

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

05/26/23

11:41 AM

R1911009

**May 26, 2023****Agenda ID #21639  
Ratesetting**

TO PARTIES OF RECORD IN RULEMAKING 19-11-009:

This is the proposed decision of Administrative Law Judge Chiv. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's June 29, 2023 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties to the proceeding may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure. Electronic copies of comments should also be sent to the Intervenor Compensation Program at **[Icompcoordinator@cpuc.ca.gov](mailto:Icompcoordinator@cpuc.ca.gov)**.

/s/ MICHELLE COOKE

Michelle Cooke

Acting Chief Administrative Law Judge

MLC:mph

Attachment

Decision **PROPOSED DECISION OF ALJ CHIV** (Mailed 5/26/2023)

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Oversee the Resource Adequacy Program, Consider Program Refinements, and Establish Forward Resource Adequacy Procurement Obligations.

Rulemaking 19-11-009

**DECISION GRANTING COMPENSATION TO GREEN POWER INSTITUTE FOR SUBSTANTIAL CONTRIBUTION TO DECISIONS (D.) 20-06-031, D.21-06-029 AND D.21-07-014**

<b>Intervenor:</b> Green Power Institute	<b>For contribution to Decisions (D.) 20-06-031, D.21-06-029, and D.21-07-014</b>
<b>Claimed:</b> \$70,022.00	<b>Awarded:</b> \$42,432.00
<b>Assigned Commissioner:</b> Alice Reynolds <sup>1</sup>	<b>Assigned ALJs:</b> Debbie Chiv

<sup>1</sup> Rulemaking 19-11-009 was reassigned from Commissioner Marybel Batjer to President Alice Reynolds on January 28, 2022.

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	Decision D.20-06-031 Adopts local, system and flexible capacity requirements for 2021-2023. Decision D.21-06-029 Adopts local, system and flexible capacity requirements for 2022-2024, and resolves some of the Track 3B.1 proposals. Decision D.21-07-014 on Track 3B.2 issues – restructure of the RA program.
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812<sup>2</sup>:**

	Intervenor	CPUC Verification
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	December 16, 2019	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	December 23, 2019	Verified
4. Was the NOI timely filed?		Yes
<b>Showing of eligible customer status (§ 1802(b) or eligible local government entity status (§§ 1802(d), 1802.4):</b>		
5. Based on ALJ ruling issued in proceeding number:	R.20-05-002	A.18-06-015
6. Date of ALJ ruling:	November 20, 2020	January 23, 2019
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
<b>Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):</b>		
9. Based on ALJ ruling issued in proceeding number:	R.20-05-002	A.18-06-015
10. Date of ALJ ruling:	November 20, 2020	January 23, 2019
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		

<sup>2</sup> All statutory references are to California Public Utilities Code unless indicated otherwise.

13. Identify Final Decision:	D.21-07-014	Verified
14. Date of issuance of Final Order or Decision:	July 16, 2021	Verified
15. File date of compensation request:	September 10, 2021	Verified
16. Was the request for compensation timely?		Yes

**PART II: SUBSTANTIAL CONTRIBUTION**

**A. Did the Intervenor substantially contribute to the final decision (see § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059):**

<b>Intervenor’s Claimed Contribution(s)</b>	<b>Specific References to Intervenor’s Claimed Contribution(s)</b>	<b>CPUC Discussion</b>
	(Please note that Attachment 2 includes a list of issue areas, and of GPI Pleadings relevant to this Claim.)	Noted
<p><b>1. Track 2 Refinements – Use of ELCC in the RA Program.</b></p> <p>The GPI made substantial contributions to Decision D.20-06-031 by providing analysis and insight into the Track 2 proposals to move the RA program from using average ELCC values in the determination of an intermittent resource’s net qualifying capacity to using marginal values. The use of average values degrades over time the RA value of existing resources, while the use of marginal values leave existing resources whole while properly crediting the impact that new resources will have on the overall system. The Commission substantially adopted our positions on the use of marginal ELCC values, and with respect to details where the Commission did not adopt our position, we made a</p>	<p><b>Decision D.20-06-031</b></p> <p><b>Methodology for Effective Load Carrying Capability (ELCC)</b></p> <p>Some parties generally support marginal ELCC values, including CalCCA, CCE, MRP, and the Joint Environmental Parties. A few parties support SCE’s marginal ELCC proposal or support it with clarifications [footnote to GPI and other parties]. [D.20-06-031, pg. 34.]</p> <p>The Commission recognizes parties’ substantial discussions on ELCC in Track 2. However, based on comments and the Working Group report, there is insufficient consensus among parties to expand or revise the ELCC methodology at this time. We acknowledge the rationale behind support for marginal ELCC values, although it is largely inconsistent with past practice regarding RA qualifying capacity values and requires further development. We authorize Energy Division to further explore a marginal ELCC approach for consideration in this</p>	Verified

