability, it can be inferred that a study of the RSP, with 2017 IEPR assumptions and the 40-year age-based retirement assumption, would yield acceptable system reliability results. (D. 19-04-040 at p. 108)</p> <p>[] we will continue to focus on displacing as much natural gas as possible to reach our emissions goals, consistent with maintaining a reliable electric system. (D. 19-04-040 at p. 141)</p>	<p>Verified</p> <p>Verified</p>

<p>adjusted appropriately. Staff notes that BTMPV is excluded from the ELCC calculation. POC suggests that BTMPV will increase in the future and become more efficient for several reasons. As time of use (TOU) rates become standard in all IOU service territories, customers who have already installed rooftop solar may also install batteries (at ever-decreasing price points) to absorb excess solar energy during the midday hours for later use during peak pricing. (POC Comments, Production Cost Modeling 10/10/2018 p. 9)</p> <p>POC assumes that Staff only proposes using the HCP as a placeholder while CCAs and other LSEs continue to ramp up energy procurement from renewable generators, which will allow for the rapid and cost-effective retirement of GHG-emitting resources. (POC Comments on PSP and TPP 1/31/2019 at p. 12)</p> <p>POC agrees that if any resources make sense to procure, integration resources should be at the top of the list. Those resources will reduce peak demand and in turn can reduce fossil fuel use and the average price of electricity for ratepayers. (Reply Comments 2/19/2019 at p. 10)</p>	<p>The Commission should not adopt the hybrid conforming portfolio as the preferred system plan, because it does not meet the GHG emissions goals or the RPS requirements in 2030, and also represents a less reliable portfolio than the RSP adopted in D.18-02-018, as updated to reflect the 2017 IEPR assumptions. (D. 19-04-040 at p. 173)</p> <p>The critical issues are with respect to the mix of renewable resource types to be procured, as well as the resources to accomplish renewable integration. (D. 19-04-040 at p. 105)</p>	<p>Verified</p> <p>Verified</p>
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?³	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: Sierra Club, Environmental Defense Fund, California Environmental Justice Alliance ("CEJA")		Verified
d. Intervenor's claim of non-duplication: POC's positions did not have substantial overlap with any other intervenors, and POC's positions were generally unique from the majority of other intervenors, including other environmental advocacy organizations. Thus, while POC worked to coordinate with other intervenors, differing approaches and positions of the intervenors resulted in POC advancing numerous arguments that other parties did not address. Such coordination was not needed to prevent duplication of efforts because POC's arguments and efforts were not duplicative of other intervenors. For example, POC was one of only two respondents that opposed the Joint Petition for Modification concerning the replacement of Diablo Canyon. There, we were the <i>only</i> party to argue that a PFM was not appropriate procedurally, and that the procurement plans out to 2030 already implicitly addresses the replacement of Diablo Canyon. As to disadvantaged communities, Sierra Club and the California Environmental Justice Alliance ("CEJA") took similar positions on the need to protect DACs, but POC distinguished itself by its stance that the phase-out of all fossil fuel resources, including OMEC, was the most efficient way to do it. Where some overlap of positions advanced by other parties occurred, POC acknowledged this in its comments and did not spend an undue amount of time making arguments that were also raised by other parties.		Verified

