



Decision _____

FILED

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

02/15/24

03:22 PM

Order Instituting Rulemaking to Update and Amend Commission General Order 131-D	R.23-05-018 (Filed May 18, 2023)	R2305018
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**INTERVENOR COMPENSATION CLAIM OF ENVIRONMENTAL DEFENSE FUND
AND DECISION ON INTERVENOR COMPENSATION CLAIM OF
ENVIRONMENTAL DEFENSE FUND**

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 icompcordinator@cpuc.ca.gov.

Intervenor: Environmental Defense Fund	For contribution to Decision 23-12-035	
Claimed: \$123,931	Awarded: \$	
Assigned Commissioner: Karen Douglas	Assigned ALJ: Sophia Park and Rajan Mutialu	
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).		
Signature:		/s/ Yochanan Zakai
Date: February 15, 2024	Printed Name:	Yochanan Zakai

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

A. Brief description of Decision:	D.23-12-035 adopts modifications to Commission General Order 131-D to conform it to the requirements of Senate Bill 529 (Hertzberg; Stats. 2022, ch. 357) and to correct outdated references.
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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 All statutory references are to California Public Utilities Code unless indicated otherwise.

	Intervenor	CPUC Verification
1. Date of Prehearing Conference:	N/A	
2. Other specified date for NOI:	August 30, 2023	
3. Date NOI filed:	August 30, 2023	
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.21-06-017	
6. Date of ALJ ruling:	November 9, 2021	
7. Based on another CPUC determination (specify):	N/A	
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.21-06-017	
10. Date of ALJ ruling:	November 9, 2021	
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.23-12-035	
14. Date of issuance of Final Order or Decision:	December 18, 2023	
15. File date of compensation request:	February 14, 2024	
16. Was the request for compensation timely?		
Additional Comments on Part I: <i>(use line reference # as appropriate)</i>		
#	Intervenor’s Comment(s)	CPUC Discussion
1	No prehearing conference was set per the Assigned Commissioner’s Scoping Memo and Ruling in this Rulemaking 23-05-018. Assigned Commissioner’s Scoping Memo and	

#	Intervenor’s Comment(s)	CPUC Discussion
	Ruling [“Scoping Memo”] at 6, Footnote 13.	
2	<p>A “customer who intends to seek an award of compensation must file and serve a notice of intent to claim compensation within 30 days after issuance of this scoping memo.” Scoping Memo at 9.</p> <p>The NOI was filed by August 30, 2023, which is within 30 days after the issuance of the Scoping Memo on July 31, 2023.</p>	

PART II: SUBSTANTIAL CONTRIBUTION

(to be completed by Intervenor except where indicated)

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
<p>1. EDF recommended two phases to meet the GO 131 deadline in its Opening Comments on the Order to Institute Rulemaking to Update and Amend Commission General Order 131-D [“Opening Comments on OIR”].</p> <p>The Commission adopted in its Scoping Memo the decision to bifurcate the proceeding and expedite Phase 1 to ensure compliance with SB 529.</p>	<p>“We urge the Commission to act with the same urgency to quickly implement this streamlined permitting through targeted amendments to GO 131.” EDF Opening Comments on OIR (June 22, 2023) at 2.</p> <p>“We urge the Commission to adhere to a schedule that allows it to approve final amendments to GO 131 implementing SB 529 no later than January 1, 2024...we recommend splitting this proceeding into two phases, with the first phase addressing only those amendments required to implement SB 529 and the second to address other needed reforms.” <i>Id.</i> at 3.</p> <p>“On July 31, 2023, the assigned Commissioner issued a Scoping Memo ...[which] determined that the issues in the proceeding should be bifurcated into two phases. Phase 1 includes consideration of changes to GO 131-D necessary to conform it to the requirements of SB 529 and the updating of outdated references. Phase 2 includes consideration of all other changes to GO 131-D, including changes proposed in attachments to the OIR and by parties.</p> <p>Phase 1 was to be considered on an expedited basis to ensure compliance with the SB 529 deadline.” D.23-12-035 at 5.</p>	