<p>substantial contribution by enriching the record underlying the Decision.</p>	<p>proceeding. The Commission also finds merit in proposals to explore more granular locational and technological ELCC calculations and authorizes Energy Division to conduct studies for consideration in this proceeding. [D.20-06-031, pg. 36.]</p> <p>The problem is that not all intermittent projects seeking PPAs will do so through the traditional IOU-based RPS-solicitation process. On the contrary, it is expected that the vast majority of new renewable projects will be contracted to non-IOU LSEs, especially to CCAs, who are not bound by the Commission’s rules for IOU project procurement. That being the case, most of these projects will not be affected by the Commission’s prior Decision in the RPS proceeding to use marginal rather than average ELCC values in the project-solicitation process. For this reason we support SCE’s proposal for the use of marginal ELCC values in meeting each LSE’s RA program obligations. Making each LSE credit the marginal ELCC-based RA value of their fleet of energy suppliers in the RA program will provide a strong motivation for all LSEs to evaluate potential energy suppliers using the correct price signals that D.19-09-043 requires IOUs to apply in their RPS solicitations. [GPI Reply, 4/2/20, pg. 3.]</p>	
<p><b>D2. Adoption of Flexible RA Requirements, Track 3B.1 Proposals.</b></p> <p>The GPI made substantial contributions to Decision D.21-06-029 by developing and proffering a Track 3B.1 proposal to rationalize and streamline the RA program by</p>	<p><b>Decision D.21-06-029</b></p> <p><b>Flexible Capacity Requirements</b></p> <p>This year, CAISO notified the Commission that both the draft and final Flexible Capacity Needs Assessment for 2022 (Final FCR Report) would be delayed. An ALJ ruling directed parties to file comments to the Draft FCR</p>	<p>Verified, in part.</p> <p>The Commission notes that some of GPI’s inputs on ‘Adoption of Flexible RA Requirements, Track 3B.1 Proposals’ lacked substance, and its</p>

<p>making RA a transmission and distribution (T&amp;D) function rather than an energy function, and by providing analysis and criticism of the Track 3B.1 proposals of other parties. In addition, we provided valuable analysis of the CAISO flexible capacity report, which forms the basis for the flexible capacity requirements that were set by D.21-06-029. With respect to the GPI proposal to make RA a T&amp;D function our proposal did not garner substantial support, with some parties suggesting it was late in the game to consider such a major move, even if it is a good idea. The Commission did not act on several Track 3B.1 proposals, including the GPI proposal. Nevertheless, major elements of the proposal may well be transferable to the growing possibility that central-procurement entities will be tasked with procuring all forms of RA products in the not to distant future, including local, system, and flexible RA. We look forward to advocating for our principles in future RA proceeding deliberations. In many cases the Commission adopted our positions, and in cases where the Commission did not adopt our positions, we made a substantial contribution by enriching the record underlying the Decision.</p>	<p>Report on April 29, 2021 and the Final FCR Report on May 18, 2021. The Draft FCR Report was filed on April 21, 2021. GPI filed comments to the Draft FCR Report on April 29, 2021. The Final FCR Report was filed on May 14, 2021. Comments on the Final FCR Report were filed on May 18, 2021 by GPI and PCF. [D.21-06-029, pg. 15.]</p> <p><b>GPI Proposal</b></p> <p>On August 7, 2020, Track 3B proposals and comments on the Amended Scoping Memo were filed by: ... Green Power Institute (D.21-06-029, pg. 3).</p> <p>Revised Track 3B.1 proposals were filed on January 28, 2021 by: ... Green Power Institute (D.21-06-029, pg. 4).</p> <p>The Green Power Institute submitted a Track 3.B proposal on August 7, 2020, and a revised Track 3B.1 proposal on January 28, 2021. On November 18, 2020, we presented our proposal at a two-day RA workshop on the Track 3.B proposals, and on February 25, 2021, we presented our revised proposal at the Track 3B.1 workshop.</p>	<p>efforts in D.21-06-029 did not substantially contribute to the proceeding’s outcomes as GPI submitted vague comments and/or repeated other parties’ comments/proposals (e.g., GPI’s March 26, 2021 comments).</p> <p>GPI also submitted duplicative filings: GPI submitted its Track 3B proposal on August 7, 2020 and a revised Track 3B.1 proposal on January 28, 2021, but the second revised proposal was largely duplicative of the August 2020 proposal.</p> <p>In addition, GPI’s comments on CAISO’s draft and final FCR Report filed on 4/29/21 and 5/18/21, respectively, do not provide any analysis that substantially contributed to the proceeding’s outcomes.</p> <p><i>See</i> CPUC comment in Part III.D [2,6].</p>
<p><b>3. Track 3B.2 Proposals.</b></p>	<p><b>Decision D.21-07-014</b></p>	<p>Verified, in part.</p>