³ The Office of Ratepayer Advocates was renamed the Public Advocate's Office of the Public Utilities Commission pursuant to Senate Bill No. 854, which the Governor approved on June 27, 2018.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
<p>a. Intervenor’s claim of cost reasonableness:</p> <p>POC’s advocacy, reflected in this request for compensation, substantially contributed to a decision that will impact all of California’s ratepayers and residents, the state’s environment, and California’s climate. R. 16-02-007 is a long and complicated proceeding. POC participated in every phase of the proceeding and at nearly every commenting and briefing opportunity (one exception was a reply comment opportunity where POC determined that the issues were already adequately presented.) POC fully engaged to review the wide range of issues from technical modeling issues to policy and strategy-based issues. POC’s participation included workshops, webinars, the modeling advisory group, and the proposed decision’s all-party meeting. POC’s costs are therefore reasonable in light of the amount of time, resources, and effort POC put into the proceeding as a party.</p> <p>As demonstrated in the subsection b below, POC also actively attempted to keep costs low by working efficiently, striving to avoid duplication, and intentionally claiming only a partial selection of hours for the work it has completed under this portion of the proceeding.</p>	Verified
<p>b. Reasonableness of hours claimed:</p> <p>POC has been an active participant throughout the entirety of the LTPP-IRP proceeding and has submitted comments at nearly every opportunity, briefing, and attended workshops either in person or remotely.</p> <p>POC relied primarily on in-house staff and in-house staff counsel and supplemented with the expertise of technical consultants with more than 40 years of experience in the utility and energy sector. POC also used contract attorneys to fill in when POC’s staff was on leave and to ensure a thorough analysis of the numerous IRPs from various LSEs.</p> <p>Specifically, POC experienced a transition when our Executive Director and Lead Counsel, April Maurath Sommer, was on parental leave in 2018 and also when Ms. Maurath Sommer resigned in Jan. 2019, after returning from leave. In order to cover the work required in this proceeding, POC hired Elizabeth Taylor as a contract attorney, and where possible, research and drafting work associated with comments and briefings were performed by a junior associate at lower billing rates, with edits provided by supervisors. Additionally, POC made use of one of its board members, Loretta Lynch, a senior attorney with decades of experience in regulatory and energy matters, to both supervise and analyze the IRPs and POC’s filings related to the Plans and to modeling issues. Similarly, POC also experienced a transition with respect to the technical experts POC worked with during the pendency of this proceeding. POC hired an in-house energy analyst, Tyson Siegele in 2019, who has become the lead technical expert for POC in this</p>	Verified

<p>proceeding. POC thus leveraged many years of experience and expertise while limiting its costs.</p> <p>POC spent a reasonable and prudent amount of time on this matter, working diligently to address complex issues in an efficient and expedient manner. All of the hours claimed in this request were reasonably necessary to the achievement of POC's substantial contributions. Due to the convoluted and multi-faceted nature of this proceeding, a typical law firm would have expended significantly more resources than that spent by POC.</p> <p>POC also has already removed hours for work that did not meet success at the Commission. For example, POC did not account for the hours spent in this proceeding dedicated to: POC's motion for evidentiary hearings, administrative time spent on staff transitions, POC's comments and advocacy opposing the 29 motions to file under seal, whereby the Commission disagreed with POC, and POC's comments on inputs and assumptions for development of the 2019-2020 reference system plan and comments on proposed scenarios for 2019-2020 reference system plan, which were not addressed in this decision. POC also did not include in our request any time spent by Loretta Lynch or Tyson Siegle in the preparation of this request.</p> <p>As a result of all of the above exclusions, POC removed approximately 250 hours from this request such that only substantive contributions to the IRP proceeding have been included in this request for compensation.</p> <p>POC's request of \$237,163 is therefore reasonable both as to the costs and the hours claimed.</p>	
<p>c. Allocation of hours by issue:</p> <p>Issue A: GHG Emissions Benchmarks and Preferred Portfolios—16%</p> <p>Issue B: Denial of Petition of Modification re: Diablo Canyon—16%</p> <p>Issue C: Pollutant Impacts on DACs—10%</p> <p>Issue D: Standard methodology/ Clean Net Short—16%</p> <p>Issue E: Cost effectiveness of resources—20%</p> <p>Issue F: Reliability—20%</p> <p>Intervenor Compensation: Preparation of this Request for Compensation- 2%</p>	Verified

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Loretta Lynch (Senior Attorney)	2018	76	\$600	ALJ-357 for an atty w/ over 13yrs experience; bio attached	\$45,600	56.21[A&E]	\$600.00	\$33,726.00
Loretta Lynch (Senior Attorney)	2019	12.25	\$614	ALJ-357 for an atty w/ over 13yrs experience; bio attached + 2.35% per ALJ-357	\$7,522	9.22[A&E] [2,3]	\$615.00[1]	\$5,670.30
April Maurath Sommer (Attorney)	2018	168.5	\$361	D.18-09-039; and D. 19-04-031	\$60,648	137.50[A&E][4]	\$361.00	\$49,637.50
April Maurath Sommer (Attorney)	2019	3.5	\$369	D.18-09-039; and D. 19-04-031 + 2.35% per ALJ-357	\$1,292	2.95[A&E]	\$370.00[5]	\$1,091.50
Elizabeth Taylor (Attorney)	2018	23.4	\$350	ALJ-357 for an atty w/ 8-12yrs experience;	\$8,190	20.12[A&E]	\$350.00	\$7,042.00
Jamie Pang (Staff Counsel)	2018	91	\$158	D.18-09-039; D. 19-04-031 established a rate of \$150 for 2018 + 5% step increase per D. 07-01-009 for increased experience	\$14,378	76.39[A&E]	\$160.00[6]	\$12,222.40
Jamie Pang (Staff Counsel)	2019	8	\$169	2018 rate of \$158 per line above +5% step increase per D. 07-01-009 + 2.35% per ALJ-357	\$1,352	6.88[A&E]	\$170.00[7]	\$1,169.60
Bill Powers (Technical engineer)	2018	44	\$271	D.19-04-031 established a rate of \$258 for 2018 + 5% step increase per D. 07-01-009	\$11,924	37.59[A&E]	\$270.00[8]	\$10,149.30

