



Decision _____

FILED

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

1/20/23

04:59 PM

Order Instituting Rulemaking to Continue the Development of Rates and Infrastructure for Vehicle Electrification.	Rulemaking 18-12-006 (Filed December 13, 2018)
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INTERVENOR COMPENSATION CLAIM OF [EAST YARD COMMUNITIES FOR ENVIRONMENTAL JUSTICE] AND DECISION ON INTERVENOR COMPENSATION CLAIM OF [EAST YARD COMMUNITIES FOR ENVIRONMENTAL JUSTICE]

NOTE: After electronically filing a PDF copy of this Intervenor Compensation Claim (Request), please email the document in an MS WORD and supporting EXCEL spreadsheet to the Intervenor Compensation Program Coordinator at lcompcoordinator@cpuc.ca.gov.

Intervenor: East Yard Communities for Environmental Justice	For contribution to Decision (D.) 22-11-040, D.21-07-028, D.20-12-027
Claimed: \$126,746.09	Awarded: \$
Assigned Commissioner: Commissioner Clifford Rechtschaffen	Assigned ALJ: ALJs Brian Korpics and Marcelo Poirier
I hereby certify that the information I have set forth in Parts I, II, and III of this Claim is true to my best knowledge, information, and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this Claim has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).	
<p style="text-align: right;">Signature: /s/ Sara Gersen</p>	
Date: 1/20/23	Printed Name: Sara Gersen

PART I: PROCEDURAL ISSUES
(to be completed by Intervenor except where indicated)

A. Brief description of Decision:	D.22-11-040: Decision on Transportation Electrification Policy and Investment. This decision adopts a long-term policy framework for the electrical corporations' investments in transportation electrification. The decision creates five-year funding cycles for the utilities' transportation electrification programs. It directs the first program cycle to fund rebates for multi-family and medium/heavy-duty
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	<p>charging infrastructure through a statewide program administered by a third party.</p> <p>D.21-07-028: Decision Setting Near-Term Priorities for Transportation Electrification Investments by the Electrical Corporations. This decision adopts guidance and procedures for the regulated electric utilities to propose transportation electrification investments prior to filing comprehensive transportation electrification plans.</p> <p>D.20-12-027: Decision Concerning Low Carbon Fuel Standard Holdback Revenue Utilization. Directs the large electrical corporations to file plans for spending the holdback revenue they generate through the Low Carbon Fuel Standard (“LCFS”) program, to spend these funds consistent with Air Resources Board regulations, and to coordinate on marketing, education, and outreach activities.</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:	3/1/19	
2. Other specified date for NOI:	n/a	
3. Date NOI filed:	3/29/19	
4. Was the NOI timely filed?		
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.18-12-006	
6. Date of ALJ ruling:	7/25/19	
7. Based on another CPUC determination (specify):	n/a	

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

	Intervenor	CPUC Verification
8. Has the Intervenor demonstrated customer status or eligible government entity status?		
Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	R.18-12-006	
10. Date of ALJ ruling:	7/25/19	
11. Based on another CPUC determination (specify):	n/a	
12. Has the Intervenor demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.22-11-040	
14. Date of issuance of Final Order or Decision:	11/12/22	
15. File date of compensation request:	1/20/23	
16. Was the request for compensation timely?		

C. Additional Comments on Part I: (use line reference # as appropriate)

#	Intervenor’s Comment(s)	CPUC Discussion

PART II: SUBSTANTIAL CONTRIBUTION
(to be completed by Intervenor except where indicated)