<p>The GPI made substantial contributions to Decision D.21-07-014 by supporting the PG&amp;E Slice-of-Day proposal, and pointing out how it can be greatly strengthened by increasing its granularity to give hourly consideration to crucial RA hours, rather than treating them in large blocks during which rapid changes in supply and demand are occurring. In many cases the Commission adopted our positions on the proposals in the Staff Proposal, and in cases where the Commission did not adopt our position, we made a substantial contribution by enriching the record underlying the Decision.</p>	<p><b>PG&amp;E’s Slice-of-Day proposal</b></p> <p>Decision D.21-07-014 does not adopt any of the Track 3B.2 proposals that are under consideration but singles out the PG&amp;E Slice-of-Day proposal for further study and development. In our comments (see below) we support the PG&amp;E proposal, but point out that the proposal would be greatly strengthened by increasing the granularity of the temporal treatment from chunky blocks of hours to hourly. We intend to continue to advocate for proper hourly treatment of crucial RA hours within the context of the ongoing deliberations on the PG&amp;E Slice-of-Day proposal.</p> <p>We note that one of the themes that runs through the discussion in the PD of the various proposals is the difficulty in handling issues of temporality. In the opinion of the GPI the PG&amp;E proposal goes in the right direction but falls short with respect to granularity. There is no reason for not slicing the day on an hourly basis, rather than using the multi-hour chunks that are in the PG&amp;E proposal. The crucial hours of the day from the RA perspective are characterized by rapid changes in both system demand and the output of intermittent resources, and lumping these hours together loses a great deal of information. [GPI Comments, 6/30/21, pg. 1.]</p>	<p>The Commission notes that some of GPI’s inputs on ‘Track 3B.2 Proposals’ lacked substance, and its efforts in D.21-07-014 did not substantially contribute to the proceeding’s outcomes as GPI’s comments were often vague and/or often repeated other parties’ comments/proposals (e.g., GPI’s March 12, 2021 comments). See CPUC comment in Part III.D [6].</p>
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**B. Duplication of Effort (§ 1801.3(f) and § 1802.5):**

	<b>Intervenor’s Assertion</b>	<b>CPUC Discussion</b>
<b>a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?</b>	Yes	Verified
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes	Noted
<b>c. If so, provide name of other parties:</b> TURN, Vote Solar, the Climate Center, Tesla, CESA, Clean Coalition, and the three large electric IOUs.		Noted
<b>d. Intervenor’s claim of non-duplication:</b> This proceeding covers a wide variety of topics related to near-term reliability matters on the California grid. The Green Power Institute has been an active participant in the Commission’s clean energy proceedings, and is continuing these efforts in the present RA proceeding (R.19-11-009). The Green Power Institute coordinated its efforts in this proceeding with other parties in order to avoid duplication of effort, developed and proposed unique approaches to improving the RA process, and added significantly to the outcome of the Commission’s deliberations through our own unique perspective. Some amount of duplication has occurred in this proceeding on all sides of contentious issues, but Green Power avoided duplication to the extent possible, and tried to minimize it where it was unavoidable.		GPI coordinated efforts with other parties in the proceeding. However, some amount of duplication occurred in this proceeding resulting in arguments that overlap. GPI does not appear to have provided unique analysis to support its position, rather it appears to have focused on supporting positions of other parties. Therefore, it is difficult to conclude that GPI materially supplemented and complemented other’s work in the proceeding.  <i>See Pub. Util. Code. § 1802(5).</i>