Bill Powers (Technical engineer)	2019	15	\$291	2018 rate of \$271 per line above + 5% step increase per D. 07-01-009 + 2.35% COLA per ALJ 357	\$4,365	11.85[A&E]	\$290.00[9]	\$3,436.50
Robert Freeling (Technical expert)	2018	39.09	\$230	D.18-09-039 established a rate of \$230 for 2018	\$8,991	35.05[A&E]	\$230.00	\$8,061.50
Robert Freeling (Technical expert)	2019	5.25	\$235	2018 rate of \$230 per D.18-09-039 +2.35% COLA per ALJ 357	\$1,234	4.74[A&E]	\$235.00	\$1,113.90
Tyson Siegele (Technical expert)	2018	116.3	\$260	ALJ-357	\$30,160	95.27[A&E]	\$260.00	\$24,770.20
Tyson Siegele (Technical expert)	2019	144	\$266	2018 rate per ALJ-357 + 2.35% COLA	\$38,304	118.64[A&E]	\$270.00[11]	\$32,032.80
Subtotal: \$234,139						Subtotal: \$190,123.50		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Jamie Pang	2019	36	\$84	Comparable rates from 2019 requested rate at ½	\$3,024	36.1[A&E]	\$85[4]	\$3,068.350
Subtotal: \$3,024						Subtotal: \$3,068.50		
TOTAL REQUEST: \$237,163						TOTAL AWARD: \$193,192.00		
<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. 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.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer’s normal hourly rate</p>								

ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR⁴	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
April Maurath Sommer	2008	257967	No
Elizabeth Taylor	2004	234724	No
Loretta M. Lynch	1990	151206	No

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

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Attorney, Expert Time Sheets and Categorization
3	Attorney, Expert, Resumes

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[A&E] Applied 20% and 50% deduction on hours claimed of Issues A and E in 2018.	The Commission noted that some claimed contributions by POC had already been formally adopted in a previous IRP decision (D.18-02-018) where 15% of hours claimed were allocated to IRP process. For example, the first two references to claimed contributions under Issue A and some under Issue E are requirements that existed even prior to the 2018 D.18-02-018, and/or were simply being restated in D.19-04-040. In addition, for the issues raised, the hours appear excessive, both in Issue A and especially Issue E. Given that POC claimed contributions to that first IRP decision, the Commission applied a 20% deduction on issue A, and 50% deduction on issue E on hours worked in 2018.
[1 & 2] Calculation Adjustments for Lynch	Ms. Lynch requests a Cost-of-Living Adjustment (COLA) rate per ALJ-357 of \$614 for work done in 2019. She has more than 13 years’ work experience. Based on her qualifications, we correctly apply the COLA and adopt a \$615 rate as reasonable.
[3] Disallowance of Hours for Lynch not	Ms. Lynch requests 76 hours for work completed in 2018 and 12.25 hours for work completed in 2019. Ms. Lynch’s timesheets only substantiate 65.245 hours of work performed in 2018 and 11.75 hours of