Revised August 2021

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
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<p><u>1. Developing a robust and equitable long-term framework for funding utility-funded Transportation Electrification</u></p> <p>This four-year rulemaking effort sought to ensure that the utilities’ investments in Transportation Electrification (“TE”) accelerated transition to TE in a manner that is equitable and aligned with state policy. EYCEJ engaged throughout the process to provide its unique perspective as an environmental justice group that fights for zero-emission vehicles to address disproportionate health burdens in freight-impacted communities.</p> <p>This advocacy began with participation and comments on a May 9, 2019 workshop on evaluation, metrics, and valuation (“EM&V”) that informed staff’s initial TEF proposal. EYCEJ also provided extensive comments on the initial TEF proposal, focusing on its potential to slow approvals of TE investments with an unreasonably complicated and prescriptive process. In response to feedback from EYCEJ and others, staff developed an updated proposal with a more streamlined process. The updated staff proposal D.22-11-040 responded to EYCEJ’s advocacy for significant investments in freight electrification by devoting 70% of a \$1 billion rebate program</p>	<ul style="list-style-type: none"> • Informal comments on May 2019 EM&V workshop (5/30/19); • Opening comments on draft TEF section 2, 3.1, 3.2, 3.3, 4, and 5 (3/6/20); • Reply comments on draft TEF section 2, 3.1, 3.2, 3.3, 4, and 5 (4/27/20); • Opening comments on draft TEF section 3.4 and 11.3 (5/11/20); • Reply comments on draft TEF section 3.4 and 11.3 (6/18/20); • Comments on draft TEF section 7 and 8 (7/14/20); • Opening comments on draft TEF section 6, 11.1, and 11.2 (8/21/20); • Reply comments on draft TEF section 6, 11.1, and 11.2 (9/4/20); • Comments on draft TEF section 9, 10, and 12 (9/11/20); • Opening comments on revised staff proposal (4/25/22); • Reply comments on revised staff proposal (5/16/22); • Opening comments on PD (11/3/22); • Reply comments on PD (11/8/22). <p>“The Joint Commenters caution against an overly prescriptive TEP process.” D.22-11-040 at 20. “The Joint Commenters caution against the creation of cost caps because the TE regulatory and technological terrain is changing too rapidly to justify restricting investments based on quickly dated assumptions.” <i>Id.</i> at 20-21. The Commission responded to parties’ concerns with the proposed TEP process by not adopting the TEP framework and associated proposals and instead adopting a</p>	
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<p>to infrastructure for medium- and heavy-duty vehicles. This compensation claim categorizes work on the TEF and the revised staff proposal together because EYCEJ shaped the direction of the revised staff proposal and eventual decision through comments on the TEF proposal.</p> <p>Once staff issued the revised proposal, EYCEJ remained engaged to oppose requests to reduce the size of TE budgets (e.g., 5/11/22 reply comments on staff proposal at 4-5) and to advocate for program designs that would ensure the success of the program. The Commission adopted the full \$1 billion proposed budget for FC1 and (as detailed in the next column) adopted many program design details that reflect EYCEJ’s input.</p>	<p>modified staff proposal that took party feedback into account. <i>Id.</i> at 21.</p> <p>“The Joint Commenters assert that the Commission should differentiate between low-income and other customers facing a lack of home charging, because low-income customers likely have fewer choices to optimize their needs and preferences than more affluent customers.” <i>Id.</i> at 46-47. The Commission responds to this concern by directing the FC1 Mid-Cycle Assessment to consider the need for fuel cards for low-income customers. <i>Id.</i> at 47.</p> <p>“The Joint Commenters indicate that IOUs should generally recover TE program costs through PPP surcharges but should recover utility-side infrastructure costs through distribution rates.” <i>Id.</i> at 48. While the Commission adopted a more complicated method of recovering program costs through distribution rates on a cents-per-kWh basis (<i>id.</i> at 50-51), this approach aligns with EYCEJ’s strong advocacy for cost allocation on a cents-per-kWh basis to ensure TE costs are borne equitably. (9/11/20 comments on draft TEF section 9, 10, and 12 at pp. 4-7.)</p> <p>“The Joint Commenters and the City of Long Beach support rolling over any approved unexpended funding for FC0 programs to FC1.” D.22-11-040 at 78. Although the Commission did not accept this recommendation, it adopted an alternative method of responding to EYCEJ’s concern that FC0 funds may not be exhausted by 2025 and that the Commission should not cut off these programs before the funds are used. 4/25/22 Opening Comments on Staff Proposal at 3-4. Specifically, the</p>	