**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

	<b>CPUC Discussion</b>
<p><b>a. Intervenor’s claim of cost reasonableness:</b></p> <p>The GPI is providing, in Attachment 2, a listing of all of the pleadings we provided in this Proceeding, R.19-11-009, that are relevant to matters covered by this Claim, and in Attachment 3 a detailed breakdown of GPI staff time spent for work performed that was directly related to our substantial contributions to Decisions D.20-06-031, D.21-06-029, and D.21-07-014.</p> <p>The hours claimed herein in support of Decisions D.20-06-031, D.21-06-029, and D.21-07-014 are reasonable given the scope of the Proceeding, and the strong participation by the GPI. GPI staff maintained detailed contemporaneous time records indicating the number of hours devoted to the matters settled by these Decisions in this case. In preparing Attachment 3, Dr. Morris reviewed all of the recorded hours devoted to this proceeding, and included only those that were reasonable and contributory to the underlying tasks. As a result, the GPI submits that all of the hours included in the attachment are reasonable, and should be compensated in full.</p> <p>Dr. Morris is a renewable energy analyst and consultant with more than 35 years of diversified experience and accomplishments in the energy and environmental fields. He is a nationally recognized expert on biomass and renewable energy, climate change and greenhouse-gas emissions analysis, integrated resources planning, and analysis of the environmental impacts of electric power generation. Dr. Morris holds a BA in Natural Science from the University of Pennsylvania, an MSc in Biochemistry from the University of Toronto, and a PhD in Energy and Resources from the University of California, Berkeley.</p> <p>Dr. Morris has been actively involved in electric utility restructuring in California throughout the past two-and-a-half decades. He served as editor and facilitator for the Renewables Working Group to the California Public Utilities Commission in 1996 during the original restructuring effort, consultant to the CEC Renewables Program Committee, consultant to the Governor’s Office of Planning and Research on renewable energy policy during the energy crisis years, and has provided expert testimony in a variety of regulatory and legislative proceedings, as well as in civil litigation.</p>	<p>Noted, but see CPUC disallowances and adjustments in Section III.D. After the adjustments and disallowances made to this claim, the remainder of the claim of cost reasonableness is verified.</p>
<p><b>b. Reasonableness of hours claimed:</b></p> <p>The GPI made Significant Contributions to Decisions D.20-06-031, D.21-06-029, and D.21-07-014 by developing an original Track 3B proposal, actively participating in workshops and working groups, and providing a series of Commission filings on the various topics that were under consideration in the Proceeding and are covered by this Claim. Attachment 3 provides a detailed breakdown of the hours that were expended in making our Contributions. The hourly rates and costs claimed are reasonable and consistent with awards to other</p>	<p>Noted, but see CPUC disallowances and adjustments in Section III.D. After the adjustments and disallowances made to this claim, the remainder of the</p>

<p>intervenor with comparable experience and expertise. The Commission should grant the GPI's claim in its entirety.</p>	<p>hours claimed are reasonable.</p>
<p><b>c. Allocation of hours by issue:</b></p> <p>D.20-06-031</p> <p>1. Methodology for Effective Load Carrying Capability (ELCC) 14%</p> <p>D.21-06-029</p> <p>2. Flexible Capacity Requirements (FCR) 35%</p> <p>3. GPI Track 3B Proposal 28%</p> <p>D.21-07-014</p> <p>4. PG&amp;E's Slice-of-Day proposal 24%</p>	<p>Noted; GPI's percentages total 101%</p>