⁴ This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

justified by timesheet	work performed in 2019. We therefore disallow 10.755 hours in 2018 and 0.5 hours in 2019 to be consistent with the timesheet provided.
[4] Disallowance of excessive hours claimed by Maurath Sommer	<p>Ms. Maurath Sommers spent approximately a total of 80 hours on tasks such as “drafting opposition to petition for modification”, “drafting comments on policy, and “drafting policy reliability comments.” We find these hours excessive given that the claim barely discusses policy or policy reliability issues and because the claim specifically states that “POC experienced a transition when our Executive Director and Lead Counsel, April Maurath Sommer, was on parental leave in 2018 and also when Ms. Maurath Sommer resigned in Jan. 2019, after returning from leave.”</p> <p>As such, the Commission disallows a total of 3.41 hours from Sommer’s total hours in 2018 from 168.62 to 165.21.</p>
[5] Calculation Adjustments for Maurath Sommer	<p>Ms. Maurath Sommer requests a COLA rate per ALJ-357 of \$369 for work done in 2019. We correctly apply the COLA and adopt a \$370 rate as reasonable.</p> <p>Adjustments were made to correct calculation hours for Ms. Maurath Sommer in 2019, from 3.50 to 3.69 based on time records.</p>
[6] Calculation Adjustments for Pang & Non-Compliance on Timesheet format for Submission	<p>Mr. Pang requests a COLA rate per ALJ-357 of \$158 for work done in 2018. We correctly apply the COLA and adopt a \$160 rate as reasonable.</p> <p>Pang claims 36 hours of Comp preparation. However, Pang did not comply with submission of documents format. The Commission requests intervenors send to the Intervenor Compensation Coordinator (at icompcoordinator@cpuc.ca.gov) the electronic version of the Claim, in MS Word format (the format in which the form is created) and the electronic version of the completed Excel spreadsheet with numerical calculations of the Claim.⁵ We remind POC in the future to provide documents in the format stated in the guide.</p>
[7] Calculation Adjustments for Pang	Mr. Pang requests a COLA rate per ALJ-357 of \$169 for work done in 2019. We correctly apply the COLA and adopt a \$170 rate as reasonable.
[8] Calculation Adjustments for Powers	Mr. Powers requests a COLA rate per ALJ-357 of \$271 for work done in 2018 plus 5% step increase. We correctly apply the COLA and adopt a \$270 rate as reasonable.
[9] Calculation Adjustments for Powers	Mr. Powers requests a COLA rate per ALJ-357 of \$291 for work done in 2019 plus 5% step increase. We correctly apply the COLA and adopt a \$290 rate as reasonable.

⁵ More information on filing documents can be found in the Intervenor Compensation Program Guide or Filing Checklist in the guide at 26-27.

[10] Calculation Adjustments for Siegele	Mr. Siegele requests a COLA rate per ALJ-357 for work done in 2018. We adopt the rate as reasonable.
[11] Calculation Adjustments for Siegele	Mr. Siegele requests a COLA rate per ALJ-357 of \$266 for work done in 2019. We correctly apply the COLA and adopt a \$270 rate as reasonable.

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 (<i>see</i> Rule 14.6(c)(6))?	Yes

FINDINGS OF FACT

1. The Protect Our Communities Foundation has made a substantial contribution to D.19-04-040.
2. The requested hourly rates for The Protect Our Communities Foundation'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 \$193,192.00.

CONCLUSION OF LAW

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

ORDER

1. The Protect Our Communities Foundation shall be awarded \$193,192.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company, shall pay The Protect Our Communities Foundation their respective shares of the award, based on their California-jurisdictional electric revenues for the 2018 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data is unavailable, the most

recent electric revenue data shall be used. 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 September 11, 2019, the 75th day after the filing of Protect Our Communities Foundation'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 March 18, 2021, at San Francisco, California.

MARYBEL BATJER

President

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

DARCIE HOUCK

Commissioners

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:	D2103039	Modifies Decision?	No
Contribution Decision(s):	D1904040		
Proceeding(s):	R1602007		
Author:	ALJ Fitch		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Protect Our Communities Foundation	June 28, 2019	\$237,163.00	\$193,192.00	N/A	See Disallowances and Adjustments, above

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Loretta	Lynch	Attorney	\$600	2018	\$600
Loretta	Lynch	Attorney	\$614	2019	\$615
April	Maurath Sommer	Attorney	\$361	2018	\$361
April	Maurath Sommer	Attorney	\$369	2019	\$370
Elizabeth	Taylor	Attorney	\$350	2018	\$350
Jamie	Pang	Advocate	\$158	2018	\$160
Jamie	Pang	Advocate	\$169	2019	\$170
Bill	Powers	Expert	\$271	2018	\$270
Bill	Powers	Expert	\$291	2019	\$290
Robert	Freeling	Expert	\$230	2018	\$230
Robert	Freeling	Expert	\$235	2019	\$235
Tyson	Siegele	Expert	\$260	2018	\$260
Tyson	Siegele	Expert	\$266	2019	\$270

(END OF APPENDIX)

ALJ/JF2/ilz

Date of Issuance 2/28/2020

Decision 20-02-066 February 27, 2020

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to
Develop an Electricity Integrated
Resource Planning Framework and
to Coordinate and Refine
Long-Term Procurement Planning
Requirements.