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	<p>Commission extended FC0 programs to continue during a grace period at the start of FC1. D.22-11-040 at 78.</p> <p>“The Joint Commenters assert that development of guidance for FC2 should begin at least 18 months prior to its start.” <i>Id.</i> at 84. The Commission adopted a timeline that aligns with this recommendation, with an FC2 guidance decision in Q3 2027. <i>Id.</i> at Appendix A.</p> <p>“SCE and the Joint Commenters support IOU proportional contributions based on electric sales, as done in other statewide programs.” <i>Id.</i> at 90. The Commission agreed: “We adopt a funding allocation that is based on each IOU’s percentage of electric sales for 2024.” <i>Id.</i> at 91.</p> <p>“Joint Commenters recommend disaggregating the ME&O and TA budgets.” <i>Id.</i> at 95. The Commission agreed: “ME&O and TA shall each have a budget of up to six percent of the total budget.” <i>Id.</i> at 96.</p> <p>“The Joint Commenters support a definition consistent with the Commission’s near-term priorities decision.” <i>Id.</i> at 158. The Commission agreed: “For the FC1 program, we adopt the modified MDHD definition contained in D.20-09-025,” <i>id.</i>, which is the near-term priorities decision also adopted.</p> <p>“The Joint Commenters generally support the modification process within the proposal, request clarity on the venue for discussion. The Joint Commenters also indicate a need for general flexibility that would allow the IOUs to act outside of the FC1 program in response to targeted TE needs.” <i>Id.</i> at 158 (fn omitted). The Commission</p>	
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	<p>responded to the need for flexibility and provided the requested process clarifications: “We acknowledge the need for program flexibility and adopt annual roundtables and the Mid-Cycle Assessment to allow stakeholders the opportunity to flag any concerns with the implementation of the FC1 program. The roundtable process is described above. The roundtables and corresponding Advice Letter filing can resolve minor issues through edits to the Program Handbook. The Mid-Cycle Assessment shall address larger modifications to the program.” <i>Id.</i></p> <p>“We require a minimum of one EV purchase, lease, or retrofit per charging port rebate. We also agree that there are scenarios that need additional consideration to implement an MDHD EV purchase mandate, including: (1) public or shared-charging ports and (2) small businesses. Therefore, we require the Program Handbook development process to finalize details of the purchase requirement for these contexts, including a possible exemption from the requirement and the process needed to request a waiver.” <i>Id.</i> at 162. Although the decision does not mention EYCEJ’s contribution to this aspect of its decision, ensuring that public and shared private charging would be eligible for this program was a key focus of the Joint Commenters’ comments on the PD (11/3/22 opening comments on PD at 5-6; 11/8/22 reply comments on PD at 1-2) and the primary issue EYCEJ raised in meetings with two commission offices about the PD in ex parte meetings.</p> <p>The Commission also considered the positions of the Joint Commenters on several issues where EYCEJ did not</p>	
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	<p>perform primary drafting, but rather leveraged the expertise of allies and reviewed drafts. These issues include workforce development, marketing, vehicle-grid-integration, and charging equipment standards. <i>See, e.g.</i>, D.22-11-040 at 34-35, 37, 60, 62, 183-84.</p>	