<p>2. In its Reply Comments on the Proposed Decision Addressing Phase 1 Issues [“Reply Comments on Proposed Decision”], EDF recommended the Commission acknowledge the Settlement Agreement and consider its proposals.</p> <p>D.23-12-035 acknowledged the Settlement Agreement and found the Settlement Agreement proposals relevant to both Phases. The Commission also directed that the proposals relevant to Phase 2 should be considered in Phase 2 and addressed in a Staff Proposal.</p>	<p>“EDF remains hopeful that the Commission will consider the advancements in the Settlement Agreement at the earliest opportunity. EDF encourages the Commission to revise the Proposed Decision to acknowledge and reflect the Settlement Agreement.” EDF Reply Comments on Proposed Decision at 5.</p> <p>“On September 29, 2023, SCE, PG&E, and SDG&E filed a Joint Motion for Adoption of Phase 1 Settlement Agreement (Joint Motion) on behalf of numerous settling parties.” D.23-12-035 at 16.</p> <p>“The proposals in the settlement agreement that are outside the scope of Phase 1 should be considered during Phase 2. The schedule for this proceeding anticipates a Staff Proposal addressing Phase 2 issues to be issued in Q1 2024. In preparing the Staff Proposal, we expect Commission Staff to give due consideration to the proposals in the settlement agreement, which are within the scope of Phase 2. Given the broad scope of Phase 2, consideration of some of the Phase 2 proposals on a more expedited basis may be warranted if there are meritorious proposals to streamline the permitting process, which can be quickly implemented to enable the rapid deployment of transmission infrastructure projects needed to achieve the state’s clean energy goals and ensure reliability.” D.23-12-035 at 17-18.</p>	
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<p>3. In its Reply Comments Supporting the Joint Motion for Adoption of Phase 1 Settlement Agreement [“Reply Comments on Joint Motion”], EDF demonstrated broad support for the Settlement Agreement from both settling and non-settling parties and highlighted issues relating to Phase 1.</p> <p>The Commission acknowledged that the Settlement Agreement reflected consensus among diverse parties and addresses issues that are within the scope of Phase 1.</p>	<p>“Twenty-one parties representing a broad range of stakeholders joined the Settlement. Settling parties include investor-owned utilities, renewable energy developers, and environmental organizations. Additional parties filed comments in support of the Settlement [including CAISO and the California Chamber of Commerce]...Still other parties filed comments supporting the vast majority of the Settlement, or supporting its entirety with conditions [including Sierra Club and CCUE]...Ultimately, substantive objections were filed by six parties...Many of the concerns and ameliorating suggestions made by these party comments are not in conflict with the Settlement.” EDF Reply Comments on Joint Motion (November 14, 2023) at 5-7.</p> <p>“The Settlement proposes straight-forward revisions to GO 131-D to implement the streamlining provisions of SB 529...In accordance with SB 529, the Settlement proposes to revise Section III.A.” <i>Id.</i> at 15-16.</p> <p>“The settlement agreement reflects the efforts and consensus of a wide range of parties to this proceeding representing varied interests. However, many parties also oppose adoption of the settlement agreement. The Commission has previously explained: ‘a contested settlement is not entitled to any greater weight or deference merely by virtue of its label as a settlement; it is merely the joint position of the sponsoring parties, and its reasonableness must be thoroughly demonstrated by the record.’” D.23-12-035 at 17; <i>see Id.</i> at Footnote 34. (“The settling parties are SDG&E, PG&E, SCE, Bear Valley Electric Service, Inc., Liberty Utilities</p>	
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	<p>(CalPeco Electric) LLC, PacifiCorp, American Clean Power, IEP, CEERT, EDF, LS Power Grid, REV Renewables, LLC, Large-Scale Solar Association, California Energy Storage Alliance, Horizon West Transmission, LLC, Trans Bay Cable LLC, GridLiance West LLC, and Long Beach.”).</p> <p>“The proposed settlement agreement addresses issues that are within the scope of both phases of this proceeding.” <i>Id.</i>; <i>see Id.</i> at Footnote 37 (“<i>See Joint Motion at 9-15.</i>”).</p>	
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<p>4. In its Reply Comments on Joint Motion and Opening Comments on the Proposed Decision Addressing Phase 1 Issues [“Opening Comments on Proposed Decision”], EDF and numerous other parties in the Settlement Agreement proposed a revision of Section III.A based on a plain language interpretation of SB 529 that allows for both compliance options under Sections III.A and III.B.</p> <p>The Commission’s Decision modified Section III.A in a similar way to the revision proposed by EDF and numerous other parties in the Settlement Agreement to reflect both compliance options.</p>	<p>“[T]he Legislature recognized that the CPCN process ‘hampers the ability of deploying necessary transmission projects in a timely fashion.’ SB 529 therefore amended Public Utility Code section 1001 to provide that,</p> <p>‘The extension, expansion, upgrade, or other modification of an existing electrical transmission facility, including transmission lines and substations, does not require a [CPCN.]’” EDF Reply Comments on Joint Motion (November 14, 2023) at 15; <i>see</i> EDF Opening Comments on Proposed Decision (November 15, 2023) at 2.