Rulemaking 16-02-007

**DECISION GRANTING COMPENSATION TO ENVIRONMENTAL DEFENSE
FUND FOR CONTRIBUTIONS TO D.19-04-040**

Intervenor: Environmental Defense Fund	For contribution to Decision (D.) 19-04-040
Claimed: \$111,420.50	Awarded: \$112,721.00
Assigned Commissioner: Liane M. Randolph	Assigned ALJ: Julie A. Fitch

PART I: PROCEDURAL ISSUES

<p>A. Brief description of Decision:</p>	<p>Decision 19-04-040 provides an evaluation of integrated resource plans (IRPs) from Commission-jurisdictional load serving entities, including whether IRPs contain all the requisite information; further, the Commission intends to develop a citation program for load-serving entities that fail to file an IRP altogether. In addition, the Commission addresses arguments that the Hybrid Conforming Portfolio (HCP) will result in unacceptable levels of greenhouse gas emissions and confirms that the IRPs did not collectively “result in a diverse and balanced portfolio of resources needed to ensure a sufficiently reliable or environmentally beneficial statewide electricity resource portfolio” and that it is more appropriate to use the previously developed Reference System Portfolio with more up to date assumptions for the Integrated Energy Policy Report released in 2017 and a 40-year assumption for life of fossil-fueled generation. The decision recommends that the California Independent System Operator (CAISO) utilize the preferred system plan (PSP) as both the reliability base and the policy-driven base case for its 2019-20 Transmission Planning Process. D. 19-04-040 goes on to recognize that there needs to be a heavy focus on procurement by community choice aggregators to serve expanding load and that additional attention is needed in order to preserve near and medium-term reliability planning – both reasons of which require a procurement track. Finally, the decision requires that Pacific Gas & Electric include in its next IRP a section explicitly addressing the need for replacement energy for Diablo Canyon that does not unduly raise emissions.</p>
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812¹:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	April 26, 2016	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	May 19, 2016	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:	R. 12-06-013	Verified
6. Date of ALJ ruling:	February 25, 2013	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. 17-10-007/008	Verified
10. Date of ALJ ruling:	September 10, 2018	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. 19-04-040	Verified
14. Date of issuance of Final Order or Decision:	April 25, 2019	May 1, 2019
15. File date of compensation request:	June 18, 2019	Verified
16. Was the request for compensation timely?		Yes

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

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. EDF filed initial comments on September 12, 2018 in response to individual IRPs.	"On September 12, 2018, initial comments on the individual IRPs were filed by the following parties...Environmental Defense Fund..." (D. 19-04-040 at 8.)	Verified
2. EDF filed reply comments on September 26, 2018 in response to individual IRPs.	"Reply comments on the individual IRP filings were filed on September 26, 2018 by the following parties...EDF..." (D. 19-04-040 at 8.)	Verified
5. EDF submitted comments in response to an ALJ ruling dealing with recommendations about the resource portfolio to use for the PSP, issued on January 11, 2019.	"Comments in response to this ALJ ruling were submitted on or before January 31, 2019 by the following parties...EDF..." (D. 19-04-040 at 10.)	Verified
6. EDF submitted reply comments in response to the January 11, 2019 ruling.	"Reply comments were submitted on or before February 11, 2019 by the following parties...EDF..." (D. 19-04-040 at 10.)	Verified
7. EDF submitted opening comments on the November 16, 2018 joint ruling by the Assigned Commissioner and ALJ addressing policy issues related to reliability.	"Comments in response to the joint Assigned Commission and ALJ Ruling were filed on or before December 20, 2018 by the following parties...EDF..." (D. 19-04-040 at 11.)	Verified
8. EDF submitted reply comments on the November 16, 2018 joint ruling.	"Reply comments were filed on or before January 14, 2019 by the following parties...EDF..." (D. 19-04-040 at 11.)	Verified
9. EDF was an opponent of using the HCP, as we concurred with other parties that it created an unacceptable risk of increased emissions – and therefore created a situation in which achievement of critical state goals might be less viable.	"Numerous parties opposed the HCP being used as the basis for the PSP, including...EDF." (D. 19-04-040 at 98.)	Verified
10. EDF further recommended that a PSP not be adopted at this juncture, or	"In addition, several parties, including CEERT and EDF, recommended that a	Verified