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<p><u>2. Contribution to the Commission’s near-term priorities for TE investment</u></p> <p>EYCEJ identified specific priorities the Commission should address with robust near-term investments in transportation electrification and advocated for a streamlined process for approvals. The Commission considered many of EYCEJ’s positions regarding near-term priorities and accepted several of its recommendations, including not imposing a \$20 million budget cap, supporting a broadly defined category of medium- and heavy-duty vehicles, and not selecting a statewide lead for medium- and heavy-duty projects.</p>	<ul style="list-style-type: none"> • Opening comments on TEF Section 5, pp. 18-24 (3/6/20); • Reply comments on TEF Section 5, pp 14-16 (4/27/20); • <i>See generally</i> opening comments on PD (6/21/21); • <i>See generally</i> reply comments on PD (6/28/21). <p>“The Joint Commentators noted that ‘two large IOUs—[PG&E] and SDG&E—have not yet proposed large-scale programs to support the passenger vehicles of Californians without access to home charging.’” D.21-07-028 at 28. “The Joint Commenters stated that ‘equity demands that all Californians have access to passenger vehicle chargers by the time electric vehicles are cheaper to purchase than combustion vehicles.’” <i>Id.</i> at 30-31. The Decision points to the input from the Joint Commenters and other parties as the basis for integrating equity and environmental justice requirements into any near-term TE proposal. <i>Id.</i> at 31.</p> <p>“Joint Commenters argued that the proposed \$20 million cap was unreasonable. They reasoned that the time until TEPs are approved is unknown, and it may take several years. As a result, imposing a cap would constrain TE investments for potentially several years. They further noted that the Commission has no basis for determining if the \$20 million cap is appropriate in the first instance when the investment needs of the near-term priority sectors are uncertain.” <i>Id.</i> at 40. The Commission agreed: “[I]n light of overwhelming party interest in maintaining flexibility for Electrical Corporation proposals for TE investments, and the urgency of meeting the state’s policy goals related to TE,</p>	
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	<p>this decision holds that there should not be an ex ante budgetary cap imposed on near-term priority program proposals outside of the advice letter process and filed with the Commission as a formal application.” <i>Id.</i> at 41.</p> <p>“Several parties generally supported the inclusion of resiliency as a near-term priority, including Joint Commenters...” <i>Id.</i> at 45. Consistent with this position, the final decision authorized near-term projects that meet gaps related to resiliency. <i>Id.</i> at 50.</p> <p>“Joint Commenters strongly supported the inclusion of MD/HD as a near-term priority, and believed that the current TE investments proposed in this area are inadequate.” <i>Id.</i> at 53. The Commission agreed: “In light of party comments on the proposed TEF, this decision finds that it is reasonable to establish the MD/HD sector as a near-term priority for Electrical Corporation investments in TE infrastructure.” <i>Id.</i> at 56.</p> <p>“Joint Commenters [urged] the inclusion in the MD/HD definition of “off-road equipment, including other mobile sources of pollution for which CARB has proposed zero-emission regulations” that includes, for example, cargo handling equipment, forklifts, idling transportation refrigeration units and locomotives, and vessels at berth.” <i>Id.</i> at 54. The Commission agreed: “the definition of the MD/HD sector includes all of the forms of transportation electrification that are required to meet the state’s policy goals, as explained and defined by D.20-09-025. Therefore, the MD/HD sector as referred to in this decision includes medium-duty EVs, heavy-duty EVs, off-road EVs, or off-</p>	
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	<p>road electric equipment.” <i>Id.</i> at 55-56 (fn omitted).</p> <p>“Joint Commenters did not support a statewide coordinator for MD/HD programs.” <i>Id.</i> at 57. The Commission agreed: “In light of party comments on this issue, this decision finds that the Electrical Corporations should coordinate their MD/HD efforts to most effectively support CARB electrification mandates for the sector, and create consistency in program design where feasible. This decision does not designate a single Electrical corporation to act as the lead coordinator at this time.” <i>Id.</i> at 58.</p> <p>“Joint Commenters believed that the new building programs should be focused on make-ready upgrades for public housing and housing in disadvantaged or low-to-moderate income communities. They also recommended that for affordable housing developments, ‘incentives may need to do more to fully ameliorate added costs and cover potentially 100 percent of added costs to being EV-ready.’” <i>Id.</i> at 59 (fn omitted). The Commission agreed: “Rebates for sites located in an underserved community should cover 100 percent of the infrastructure and installation costs.” <i>Id.</i> at 61.</p>	