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
G. Morris	2019	27.00	\$325	D.19-12-019	\$8,775.00	22.50 [2]	\$325	\$7,312.50
G. Morris	2020	50.00 <sup>3</sup>	\$335	D.21-03-040	\$16,750.00 <sup>4</sup>	46.5 [2]	\$335	\$15,577.50
G. Morris	2021	91.00 <sup>5</sup>	\$450	See comment 1	\$40,950.00 <sup>6</sup>	60.75 [2]	\$450 [1]	\$27,337.50
<b>Subtotal: \$66,475.00</b>						<b>Subtotal: \$50,227.50</b> <i>After 20% deduction applied</i> <b>Subtotal: \$40,182.00 [6]</b>		
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 \$

<sup>3</sup> Timesheets reflect a total of 50.5 hours for Morris in 2020

<sup>4</sup> Total dollar amount based on Morris' 2020 hours claimed in timesheet is \$16,917.50

<sup>5</sup> Timesheets reflect a total of 93.5 hours for Morris in 2021

<sup>6</sup> Total dollar amount based on Morris' 2021 hours claimed in timesheet is \$42,075.00

Paralegal	2020	2.30	\$130	See comment 2	\$299	0 [4]	N/A [3]	\$0.00
Paralegal	2021	0.70	\$140	See comment 2	\$98	0 [4]	N/A [3]	\$0.00
<b>Subtotal: \$397.00</b>					<b>Subtotal: \$0.00</b>			
<b>INTERVENOR COMPENSATION CLAIM PREPARATION **</b>								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
G. Morris	2021	14.00	\$225	½ 2021 rate	\$3,150.00	10 [5]	\$225 [1]	\$2,250.00
<b>Subtotal: \$3,150.00</b>					<b>Subtotal: \$2,250.00</b>			
<b>TOTAL REQUEST: \$70,022.00</b>					<b>TOTAL AWARD: \$42,432.00</b>			

\*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. 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

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

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	Allocation of effort by issue, list of pleadings, travel receipts
Attachment 3	Breakdown of hourly efforts by issue category
Comment 1	Public Policy / Regulatory Affairs Expert Gregg Morris qualifies as Level V in the Commission’s 2021 hourly rate chart, with more than 35 years of experience. Public Policy Analyst Level V has an hourly rate range of \$492-869, with a median rate of \$651. Regulatory Affairs Specialist Level V has an hourly rate range of \$267-387, with a median rate of \$319. We are asking for an hourly rate for Dr. Morris for 2021 of \$450, which is well within the bounds of the Commission’s adopted rate study for practitioners with Dr. Morris’ expertise and experience.
Comment 2	Lozeau Drury LLC supplies paralegal services to GPI. The firm has a several paralegals, with a range of experience levels. For purposes of this Claim, we are seeking to categorize the firm’s paralegals as high-end Level I in the Commission’s 2021 hourly rate chart. Paralegal Level I has an hourly rate range of \$89-141. We are asking for an hourly rate for 2021 of \$140, which is within the bounds of the Commission’s adopted

	rate study. The hourly rate request for 2020 is \$130, which is consistent with previous GPI Intervenor Comp Claims.
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**D. CPUC Comments, Disallowances, and Adjustments**

Item	Reason
[1] Gregg Morris (Morris) 2021 Hourly Rate	D.22-06-041 approved the 2021 hourly rate of \$450 for Morris.
[2] Morris 2019, 2020 & 2021 Hours	<p>Time records for each individual included in the Claim must be provided and must chronologically list the following information about each task included in the records: 1) Date when the specific task was performed, 2) The issue in the proceeding that the task addressed (as identified in the Scoping Memo or by the ALJ), 3) Description of the specific task, and 4) Amount of the time spent on the task (in hours or hour fraction). <i>See</i> IComp Program Guide p.25.</p> <p>Therefore, the following hours are disallowed from Morris’ 2019 hours because they are deemed to be assigned to tasks that were vague in nature:</p> <ul style="list-style-type: none"> <li>• 12/2/19, 1.50 hours, “Review of documents”. GPI claimed a total of 1.50 hours in this entry but does not specify which documents were reviewed and is deemed to be vague. 1.50 hours are disallowed.</li> </ul> <p>Section 1801.3(f) provides that the Commission should administer the Intervenor Compensation Program “in a manner that avoids unproductive or unnecessary participation that duplicates the participation of similar interests otherwise adequately represented or participation that is not necessary for a fair determination of the proceeding.” This Section creates three separate standards – productivity, uniqueness, and necessity – by which we measure participation. (D.00-02-044.) D.98-04-059 determined that we would carefully consider each of these three standards in making eligibility findings and in assessing compensability. Productivity generally concerns the efficiency, competence, effectiveness, and reasonableness, in terms of the cost of participation; uniqueness, the non-duplication of effort; and necessity, the relevancy of the participation.</p> <p>Therefore, the following hours are disallowed from Morris’ 2019 hours because they are deemed to be unproductive/excessive hours claimed:</p> <ul style="list-style-type: none"> <li>• 12/6-12/10/19, 6.50 hours, “Draft reply comments on OIR”. GPI claimed a total of 6.5 hours for these entries, but the time is excessive given that GPI’s comments are two and a half pages and largely repeat other parties’ proposals and comments. 3 hours are disallowed.</li> </ul>