just be an interim solution while a more appropriate solution was established.	PSP not be adopted at this time at all, or that it be labeled an “interim” plan.” (D. 19-04-040 at 98.)	
11. EDF joined many other parties in positing that better coordination with CAISO is needed in order to correctly model transmission and congestion impacts.	“In general, many parties felt that the Commission needs better coordination with the CAISO regarding transmission availability and congestion, to avoid some of these issues in the future.” (D. 19-04-040 at 99.)	Noted
12. EDF advocated for better inclusion of impacts to disadvantaged communities and more complete information in IRPs with respect to presence of criteria pollutants in these communities.	“In addition, many parties commented that the Commission has not done enough work prioritizing issues in disadvantaged communities, and that more work is needed to attribute air pollutants correctly.” (D. 19-04-040 at 100.)	Verified
13. Though not listed by the Commission, EDF recommended against use of the HCP.	“Parties recommending against the use of the HCP as a reliability base case included AWEA, CEERT, SCE, Reid, Cal Advocates, Hell’s Kitchen, CEJA and Sierra Club.”	Verified
14. EDF emphasized the need to incorporate increasing amounts of distributed energy resources, as a way to recognize the new reality of the grid and ensure the grid is full of nimble, clean resources that can continue to ensure reliability.	“Some parties commented on the importance of the rise of distributed energy resources, as well as the likely need for additional reliability resources to serve load associated with electrification of buildings and transportation. These parties include EDF and Vote Solar. (D. 19-04-040 at 130.)	Verified
15. EDF cautioned against maintaining status quo rules in the face of rapidly multiplying energy providers, suggesting that the Commission consider fractional contracting or centralized buyers.	“Additional parties focused on the issue of having so many more LSEs now than historically. EDF pointed out that some solutions are fractional contracting and centralized buyers for reliability resources.” (D. 19-04-040 at 130.)	Verified
16. EDF cautioned against overreliance on out-of-state hydro, both because of possible emission leakage issues, and because frequent drought conditions in California make undue reliance on this resource dangerous.	“We do agree that we should be concerned about the dynamics related to reliance on imports, including Northwest hydro.” (D. 19-04-040 at 133.)	Verified

<p>17. EDF recognized that there may be some amount of natural gas resources necessarily present on the system in 2030 in order to maintain reliability, but believes that emphasis should be put on clean resources, particularly distributed energy resources (DERs), in order to minimize reliance on natural gas to the extent possible.</p>	<p>“While we are focused on minimizing the operation of fossil-fueled resources to the extent possible, especially in disadvantaged communities, there will still be the need to contract with existing natural gas resources needed to maintain system reliability as well as affordable electricity in the state while this broader transition is underway.” (D. 19-04-040 at 135.) “We have amended the language above related to natural gas resources to make clear that while we do assume that some natural gas is needed through at least 2030, we will continue to focus on displacing as much natural gas as possible to reach our emissions goals, consistent with maintaining a reliable electric system.” (D. 19-04-040 at 141.)</p>	<p>Verified</p>
<p>18. EDF filed supportive comments in response to the Joint Petition for Modification, concurring with other parties that resource procurement in the wake of Diablo Canyon needed to avoid any increase in GHG emission from the closure of Diablo and that any actions needed to be given full consideration in the IRP proceeding.</p>	<p>“Timely responses to the Joint PFM were filed by AWEA, CalCCA, POC, and jointly by the following parties...EDF...” (D. 19-04-040 at 143.)</p> <p>“The Joint Responders (GPI, UCS, EDF, CEERT, Sierra Club, and CEJA) strongly support the Commission considering the impact of the retirement of Diablo Canyon in this proceeding, and suggest that the scope be amended to specifically include this topic...in particular, the Joint Responders suggest that the Commission give explicit direction to all LSEs to plan for the retirement of Diablo Canyon in their individual IRPs...the Joint Responders suggest several procedural steps that the Commission should take to ensure replacement of Diablo Canyon power with GHG-free resources...” (D. 19-04-040 at 145.)</p>	<p>Verified</p>