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<p><u>3. Contribution to Commission guidance on the use of LCFS holdback funds</u></p> <p>Along with its allied Joint Commenters, EYCEJ asked the Commission to revisit staff’s proposals for directing LCFS holdback funds in Section 11.3 of the draft TEF. EYCEJ advocated for devoting all holdback funds to equity projects and was concerned that the restrictions on spending in the staff proposal would preclude utilities from pursuing the full range of equity programs provided for in CARB’s LCFS regulations. This proposal particularly threatened EYCEJ’s interests because it would have precluded utilities from investing holdback funds to electrify drayage trucks, which are a significant source of pollution in port-adjacent communities. While the Commission did not require the utilities to devote 100% of holdback funds to equity projects, it was persuaded to increase the portion that goes to equity projects. It also allows the utilities to fund the full scope of equity projects contemplated by the CARB regulations—reflecting EYCEJ’s request to reverse course from the staff proposal. While EYCEJ submitted comments on the LCFS holdback funds with several other parties, it led the research and drafting on this issue.</p>	<ul style="list-style-type: none"> • Opening comments on Section 11.3 of the TEF (5/11/20); • Reply comments (6/19/20); • Reply comments on PD (12/7/20). <p>“The Joint Commenters argue that, instead of the existing requirements, all of the LCFS holdback funds should be spent on equity projects. ... Although we disagree that increasing the requirement to 100 percent is appropriate at this time, we agree that a higher percentage is warranted. We hereby implement a ramp up period for equity spending that begins with 35 percent in 2021, increases to 45 percent in 2022, increases to 55 percent in 2023, and increases to 75 percent in 2024 and thereafter.” D.20-12-027 at 16.</p> <p>“Many parties were broadly critical of the LCFS holdback recommendations made in the draft TEF, which they argued exclude the equity project and other project options included by CARB in its revisions to its LCFS regulations. Parties making this general argument included ... the Joint Commenters...” <i>Id.</i> at 18.</p> <p>“Several parties generally supported the prioritization of resiliency projects defined in this manner, including ... Joint Commenters ...” <i>Id.</i> at 24.</p> <p>“Joint Commenters argued that if forklift revenues are pooled, then they should be used for equity projects.” <i>Id.</i> at 33.</p> <p>“Joint Commenters also proposed a Tier 2 advice letter process for approval of LCFS expenditures by the large electrical corporations. In light of the draft TEF’s recommendations and party</p>	
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	<p>comments, it is reasonable to utilize an advice letter process for submitting Implementation Plans for returning the LCFS holdback revenues.” <i>Id.</i> at 35 (fn omitted).</p> <p>“Reply comments were filed on December 7, 2020 by EDF, Cal Advocates, SDG&E, PG&E, SBUA, Center for Community Action and Environmental Justice and East Yard Communities for Environmental Justice, ChargePoint, TURN, and SCE. Changes were made throughout the decision in response to party comment.” <i>Id.</i> at 37.</p> <ul style="list-style-type: none"> EYCEJ’s reply comments provided additional factual support for eliminating a proposed restriction on funding projects for drayage trucks unless utilities first demonstrate how they are “better suited to manage this than other agencies with more experience and expertise in vehicle investment.” 12/7/20 reply comments at 1-4. The final decision revises the requirements for drayage truck projects to remove this onerous standard. D.20-12-027 at 29. 	
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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?²	Yes	
b. Were there other parties to the proceeding with positions similar to yours?	Yes	
c. If so, provide name of other parties:		