</p> <p>In accordance with SB 529, the Settlement proposes to revise Section III.A of GO 131-D as follows:</p> <p>Where a public utility seeks to construct an extension, expansion, upgrade, or other modification to its existing electrical transmission facilities (including electric transmission lines and substations within existing transmission easements, rights of way, or franchise agreements) that would require a certificate of public convenience and necessity under this Section III.A, the electric public utility may instead elect to file a permit-to-construct application or claim an exemption under Section III.B for such facilities, irrespective of whether the electrical transmission facility is above a 200-kilovolt voltage level.” EDF Reply Comments on Joint Motion (November 14, 2023) at 16; <i>see</i> EDF Opening Comments on Proposed Decision (November 15, 2023) at 4.</p> <p>“SB 529 does not require utilities to obtain a CPCN for such facilities but also does not preclude the utilities from</p>	
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	<p>electing to use the existing processes set forth in Section III.A in lieu of the processes set forth in Section III.B. To reflect this choice in compliance options and be consistent with SB 529, Section III.A is modified to add the following language to the end of the section:</p> <p>In lieu of complying with Section III.A, an electric public utility is authorized to file a permit to construct application or claim an exemption under Section III.B to construct an extension, expansion, upgrade, or other modification to an electric public utility’s existing electrical transmission facilities, including electric transmission lines and substations within existing transmission easements, rights of way, or franchise agreements, irrespective of whether the electrical transmission facility is above a 200-kV voltage level.” D.23-12-035 at p. 8.</p>	
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<p>5. In its Reply Comments on Proposed Decision, EDF recommended the Commission to reject a proposed change to limit the scope of projects subject to SB 529 to only existing and authorized facilities.</p> <p>The Commission agreed, determining that the definition of “existing electrical transmission facility” should not be limited to facilities that are both existing and authorized.</p>	<p>“In opening comments, some parties seek to limit the scope of projects that would be subject to SB 529’s streamlining provision... For example, Public Advocates Office requests that the revisions to GO 131-D specify that ‘existing electrical transmission facilities and transmission easements, rights of way, and franchise agreements must also have been ‘authorized’ by the Commission. But...some existing transmission facilities have been lawfully constructed without Commission authorization. Further... SB 529 does not require projects to be within existing easements, rights of way, or franchise agreements. Accordingly, the Commission should reject these changes to the Proposed Decision.” EDF Reply Comments on Proposed Decision (November 20, 2023) at 2-3; <i>see</i> EDF Reply Comments on Joint Motion (November 14, 2023) at 17.</p> <p>“We agree that an authorized facility does not necessarily equate to an existing facility. Therefore, the statement in the PD indicating that an existing electrical transmission facility is a facility that has previously been authorized has been deleted. Development of definitions for an ‘extension, expansion, upgrade, or other modification’ may produce additional clarification regarding whether ‘existing electrical transmission facility’ requires further definition. Therefore, we direct that a definition of ‘existing electrical transmission facility’ also be further considered during Phase 2 of this proceeding.” D.23-12-035 at 16.</p>	
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<p>6. In its Opening Comments on Proposed Decision, EDF recommended modifications to Sections IX and XI to be consistent with Section III.A modifications.</p> <p>The Commission agreed and made modification to Sections IX and XI.</p>	<p>“EDF recommends that any modifications to Section III.A to implement SB 529 be carried through to Section IX (Transmission Line, Power Line, and Substation Facilities) and Section XI (Notice) as proposed in the Settlement and shown below...These changes will allow for consistent cross-references within GO 131-D.” EDF Opening Comments on Proposed Decision at 6-7.</p> <p>"Finally, in response to comments by EDF, modifications have been made to Section IX (Transmission Line, Power Line, Substation Facilities) and Section XI (Notice) of GO 131-D to allow for consistent cross references within the GO." D.23-12-035 at 18, citing EDF PD Opening Comments at 6-7.</p>	
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Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor’s Assertion	CPUC Discussion
<p>a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?²</p>	Yes	
<p>b. Were there other parties to the proceeding with positions similar to yours?</p>	Yes	
<p>c. If so, provide name of other parties: Sierra Club and Center for Energy Efficiency and Renewable Technologies (CEERT).</p>		
<p>d. Intervenor’s claim of non-duplication: EDF coordinated with Sierra Club and CEERT, and with all parties concerning the settlement. Although these groups are similarly aligned as environmental organizations, they raised distinct issues in their respective responses.</p> <p>To the extent that duplication occurred, it was unavoidable due to the large number of parties actively engaged in the case. EDF’s comments were neither unproductive nor unnecessary because they substantially assisted the</p>		