<p>19. EDF was one of the parties that made it clear, along with CEJA and Sierra Club, that further detail on plans to reduce criteria pollution is needed.</p>	<p>“In the area of planning assumptions, CEJA and Sierra Club, as well as PG&E, commented that the majority of the LSEs did not engage in the comprehensive planning necessary for California to achieve its GHG and air pollutant requirements and goals. In particular, they commented that it is unclear how the IRPs will provide assurance that California is on the path to meet its GHG and criteria air pollutant requirements when nearly all LSE stress how uncertain their assumptions are and that the type of resources procured are likely to change from their plans.” (D. 19-04-040 at 152.)</p>	<p>Verified</p>
<p>20. EDF filed reply comments on the proposed decision.</p>	<p>“Reply comments were filed on or before April 15, 2019 by the following parties...EDF...” (D. 19-04-040 at 158.)</p>	<p>Verified</p>
<p>21. EDF advocated for a stronger mechanism to ensure compliance from LSEs filing IRPs in reply comments.</p>	<p>“...all of the large IOUs, as well as TURN, Sierra Club, and CEJA, requested that we commit to developing an enforcement mechanism sooner rather than later, particularly in light of the fact that one LSE failed to provide an IRP at all in this round.”</p>	<p>Verified</p>

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

	Intervenor's Assertion	CPUC Discussion
a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) 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: Natural Resources Defense Council, Sierra Club, Union of Concerned Scientists, California Environmental Justice Alliance		Yes
d. Intervenor's claim of non-duplication: EDF produced stand-alone documents and analysis, including constructive suggestions for restructuring market rules to accommodate increasing numbers of load-serving entities (such as fractional contracting and centralized buyers) and emphasized the importance of focusing on inclusion of existing and procurement of distributed energy resources in order to ensure a flexible, cleaner energy system.		Verified

PART III: REASONABLENESS OF REQUESTED COMPENSATION**A. General Claim of Reasonableness (§ 1801 and § 1806):**

	CPUC Discussion
a. Intervenor's claim of cost reasonableness: EDF's costs were reasonable for investigation of the application. The office carefully considered its advocacy during the course of the docket and attempted to use cost-effective methods over the course of the proceeding.	Verified
b. Reasonableness of hours claimed: EDF worked diligently throughout the process to only spend a reasonable and prudent amount of time.	Verified
c. Allocation of hours by issue: All of EDF's work focused on ensuring that utility IRPs were poised to achieve important air quality and GHG emission reduction goals. In particular, EDF emphasized the importance of strategically located and placed distributed energy resources in order to minimize the amount of natural gas needed on the system. As well, EDF focused on the need to ensure replacement capacity from Diablo Canyon did not result in an increase in greenhouse gas emissions, and ensuring that disadvantaged communities are well-placed to benefit from these IRPs.	Verified, however EDF is reminded that its hours need to be assigned by issue so that if the Commission were to find that EDF did

² The Office of Ratepayer Advocates was renamed the Public Advocate's Office of the Public Utilities Commission pursuant to Senate Bill No. 854, which the Governor approved on June 27, 2018.

not achieve a substantial contribution on a given issue, those hours could be removed efficiently.

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Larissa Koehler	2018	69	\$330	ALJ-352	\$22,770	69	\$330	\$22,770.00
Yochi Zakai	2018	44.2	\$330	ALJ-352	\$14,586	44.2	\$330	\$14,586.00
Ellison Folk	2018	13.2	\$585	ALJ-352	\$7,722	13.2	\$585	\$7,722.00
Lauren Tarpey	2018	48.7	\$210	ALJ-352	\$10,227	48.7	\$210	\$10,227.00
Steven Moss	2018	42	\$215	ALJ-352	\$9,030	42	\$230[1]	\$9,660.00
James Fine	2018	17.5	\$365	ALJ-352	\$6,387.5	17.5	\$385[2]	\$6,737.50
Michael Colvin	2018	3.5	\$300	ALJ-352	\$1,050	3.5	\$300	\$1,050.00
Larissa Koehler	2019	28.5	\$330	ALJ-357	\$9,405	28.5	\$340	\$9,690.00
Yochi Zakai	2019	81.5	\$330	ALJ-357	\$26,895	81.5	\$330	\$26,895.00
Ellison Folk	2019	3.1	\$585	ALJ-357	\$1,813.5	3.1	\$585	\$1,813.50
Subtotal: \$109,886						Subtotal: \$111,151.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Larissa Koehler	2019	7	\$165	ALJ-357	\$1,155	7	\$170[3]	\$1,190.00
Yochi Zakai	2019	2.3	\$165	ALJ-357	\$379.5	2.3	\$165	\$379.50
Subtotal: \$1534.50						Subtotal: \$1,535.00		
TOTAL REQUEST: \$111,420.50						TOTAL AWARD: \$112,721.00		
*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
Larissa Koehler	June 2013	589281	No