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.

	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	
Center for Community Action and Environmental Justice, Union of Concerned Scientists, Sierra Club, Center for Biological Diversity, Environmental Defense Fund, Natural Resources Defense Council		
d. Intervenor’s claim of non-duplication:		
<p>East Yard Communities for Environmental Justice (“EYCEJ”) shares many interests with Center for Community Action and Environmental Justice (“CCA EJ”) and avoided duplication of effort by jointly engaging legal counsel at Earthjustice. EYCEJ also aligns with Sierra Club, Union of Concerned Scientists, and Center for Biological Diversity on many issues. These groups routinely filed joint comments in this proceeding to minimize duplication of efforts.</p> <p>EYCEJ’s efforts were not duplicative of any other party to this proceeding because it has a unique perspective grounded in the experiences of its members who live in communities overburdened by freight pollution. EYCEJ brought expertise to this proceeding that it has built advocating for zero-emissions freight equipment in multiple venues. For instance, EYCEJ advocated strongly for shared private and public charging facilities to be eligible for medium- and heavy-duty rebates because decision makers at CARB have expressed concern that lack of charging for truck owners who do not own their own depots may slow the transition to zero-emission trucks.</p>		

C. Additional Comments on Part II: (use line reference # or letter as appropriate)

#	Intervenor’s Comment	CPUC Discussion

PART III: REASONABLENESS OF REQUESTED COMPENSATION
(to be completed by Intervenor except where indicated)

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

	CPUC Discussion
<p>a. Intervenor’s claim of cost reasonableness:</p> <p>In the context of the Commission’s transportation electrification programs, SB 350 defined the ratepayer interests to include the public health benefits of transportation electrification. P.U. Code § 740.8(b)(2). EYCEJ’s advocacy in this proceeding focused on securing Commission policies that will deliver much-needed public health benefits in freight-impacted communities by supporting medium- and heavy-duty charging infrastructure to meet immediate and long-term needs. While it is difficult to quantify the health benefits of programs that have not yet been implemented, the Commission’s prioritization of funding for medium- and heavy-duty transportation electrification in disadvantaged communities will maximize the ratepayer benefits of these programs.</p>	
<p>b. Reasonableness of hours claimed:</p> <p>EYCEJ and Center for Community Action and Environmental Justice (“CCA EJ”) were both represented by the same counsel in this proceeding and filed all comments jointly. CCA EJ is not submitting a claim for intervenor compensation for their shared attorney expenses. Thus, EYCEJ and CCA EJ collectively minimized costs by sharing resources.</p> <p>The hours claimed are reasonable and significantly understate the total hours spent on this case. This claim does not seek compensation for over 100 hours that Sara Gersen had recorded for this proceeding related to tasks such as coordinating calls with other parties that did not directly shape EYCEJ’s comments, activities related to comments on D.21-12-033, and consultation with clients. EYCEJ is not claiming the time of EYCEJ staff or their counsel for attorney client communications in meetings and emails that were necessary for EYCEJ to stay updated on the proceeding, identify priorities, and provide direction to counsel. EYCEJ is not claiming time for Paul Cort to attend any meetings—even though the time he spent at these meetings contributed to the direction of joint comments—because EYCEJ is conservatively claiming compensation for only one attorney to attend meetings to coordinate with the Joint Commenters. Similarly, EYCEJ is not claiming compensation time for the time Mr. Cort spent meeting with Commissioners’ offices or staff or attending workshops, conservatively claiming compensation only for the time of one attorney to attend these events. Further, this claim does not request compensation for the time of Earthjustice attorney Adrian Martinez or senior research & policy analyst Sasan Saadat, both of whom are experts on freight electrification and contributed to EYCEJ’s advocacy by reviewing filings</p>	

	CPUC Discussion
<p>and consulting on issues within their expertise. Nor does this claim request compensation for the time of the skilled paralegals who cite checked, proofread, finalized, and filed EYCEJ’s comments.</p> <p>The overall cost of EYCEJ’s participation in this case is reasonable given the importance of transportation electrification policy for delivering health benefits in EYCEJ’s community, the complexity of the issues, and the numerous filings over the four-year course of the proceeding.</p> <p>EYCEJ also managed the hours spent on this case by closely coordinating with the Joint Commenters. Each of these parties have unique areas of expertise and were able to lead the research and drafting of comments within their expertise, avoiding duplication of effort.</p>	
<p>c. Allocation of hours by issue:</p> <ol style="list-style-type: none"> 1) Robust and equitable long-term TE framework – 215.1 hours – 76% 2) Near-term priority investments – 28.2 hours – 10% 3) LCFS holdback funds – 21.5 hours – 8% 4) General – 23.6 hours – 8% <p>EYCEJ is including a chart with its allocation of hours by issue (including data breaking down the hours on each issue in each year by each attorney) at the bottom of the spreadsheet with Ms. Gersen’s time records in Attachment 2.</p>	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Sara Gersen	2019	34.9	\$380	D.21-02-017	\$13,262			
Sara Gersen	2020	146.2	\$390	D.21-02-017	\$57,018			
Sara Gersen	2021	13.5	\$470	Requested here	\$6,345			
Sara Gersen	2022	48.3	\$490	Requested here	\$23,667			
Paul Cort	2020	28.4	\$430	Requested here	\$12,212			
Paul Cort	2021	6.0	\$610	Requested here	\$3,660			
Paul Cort	2022	7.6	\$620	Requested here	\$4,712			
Subtotal: \$120,876						Subtotal: \$		

