



STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

FILED

04/25/24

09:53 AM

R1909009

April 25, 2024

Agenda ID #22547
Ratesetting

TO PARTIES OF RECORD IN RULEMAKING 19-09-009:

This is the proposed decision of Administrative Law Judge Colin Rizzo. 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 May 30, 2024 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.

/s/ AVA TRAN for

Michelle Cooke

Chief Administrative Law Judge

MLC:jnf

Attachment

Decision **PROPOSED DECISION OF ALJ RIZZO** (Mailed 4/25/2024)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**Order Instituting Rulemaking Regarding
Microgrids Pursuant to Senate Bill 1339 and
Resiliency Strategies.

Rulemaking 19-09-009

**DECISION GRANTING COMPENSATION TO SIERRA CLUB FOR
SUBSTANTIAL CONTRIBUTION TO DECISION 23-04-034**

Intervenor: Sierra Club	For contribution to Decision (D.) 23-04-034
Claimed: \$167,248.92 ⁹	Awarded: \$100,187.00
Assigned Commissioner: Genevieve Shiroma ¹	Assigned ALJ: Colin Rizzo

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	Decision 23-04-034 adopts implementation rules for the Microgrid Incentive Program (“MIP”), which aims to establish community microgrids in disadvantaged vulnerable communities. Generally, Decision 23-04-34 adopts the Joint Investor-Owned Utilities’ (“IOUs”) MIP Implementation Plan (“MIPIP”) with modifications. The MIPIP established by the Commission entails a five-stage lifecycle process that begins with community outreach and ends with microgrid operation; the MIPIP includes a comprehensive resource guide (“MIP Handbook”), Microgrid Operating Agreements (“MOA”), and \$25,000 development grants. The Decision modified the MIPIP by extending the commercial operation deadline for projects, requiring projects to demonstrate long-term financial feasibility, and directing the Joint IOUs to include a list of external grant sources in all outreach efforts, include a dispute resolution process in the MIP Handbook, and return leftover MIP program funds to ratepayers.
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¹ R.19-09-009 has been reassigned from Commissioner Genevieve Shiroma to Commissioner Alice Reynolds as of March 4, 2024.

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812²:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	12/17/2019	Verified.
2. Other specified date for NOI:		
3. Date NOI filed:	1/15/2019	Sierra Club Notice of Intent to Claim Intervenor Compensation was filed in this R.19-09-009 proceeding on January 15, 2020.
4. Was the NOI timely filed?		Affirmative.
Showing of eligible customer status (§ 1802(b)) or eligible local government entity status (§§ 1802(d), 1802.4):		
5. Based on ALJ ruling issued in proceeding number:	A.21-12-009	Verified.
6. Date of ALJ ruling:	5/18/2022	Verified.
7. Based on another CPUC determination (specify):	N/A	
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Affirmative.
Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	A.21-12-009	Verified.
10. Date of ALJ ruling:	5/18/2022	Verified.
11. Based on another CPUC determination (specify):	N/A	
12. Has the Intervenor demonstrated significant financial hardship?		Affirmative.

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

	Intervenor	CPUC Verification
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.23-04-034	Verified.
14. Date of issuance of Final Order or Decision:	4/14/2023	Verified.
15. File date of compensation request:	6/13/2023	6/14/2023. Also, on March 14, 2024, Sierra Club filed a Supplement to the Claim, to support its request for hourly rates.
16. Was the request for compensation timely?		Affirmative.