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

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Resume of Larissa Koehler
3	Biographies of Ellison Folk, Yochanan Zakai, and Lauren Tarpey
4	Resume of Steven Moss
5	Resume of James Fine
6	Resume of Michael Colvin
7	Allocation of Time for Koehler, Zakai, Folk, Tarpey, Moss, Fine, and Colvin
	<p>As the proceeding and its focus developed, personnel necessary to advocate and advance EDF's priorities necessarily shifted as well. To that end, representatives from outside counsel Shute Mihaly Weinberger (Yochanan Zakai, Ellison Folk, and Lauren Tarpey) were not listed, nor were Steven Moss or Michael Colvin. A brief description of their experience follows. Relatedly, Lauren Navarro did not end up lending her expertise in this proceeding.</p> <p>Yochi Zakai is an attorney at Shute Mihaly Weinberger with nearly 7 years of experience, including 4 years at the Washington State Utilities and Transportation and an internship at the Hawaii Public Utilities Commission. He is well-versed in energy transactions and utility regulations.</p> <p>Ellison Folk is a partner at Shute Mihaly Weinberger and has been with the firm</p>

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

	<p>since 1990. She has an extensive amount of experience representing environmental organizations at the Commission on a wide variety of proceedings.</p> <p>Lauren Tarpey is a recent graduate of Stanford Law School in 2017 and joined Shute Mihaly Weinberger as a fellow in 2018.</p> <p>Steven Moss is an outside technical consultant with EDF. He has over 20 years of experience in utility regulation.</p> <p>Michael Colvin is a Director of Regulatory and Legislative Affairs at Environmental Defense Fund and has 11 years of experience in energy policy and utility regulation.</p>
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D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] Adjustments for Mr. Moss	Mr. Moss was previously awarded a rate of \$225 for work done in 2017. (D.18-10-047.) After applying a Cost-of-Living Adjustment (COLA) rate based on ALJ-352, the correct rate for Moss' work in 2018 is \$230. The Commission adopts the new rate as reasonable.
[2] Adjustments for Mr. Fine	Mr. Fine was previously awarded a rate of \$375 for work done in 2017. (D.18-10-047.) After applying a COLA rate based on ALJ-352, the correct rate for Fines' work in 2018 is \$385. The Commission adopts the new rate as reasonable.
[3] Adjustment for Ms. Koehler	After applying a COLA rate based on ALJ-357, the correct rate for Koehler's work in 2019 is \$340. The Commission adopts the new rate as reasonable.

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 (<i>see</i> Rule 14.6(c)(6))	Yes

FINDINGS OF FACT

1. Environmental Defense Fund has made a substantial contribution to D.19-04-040.
2. The requested hourly rates for Environmental Defense Fund'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 \$112,721.00.

CONCLUSION OF LAW

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

ORDER

1. Environmental Defense Fund shall be awarded \$112,721.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Electric Company, shall pay Environmental Defense Fund their respective shares of the award, based on their California-jurisdictional electric revenues for the 2018 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data is unavailable, the most recent electric revenue data shall be used. 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 18, 2019, the 75th day after the filing of Environmental Defense Fund'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 February 27, 2020, at San Francisco, California.

MARYBEL BATJER

President

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

Commissioners

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:	D2002066	Modifies Decision?	No
Contribution Decision(s):	D1904040		
Proceeding(s):	R1602007		
Author:	ALJ Fitch		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Electric Company.		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Environmental Defense Fund	June 18, 2019	\$111,420.50	\$112,721.00	N/A	See CPUC Comments, Disallowances, and Adjustments above.

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Larissa	Koehler	Attorney	\$330	2018	\$330
Larissa	Koehler	Attorney	\$330	2019	\$340
Yochi	Zakai	Attorney	\$330	2019	\$330
Ellison	Folk	Attorney	\$585	2019	\$585
Lauren	Tarpey	Attorney	\$210	2019	\$210
Steven	Moss	Expert	\$215	2019	\$230
James	Fine	Expert	\$365	2019	\$385
Michael	Colvin	Expert	\$300	2019	\$300

(END OF APPENDIX)