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	
Commission's deliberations and decision making. EDF worked diligently to ensure that its involvement uniquely influenced the outcome of the final Decision. To the extent EDF's arguments were similar to other parties' arguments, they supplemented, complemented, and contributed to the positions taken by other parties and were neither unproductive nor unnecessary.		

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

#	Intervenor's Comment	CPUC Discussion
II.A.	Substantial Contribution. Pursuant to Section 1802(j), "Substantial contribution" means that, in the judgment of the commission, the customer's presentation has substantially assisted the commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer."	
II.A.	Substantial Contribution Includes Enriching Deliberations and the Record. The Commission's past decisions recognize that the Commission does not need to adopt an intervenor's position on a particular issue for that intervenor to make a substantial contribution. D.08-04-004 at 4-5; D.19-10-019 at 3; D.03-03-031 at 6 ("substantial contribution includes evidence or argument that supports part of the decision even if the Commission does not adopt a party's position in total"). Rather, intervenor substantially	

#	Intervenor’s Comment	CPUC Discussion
	<p>contribute when they have “provided a unique perspective that enriched the Commission’s deliberations and the record.” D.05-06-027 at 5. Intervenor also substantially contribute when they provide a full discussion of the matters at issue so as to allow the Commission “to fully consider the consequences of adopting or rejecting” the parties’ proposals, and when they “assist [] the Commission in the decision-making process.” D.08-04-004 at 5-6; D.19-10-019 at 4.</p>	
<p>II.B.</p>	<p>No Duplication. No reduction to EDF’s compensation due to duplication is warranted given the standard adopted by the Commission in D.03-03-031 and consistent with Public Utilities Code Sections 1801.3(b) & (f), 1802(j), 1802.5, and 1803.</p> <p>Section 1803 sets forth the requirements for awarding intervenor compensation. Pub. Util. Code, § 1803; D.03-03-031 at 12-14. An award of compensation for reasonable fees for participation in a proceeding is required when an intervenor (1) complies with Section 1804 and (2) “satisfies both of the following requirements: (a) The customer’s presentation makes a substantial contribution to the adoption, in whole or in part, of the Commission’s order or decision. (b) Participation or intervention without an award of fees or costs imposes a significant</p>	

#	Intervenor’s Comment	CPUC Discussion
	<p>financial hardship.” Pub. Util. Code. § 1803.</p> <p>Section 1801.3(f) seeks to avoid only (1) “unproductive or unnecessary participation that duplicates the participation of similar interests otherwise adequately represented” or (2) “participation that is not necessary for a fair determination of the proceeding.” Pub. Util. Code, § 1801.3(f); D.03-03-031 at 15-18. The “duplication language contained in the first dependent clause requires the compensation opponent to establish three elements – duplication, similar interests, and adequate representation.” D.03-03-031 at 18.</p> <p>Section 1802.5 provides for full compensation where participation “materially supplements, complements, or contributes to the presentation of another party.” Pub. Util. Code, § 1802.5; see also D.03-03-031 at 14.</p> <p>Additionally, the intervenor compensation statutory scheme is intended to “be administered in a manner that encourages the effective and efficient participation of all groups that have a stake in the public utility regulation process.” Pub. Util. Code § 1801.3(b).</p>	