PART II: SUBSTANTIAL CONTRIBUTION

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

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>1. Structure of Microgrid Incentive Program</p> <p>Sierra Club, as a member, of the Microgrid Equity Coalition ("MEC") commented on various aspects of the MIPIP including questions about additional tools, applicant eligibility criteria, critical energy resiliency need, and the commercial operation deadline.</p> <p><i>Applicant Eligibility Criteria</i></p> <p>Sierra Club/MEC argued that the Joint IOUs do not have</p>	<p>"Additionally, we decline to adopt the Staff Proposal's recommendation to</p>	<p>Noted. D.23-04-034 at 55, footnote 182 citation is to MEC</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>the expertise to evaluate financial need, and that requiring applicants to supply documents justifying financial need would threaten equitable access to the MIP. <i>See</i> MEC Comments in Response to ALJ Ruling at 6-8.</p> <p>Sierra Club/MEC argued against awarding additional points for leveraging outside funding.</p> <p>Sierra Club/MEC argued that the MIPIP accounts for vulnerability to outages and that additional eligibility requirements would unnecessarily restrict applicants from participating in the MIP. <i>See</i> MEC</p>	<p>require applicants to supply documents justifying the financial need for the MIP incentive. We are persuaded by MEC that supplying this information would be unhelpful since, as the Joint IOUs state, they are not best positioned to verify an applicant's financial statements which can be subjective and lead the program down a "slippery slope" of qualifying levels of financial need. Indeed, this could put at risk the goal of a streamlined and equitable access to the program." D.23-04-034 at 55.</p> <p>"Several parties object to awarding additional points for securing outside funding. For example, MEC asserts that parties who are most in need of funding will have the least capacity to secure outside sources of matching funds. MEC states that such a system 'ignores the reality that a serious project applicant is likely to seek multiple sources of funding; however, an under-resourced applicant may be less likely to successfully obtain such funding, due to challenges with access or technical capacity.' We agree." D.23-04-034 at 64</p> <p>"However, MEC argues that adding more documentation to show critical energy resilience need would add 'an additional burden on applicants when this information should already be accounted for in eligibility and scoring criteria of projects.' We agree. We decline to adopt the Staff Proposal's recommendation because it would add</p>	<p>Reply Comments to Staff Proposal at 4.</p> <p>Verified.</p> <p>Verified.</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>Comments in Response to ALJ Ruling at 7.</p> <p><i>MIP Requirements and Process</i></p> <p>Sierra Club/MEC suggested that the Joint IOUs should provide additional information and tools in the MIP; specifically, Sierra Club supported the development of the ReNCAT tool because it would assess the social burden of outages, and, as Sierra Club/MEC explains, need is proportional to social burden. <i>See</i> MEC Comments in Response to ALJ Ruling at 6, 9.</p> <p>Sierra Club/MEC not only supported modifying the 24-month commercial operation deadline to begin with the execution of the MOA, it also argued that this modification should be included in the Conclusions of Law and Ordering Paragraphs; Sierra Club/MEC suggested that these modifications are necessary considering the complexity of the application and development processes. <i>See</i> MEC Comments in Response to PD at 3-4.</p>	<p>an additional burden on MIP Applicants.” D.23-04-034 at 58-59.</p> <p>“Cal Advocates and MEC support directing the IOUs to collaborate with Sandia National Labs to develop the ReNCAT tool. We agree with Cal Advocates and MEC that the ReNCAT tool is important to support because it is aimed toward assessing the social burden of outages. Thus, the Commission will explore the development of the ReNCAT tool through the next track of this proceeding, under the value of resiliency.” D.23-04-034 at 50.</p> <p>“MEC recommends that we include the available extensions to the 24-month commercial operation deadline in the Conclusions of Law and Ordering Paragraphs. We agree and adopted this change throughout the Decision.” D.23-04-034 at 72.</p>	<p>Noted. D.23-04-034 at 50, footnote 153 citation is to MEC Opening Comments to Staff Proposal at 6.</p> <p>Verified.</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>Sierra Club/MEC argued for the development of a dispute resolution process.</p> <p>Sierra Club/MEC argued for requiring a list of external funding opportunities.</p> <p>Sierra Club/MEC argued that the DACAG should be involved in MIP implementation.</p>	<p>“MEC also supports the adoption of a dispute resolution process to resolve disagreements... We direct the Joint IOUs to include a dispute resolution scope and process in its MIP Handbook” D.23-04-034 at 67-68.</p> <p>“Therefore, we adopt Staff Proposal Option 1 and direct the Joint IOUs to include a non-exhaustive list of other external grant sources in the MIP Handbook and MIP program website, so that those resources are available for MIP Applicants.” D.23-04-034 at 65.</p> <p>“However, multiple parties support the involvement of the DACAG, and several parties pointed out the need to clarify the role and intended level of involvement. Therefore, should a need arise for the Joint IOUs to seek advice or consultation from the DACAG, the Joint IOUs may consult with the DACAG regarding review and provide actionable feedback on MIP Applications.” D.23-04-034, p. 66</p>	
<p>2. Funding of Diesel and Other Dirty Fuel Generation</p> <p>Sierra Club/MEC argued that the Commission should modify the MIPI to reject the use of MIP funding for emitting resources that may be operated outside of emergency conditions. <i>See</i> MEC Comments in Response to ALJ Ruling at 20-21.</p>	<p>“Non-compliant energy /standby generation shall not be used as Project resources” D.23-04-034 at 18.</p> <p>“Emergency/Standby Generation, whether existing or new diesel or other fuel resources that do not comply with Section 8371(d) are not allowed as Project Resources.” D.23-04-034 at 18, fn 41.</p>	<p>Noted.</p>