CLAIMED						CPUC AWARD		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Sara Gersen travel from Southern California to Commission for EM&V workshop	2019	8.5	\$190	Half of 2019 rate	\$1,615			
<i>Subtotal: \$1,615</i>						<i>Subtotal: \$</i>		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Sara Gersen	2019	3.5	\$190	Half of 2019 rate	\$665			
Sara Gersen	2023	11.9	\$245	Half of requested 2022 rate	\$2,915.50			
Paul Cort	2022	.2	\$310	Half of requested 2022 rate	\$62			
<i>Subtotal: \$3,642.50</i>						<i>Subtotal: \$</i>		
COSTS								
#	Item	Detail			Amount	Amount		
1.	Travel expenses for 2019 EMV workshop	Receipts attached for taxi fare, airfare, and lodging, which total to \$612.59, in Attachment 5			\$612.59			
2.								
<i>Subtotal: \$612.59</i>						<i>Subtotal: \$</i>		
<i>TOTAL REQUEST: \$126,746.09</i>						<i>TOTAL AWARD: \$</i>		

*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants, and any other costs for which compensation was

CLAIMED		CPUC AWARD	
<p>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 BAR ³	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Sara Gersen	2011	277563	No
Paul Cort	1996	184336	No

**C. Attachments Documenting Specific Claim and Comments on Part III:
*(Intervenor completes; attachments not attached to final Decision)***

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	<p>Hourly Time Keeping</p> <p>A daily listing of the specific tasks performed by Sara Gersen and Paul Cort in connection with the work in this proceeding that contributed to D.22-11-040, D.21-07-028, and D.20-12-027. Ms. Gersen and Mr. Cort maintained detailed contemporaneous time records indicating the number of hours devoted to work on this case. In preparing this attachment, they reviewed all the hours recorded as devoted to this proceeding. They included only those that were reasonable for the underlying tasks that contributed to D.22-11-040, D.21-07-028, and D.20-12-027.</p>
Attachment 3	Resume of Sara Gersen
Attachment 4	Resume of Paul Cort
Attachment 5	<p>Documentation for Sara Gersen travel expenses for 2019 EM&V workshop</p> <p>Lyft to LAX from home 5/8/19 - \$24.51 Lyft from LAX to home 5/9/19 – \$21.34 One-night hotel stay - \$284.14 Airfare - \$ 282.60 Total: \$612.59</p>
Comment 1	<p><u>2021 and 2022 Rates for Sara Gersen</u></p> <p>Sierra Club requests a rate of \$470 for Sara Gersen for 2021 and a rate of</p>

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

Attachment or Comment #	Description/Comment
	<p>\$490 for 2022. Ms. Gersen is an attorney who graduated from the University of California, Berkeley, School of Law in 2010 with a certificate of specialization in environmental law. A rate approaching the Market Rate Study’s median rate for Level IV attorneys is appropriate for Ms. Gersen because she has specialized in environmental and administrative law for her entire legal career and has specialized in issues related to the regulation of utilities since 2014. Ms. Gersen practices primarily before the state utility regulatory commissions in California, Nevada, and New Mexico. In addition to her work in this proceeding, Ms. Gersen has gained specialized expertise related to utility programs that support transportation electrification by representing East Yard Communities for Environmental Justice and the Center for Community Action and Environmental Justice in the proceeding on SDG&E’s medium/heavy-duty program (A.18-01-012) and representing Prosperity Works in dockets considering transportation electrification plans at the New Mexico Public Regulation Commission. Ms. Gersen has also represented Sierra Club in the CPUC’s integrated distributed energy resources proceeding (R.14-10-003), the electric utilities’ 2017 rate design window proceedings (A.17-12-011, et al.), the demand response prohibited resources proceeding (A.18-10-008, et al.), on issues related to a potential renewable hydrogen tariff in the biomethane rulemaking (R.13-03-008), and the Aliso Canyon replacement proceeding (I.17-02-002). Ms. Gersen’s resume is included as Attachment 3.</p>
<p>Comment 2</p>	<p><u>2020, 2021, and 2022 Rates for Paul Cort</u> Mr. Cort is an attorney with more than 25 years of experience and currently serves as the Chair of Earthjustice’s Air Practice Group. He has led Earthjustice’s advocacy for robust standards for zero-emissions buses and trucks before the California Air Resources Board and led Earthjustice’s advocacy for policies that will reduce vehicle emissions in the heavily polluted San Joaquin Valley. Since 2012, Mr. Cort has gained significant experience at the Public Utilities Commission. His unique expertise on zero-emissions freight vehicles has assisted the Commission in performing its transportation electrification roles under SB 350. Mr. Cort represented East Yard and CCAEJ in R.13-11-007, where his written and workshop comments contributed to an Assigned Commissioner’s Ruling that required utilities to prioritize the freight sector in transportation electrification programs. Representing East Yard and CCAEJ in A.17-01-020, et al., Mr. Cort helped develop the record and legal arguments that contributed to the Commission’s decision to approve half a billion dollars in investments in charging infrastructure for medium- and heavy-duty vehicles. Before joining Earthjustice, Mr. Cort served as an attorney for more than seven years at the U.S. Environmental Protection Agency, counseling the agency on matters related to complex federal environmental laws. Before that, Mr.</p>