PART III: REASONABLENESS OF REQUESTED COMPENSATION

(to be completed by Intervenor except where indicated)

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

	CPUC Discussion
a. Intervenor’s claim of cost reasonableness:	

	CPUC Discussion
EDF's costs were reasonable for the scope and complexity of the issues presented in this rulemaking and the proposed procurement requirements.	
b. Reasonableness of hours claimed: EDF worked diligently throughout the process to only spend a reasonable and prudent amount of time. EDF had one point person for each legal argument and one point person for each policy argument to ensure efficient disposition of our advocacy.	
c. Allocation of hours by issue: Conformance to SB 529 Requirements: 60.7 hours (35%) Updates for Outdated References: 6.1 hours (3%) Battery Storage: 4.5 hours (3%) Cost Information: 4.1 hours (2%) Adoption of Other Changes to GO 131-D As Needed: 72.3 hours (41%) Settlement: 28.2 hours (16%)	

Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Heather Minner	2023	143.1	\$675	ALJ-393; Attorney V	\$96,593			
Yochanan Zakai	2023	21.2	\$560	2022 rate set in D.24-01-022 plus 5% step increase per D.07-01-009 and escalation rate (a.k.a. COLA)	\$11,872			
Michael Colvin	2023	14.6	\$570	2022 rate set in D.24-01-022 plus 5% step increase per D.07-01-009; please add escalation rate (a.k.a. COLA)	\$8,322			
Subtotal: \$						Subtotal: \$		
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 \$

CLAIMED						CPUC AWARD		
[Person 1]								
[Person 2]								
Subtotal: \$						Subtotal: \$		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Yochanan Zakai	2023	1.5	\$280	Half 2023 rate	\$420			
Yochanan Zakai	2024	9.7	\$295	2023 rate plus 5% step increase per D.07-01-009; please add escalation rate (a.k.a. COLA)	\$2,861.50			
Heather Minner	2023	3.2	\$340	Half 2023 rate	\$1,088			
Heather Minner	2024	3.4	\$355	2023 rate plus 5% step increase per D.07-01-009; please add escalation rate (a.k.a. COLA)	\$1,207			
Stacy Lee	2024	9.5	\$165	ALJ-393; Attorney II	\$1,567.50			
Subtotal: \$						Subtotal: \$		
COSTS								
#	Item	Detail			Amount	Amount		
1.								
2.								
Subtotal: \$						Subtotal: \$		
TOTAL REQUEST: \$						TOTAL AWARD: \$		
<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. 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.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate</p>								
ATTORNEY INFORMATION								

CLAIMED			CPUC AWARD
Attorney	Date Admitted to CA BAR ³	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Heather Minner	December 7, 2007	252676	No
Yochanan Zakai	Admitted to Oregon State Bar in 2013	Oregon State Bar Member No. 130369	No
Stacy Lee	January 27, 2021	336150	No