We note that the 2019 timesheet entries for Morris reflect 27 hours. Minus the disallowances of 4.50 hours, Morris' hours now total 22.50.

The following hours are disallowed from Morris' 2020 hours because they are deemed to be unproductive/excessive hours claimed:

- 8/3-8/7/20, 8 hours, "Draft Track 3.B proposal – RA as a T&D function". GPI claimed a total of 8 hours in drafting this proposal, which total three pages. 3 hours are deemed excessive and are disallowed.
- 11/18/20, 4.50 hours, "Attend and present at Nov. 18 workshop – Track 3.B". GPI claimed a total of 4.5 hours for this entry, however, the agenda for this workshop shows its duration to be 4 hours (12:30pm – 4:30pm). 0.50 hours are disallowed.

We note that the 2020 timesheet entries for Morris reflect 50 hours. Minus the disallowances of 3.50 hours, Morris' hours now total 46.50.

The following hours are disallowed from Morris' 2021 hours:

- 1/25-1/28/21, 7.50 hours, "Draft Track 3B.1 proposal". GPI claims a total of 7.5 hours in drafting this proposal; however, this proposal is largely duplicative of GPI's proposal submitted on 8/7/2020. 7 hours are deemed excessive and are disallowed.
- 3/11-3/12/21, 10 hours, "Review parties' Track 3B proposals, draft comments on proposals". GPI claimed a total of 10 hours in these entries, but time spent on 'draft comments on proposals' is deemed excessive for work performed as GPI's comments are two and half pages, were vague and generally repeated other parties' comments/proposals. GPI's time spent reviewing comments are also excessive in relation to comments filed by other parties in the record. 5 hours are deemed excessive and are disallowed.
- 3/22-3/26/21, 9.50 hours, "Review parties' comments on Track 3B proposals" and "draft reply comments on Track 3B proposals." GPI claimed a total of 9.50 hours in these entries, but time spent on 'draft reply comments on Track 3B proposals' is deemed excessive for work performed as GPI's comments are two pages. GPI's time spent reviewing comments are also excessive in relation to comments filed by other parties in the record. 5 hours are deemed excessive and are disallowed.
- 4/23-4/29/21, 16.00 hours, "Review of CAISO 4/21 draft flexible capacity assessment" and "draft comments on CAISO 4/21 flex capacity assessment". GPI claimed a total of 16.00 hours in these entries, but time spent is deemed excessive for work performed as GPI's comments are