Attachment or Comment #	Description/Comment
	<p>Cort practiced environmental law at a major law firm. For more than a decade, Mr. Cort has taught environmental law courses at the U.C. Hastings School of Law.</p> <p>In D.20-05-034, the Commission adopted a rate of \$410 for Mr. Cort for 2018. Here, EYCEJ is requesting a rate of \$430 for Mr. Cort for 2020, which reflects a COLA of 2.35% for 2019 (adopted in Resolution ALJ-357) and a COLA of 2.55% for 2020 (adopted in Resolution ALJ-387).</p> <p>EYCEJ is requesting a rate of \$610 for Mr. Cort for 2021 and a rate of \$620 for 2022. The requested rates are close to the median rates for a level V attorney in the lookup table for the Level 4 Ventures study. This is a conservative request, given Mr. Cort’s decades of specialized experience in environmental law and his unique expertise on transportation electrification issues.</p>

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

Item	Reason

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?	
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If so:

Party	Reason for Opposition	CPUC Discussion

B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?	
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If not:

Party	Comment	CPUC Discussion

(Green items to be completed by Intervenor)

FINDINGS OF FACT

1. [East Yard Communities for Environmental Justice] [has/has not] made a substantial contribution to D. D.22-11-040, D.21-07-028, D.20-12-027 _____.
2. The requested hourly rates for [East Yard Communities for Environmental Justice]’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 \$_____.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, [satisfies/fails to satisfy] all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. [East Yard Communities for Environmental Justice] is awarded \$_____.
2. Within 30 days of the effective date of this decision, _____ shall pay [East Yard Communities for Environmental Justice] the total award. [for multiple utilities: “Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay [East Yard Communities for Environmental Justice] their respective shares of the award, based on their California-jurisdictional [industry type, for example, electric] revenues for the ^ calendar year, to reflect the year in which the proceeding was primarily litigated. If such data is unavailable, the most recent [industry type, for example, 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 [date], the 75th day after the filing of [East Yard Communities for Environmental Justice]’s request, and continuing until full payment is made.

Revised August 2021

3. The comment period for today's decision [is/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):	D.22-11-040, D.21-07-028, D.20-12-027		
Proceeding(s):	R.18-12-006		
Author:			
Payer(s):			

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
East Yard Communities for Environmental Justice	1/20/23	\$126,746.09		N/A	

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Sara	Gersen	Attorney	\$380	2019	
Sara	Gersen	Attorney	\$390	2020	
Sara	Gersen	Attorney	\$470	2021	
Sara	Gersen	Attorney	\$490	2022	
Paul	Cort	Attorney	\$430	2020	
Paul	Cort	Attorney	\$610	2021	
Paul	Cort	Attorney	\$620	2022	

(END OF APPENDIX)