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

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	<p>Biography of Expert and Attorneys</p> <p>Heather Minner is a partner with Shute, Mihaly & Weinberger LLP. She joined the firm in 2008 after serving as a judicial clerk for the Honorable Garland E. Burrell Jr. of the United States District Court for the Eastern District of California.</p> <p>Ms. Minner advises and advocates on behalf of renewable energy companies and environmental nonprofits seeking to facilitate the rapid deployment of clean energy projects and to decarbonize the economy.</p> <p>Ms. Minner frequently assists cities and local agencies in land use and administrative matters and advises on transparency and ethics laws, public contracting, processing development applications, environmental review, and the adoption of fees and taxes. Ms. Minner also represents environmental and community groups before local governments and in the courts to protect open space and public health across California.</p> <p>EDF requests a rate of \$675 for Ms. Minner’s work in 2023. Ms. Minner has been a member of the bar for over 16 years, which in the Hourly Rate Chart approved in Resolution ALJ-393 places her as a level V attorney. Level V attorneys, with 15+ years of experience are eligible for rates ranging from \$535 to \$750, with a median of \$650. EDF submits that these rates are reasonable for Ms. Minner’s work given her experience, her widely-regarded expertise on the California Environmental Quality Act and other environmental and administrative law issues.</p> <p>Yochanan Zakai is an associate at Shute, Mihaly, and Weinberger. He graduated from the University of Oregon School of Law in 2012 and then</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>worked as a policy advisor for the Washington State Utilities and Transportation Commission for four years. He was admitted to the Oregon State Bar in 2013. His relevant experience includes clerkships with the Hawaii Public Utilities Commission, Oregon’s utility ratepayer advocate, and the Bonneville Power Administration, as well as an externship with a wind turbine manufacturer and two years representing a municipal electric utility.</p> <p>Mr. Zakai has a national practice of administrative law focused on utility regulation. Mr. Zakai has represented clients in various CPUC proceedings including R.19-01-006 (wildfire cost recovery, representing Protect Our Communities Foundation or PCF), R.17-06-026 (power cost indifference recovery adjustment, representing PCF), R.17-07-007 (interconnection of distributed energy resources, representing the Interstate Renewable Energy Council), R.16-02-007 & R.20-05-003 (integrated resource planning, representing EDF), and R.14-08-013 & R.21-06-017 (distribution resource planning, representing the Interstate Renewable Energy Council). He has also appeared representing clients before the Bonneville Power Administration, California Independent System Operator, Colorado Public Utilities Commission, Massachusetts Department of Public Utilities, Michigan Public Service Commission, Minnesota Public Utilities Commission, and Washington State Utilities and Transportation Commission.</p> <p>Resolution ALJ-393 reaffirmed that, as a matter of policy, lawyers “licens[ed] by any jurisdiction within the United States” are eligible for compensation at attorney rates.^[1] Although Draft Resolution ALJ-393 originally proposed requiring attorneys to be licensed in California, the final version removed this requirement in response to comments from TURN emphasizing that attorneys like Mr. Zakai with a national practice bring “unique value to the Commission’s proceedings because of their national perspective.”^[2]</p>

^[1] Resolution ALJ-393 at 6 (Dec. 17, 2020) (“We have modified the definition [in the hourly rate chart] of labor roles for Legal Directors and Attorneys to include ‘licensing by any jurisdiction within the United States.’”). The hourly rate chart posted on the Commission’s intervenor compensation website has not been updated to reflect this modification.

^[2] TURN Reply Comments on Draft Resolution ALJ-393 at 2 (Dec. 11, 2020) (“the Commission has never required that attorneys be members of the California Bar to be compensated on the attorney hourly rate scale, as long as they are licensed by another jurisdiction within the United States. Restricting the Attorney and Legal Director Labor Roles to attorneys licensed by the California Bar would be a major change of practice for intervenors with a national presence, who bring unique value to the Commission’s proceedings because of their national perspective.”).