	<p>two pages and did not substantially contribute to the proceeding's outcome. 8 hours are deemed excessive and are disallowed.</p> <ul style="list-style-type: none"> <li>• 5/14-5/18/21, 4 hours, "Review of CAISO final flexible capacity assessment and "draft comments on CAISO final flexible capacity assessment". GPI claimed a total of 4 hours in these entries. GPI's Comments on the Final FCR Report filed on 5/18/21 do not provide any new analysis. These comments are deemed unproductive and do not contribute towards the decision-making process. 3 hours are disallowed.</li> <li>• 5/24/21, 2.50 hours, "Review of 5/21 PD, communications". GPI claimed a total of 2.50 hours in this entry, but the description 'communications' is deemed to be vague. As the time spent on each issue is not clearly allocated in entries with multiple tasks, we divide the hours claimed by the number of tasks included in each entry to get the time spent on each task. 1.25 hours are disallowed.</li> <li>• 6/30/21, 4.50 hours, "Review comments, draft comments on PD re Track 3B.1 proposals". GPI claimed a total of 4.50 hours in this entry, but time spent is deemed excessive for work performed as GPI's comments are two pages. GPI's time spent reviewing comments are also excessive in relation to comments filed by other parties in the record. 1 hour is deemed excessive and is disallowed.</li> </ul> <p>We note that the 2021 timesheet entries for Morris reflect 91 hours. Minus the disallowances of 30.25 hours, Morris' hours now total 60.75.</p>
[3] Paralegal Hourly Rate	Because we disallow all the hours for "Administrative Management", we do not establish an hourly rate at this time.
[4] Paralegal Hours	<p>Timesheets should be allocated to a specific individual and should include the following: the issue in the proceeding, the listed task addressed and a description of the specific task. <i>See</i> IComp Program Guide at 25.</p> <p>All of GPI's timesheet entries for work completed by their paralegal team only indicate "Administrative Management" which is vague and does not include a complete description of the specific task. We disallow 2.3 hours in 2020 and 0.70 hours in 2021 claimed by the paralegal team. <i>See</i> D. 22-06-041.</p>
[5] Morris IComp Prep Hours	<p>We find that time records submitted by GPI are missing time spent on IComp claim preparation.</p> <p>Time records for each individual included in the Claim must be provided and must chronologically list the following information about each task included in the records: 1) Date when the specific task was performed, 2) The issue in the proceeding that the task addressed (as identified in the Scoping Memo or by the ALJ), 3) Description of the specific task, 4) Amount of the time spent on the task</p>

	<p>(in hours or hour fraction). <i>See</i> IComp Program Guide at 25. Time spent on Intervenor compensation prep is included in this requirement.</p> <p>Accordingly, we adjust the award for IComp prep hours based on the time records provided. We disallow 4 hours from Greg Morris’ 2021 IComp prep hours.</p>
<p>[6] Reduction for Duplicative Contributions</p>	<p>While GPI did substantially contribute to the overall decision, GPI often repeated other parties’ proposals and remarks or did not perform its own unique analysis. For example, GPI did contribute to Issue 1 “Track 2 Refinements”, however, we found the revised Track 3B.1 proposal on January 28, 2021, as well as some of GPI’s inputs on ‘Track 3B.2 Proposals’ were largely duplicative. For this reason, we deduct 20% for duplicative contributions to Decision (D.) 20-06-031, D.21-06-029 and D.21-07-014, bringing the total award of \$42,432.00.</p> <p>We remind GPI, per the Intervenor Compensation Program guide at p.21, the Commission compensates “productive, effective and efficient” efforts that contribute to the proceeding’s outcomes.</p>

**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))**

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

1. Green Power Institute has made a unique substantial contribution to D.20-06-031, D.21-06-029, and D.21-07-014.
2. The requested hourly rates for Green Power Institute’s representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$42,432.00.

**CONCLUSION OF LAW**

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

**ORDER**

1. Green Power Institute is awarded \$42,432.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company and San Diego Gas & Electric Company shall pay Green Power Institute their respective shares of the award, based on their California-jurisdictional electric revenues for the 2021 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data are 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 November 24, 2021, the 75<sup>th</sup> day after the filing of Green Power Institute's request, and continuing until full payment is made.
3. The comment period for today's decision is not waived.

This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.



**APPENDIX**

## Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D2006031, D2106029, and D2107014		
Proceeding(s):	R1911009		
Author:	ALJ Chiv		
Payer(s):	Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company		

## Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Green Power Institute	September 10, 2021	\$70,022.00	\$42,432.00	N/A	Vague timesheet entries, unproductive/excessive hours, failure to make substantial contribution

## Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Gregg	Morris	Expert	\$325.00	2019	\$325.00
Gregg	Morris	Expert	\$335.00	2020	\$335.00
Gregg	Morris	Expert	\$450.00	2021	\$450.00

**(END OF APPENDIX)**