Attachment or Comment #	Description/Comment
	<p>EDF requests a rate of \$560 for Mr. Zakai’s work in 2023 and for Mr. Zakai’s claim preparation, \$280 in 2023 and \$295 in 2024. D.24-01-022 adopted a rate of \$510 for Mr. Zakai’s work in 2022. For Mr. Zakai’s 2023 and 2024 rates, EDF requests that the Commission apply a 5% step increase per D.07-01-009 and the 2023 escalation rate (a.k.a. COLA) of 4.46%.</p> <p>Stacy Lee joined Shute, Mihaly & Weinberger LLP as an associate in 2021. She represents public agencies, tribes, community groups, and nonprofit organizations on a broad range of environmental, energy, land use, and local government issues. Ms. Lee advises clients on non-litigation matters and represents them in litigation at the trial level.</p> <p>Ms. Lee most recently represented clients in R.17-07-007 (Order Instituting Rulemaking to Consider Streamlining Interconnection of Distributed Energy Resources and Improvements to Rule 21) and in public utilities proceedings in Oregon, Washington, and Vermont.</p> <p>Ms. Lee graduated from the University of California, Los Angeles School of Law in 2020. During law school, she clerked at Earthjustice and Oceana, and externed at the US Department of Justice Environment and Natural Resources Division, Environmental Enforcement Section. Ms. Lee also clerked at the CPUC Administrative Law Judges Division in 2018 and returned to the Division in 2020-2021 to serve as a fellow.</p> <p>Prior to attending law school, Ms. Lee worked at the New York City Mayor’s Office of Sustainability in 2011-2017. Ms. Lee graduated from the University of California, Berkeley with bachelor degrees in English and Conservation & Resource Studies in 2009. She also graduated from Columbia University School of International Public Affairs with a master of public administration in environmental science and policy in 2011.</p> <p>EDF requests a rate of \$330 (half compensation rate of \$165) for Ms. Lee’s work in 2024 for Ms. Lee’s claim preparation, based on her experience of three years in 2024. Ms. Lee is now classified as a Level II attorney in the Hourly Rate Chart approved in Resolution ALJ-393. In 2023, Level II attorneys, with 2-5 years of experience, were eligible for rates ranging from \$240 to \$430, with a median of \$330. Considering her experience this rate is reasonable.</p> <p>Michael Colvin is the Director, Regulatory and Legislative Affairs, California Energy Program, Environmental Defense Fund. He has a Bachelor of Science and Master’s degree in Public Policy, both from the University of California, Berkeley. His relevant experience includes a</p>

Attachment or Comment #	Description/Comment
	<p>decade of work at the California Public Utilities Commission (from 2008-2018) both as staff and as policy advisors to former Commissioners Ferron and Sandoval. In addition to his work before the CPUC, Mr. Colvin is also an active participant at the California legislature, California Air Resources Board, California Energy Commission, and the California Independent System Operator.</p> <p>Mr. Colvin has appeared before the Commission as a policy expert and advocate in several proceedings, including Rulemaking 19-01-011 (Building Decarbonization), R.13-02-008 (Biomethane Procurement Standards), Rulemaking 18-12-006 (Transportation Electrification Framework), R.20-01-007 (long term gas planning docket), R.20-08-022 (Clean Energy Financing). Mr. Colvin also appears before the Commission in a variety of utility specific matters, including Applications 19-02-006 (Voluntary RNG tariff), A.20-10-011 (PG&E’s dynamic rate for commercial electric vehicles) and A. 19-07-006 (SD&GE electric vehicle dynamic rate design).</p> <p>EDF requests a rate of \$570 for Mr. Colvin’s work in 2023. D.24-01-022 adopted a rate of \$520 for Mr. Colvin’s work in 2022. For Mr. Colvin’s 2023 rate, EDF requests that the Commission apply a 5% step increase per D.07-01-009 and the 2023 escalation rate (a.k.a. COLA) of 4.46%.</p>
3	Timesheet with hourly information

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 (<i>see Rule 14.6(c)(6)</i>)?	
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If not:

Party	Comment	CPUC Discussion

(Green items to be completed by Intervenor)

FINDINGS OF FACT

Environmental Defense Fund [has/has not] made a substantial contribution to D.23-12-035. 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.

The claimed costs and expenses [, as adjusted herein,] are reasonable and commensurate with the work performed.

The total of reasonable compensation is \$ _____.

CONCLUSION OF LAW

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

ORDER

Environmental Defense Fund is awarded \$ _____.

Within 30 days of the effective date of this decision, _____ shall pay **Environmental Defense Fund** the total award. [for multiple utilities: "Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay **Environmental Defense Fund** 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 are 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 **Environmental Defense Fund**'s request, and continuing until full payment is made.

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.23-12-035		
Proceeding(s):	R.23-05-018		
Author:			
Payer(s):			

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Environmental Defense Fund	February 14, 2024	\$123,931		N/A	

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Heather	Minner	Attorney	\$675	2023	
Heather	Minner	Attorney	\$710	2024	
Yochanan	Zakai	Attorney	\$560	2023	
Yochanan	Zakai	Attorney	\$590	2024	
Michael	Colvin	Expert	\$570	2023	
Stacy	Lee	Attorney	\$330	2024	

(END OF APPENDIX)