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

	Intervenor's Assertion	CPUC Discussion
a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?	Yes	Verified.
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified.
c. If so, provide name of other parties: California Environmental Justice Alliance, The Climate Center, Vote Solar, GRID Alternatives and Microgrid Resources Coalition		Noted.
d. Intervenor's claim of non-duplication: Throughout the proceeding, Sierra Club coordinated efforts with the above-mentioned parties to avoid duplication. Understanding that the parties' positions aligned, the parties jointly submitted comments as the Microgrid Equity Coalition ("MEC") and worked together to participate efficiently in workshops. Sierra Club shared resources with the MEC, coordinated filings, and delegated research and analysis tasks to most efficiently participate in this proceeding. Sierra Club focused its efforts on the expertise of Katherine Ramsey and Sahm White, adding to MEC comments by contributing power sector, legal, environmental justice, and technical microgrid analysis. By coordinating so extensively with aligned parties, Sierra Club was able to avoid duplication and offer its own perspective through joint comments and filings.		Noted. Noted. Noted.

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

	CPUC Discussion
a. Intervenor's claim of cost reasonableness: Sierra Club's participation in this proceeding had significant impact on the MIPIP. Sierra Club not only actively participated in the development of the Joint IOUs MIPIP, but also submitted multiple rounds of	Noted.

	CPUC Discussion
<p>comments suggesting modifications that the Commission ultimately adopted in D.23-04-34.</p> <p>Sierra Club’s filings reflected considerable substantive analysis and expertise. Comments included legal, technical, and policy research and analysis and concrete recommendations for successful implementation of the MIP and equitable access in the application process.</p> <p>Many of Sierra Club’s recommendations were adopted in the Final Decision, as detailed above, including many of the modifications to the Joint IOU’s MIPIP. These modifications should enable a program that maximizes benefits to vulnerable communities and appropriately selects microgrid projects.</p> <p>Sierra Club’s request for fees and costs is small in comparison to the climate, equity, and resiliency benefits that will be realized by effective implementation of the MIP. Avoided fossil fuel emissions and harms from outages through successful implementation of the MIP dwarf Sierra Club’s request for compensation.</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p>
<p>b. Reasonableness of hours claimed:</p> <p>Sierra Club was engaged in all steps of Track 4 of the Microgrids proceeding, which spanned years, and contributed detailed, focused comments on both the Staff Proposal and the Proposed Decision. It led coordination of the MEC, submitted comments with legal and technical analysis the MIP, and it was the main environmental voice pushing for clean energy generation through the MIP. Sierra Club attended multiple workshops, submitted comments at each stage of the proceeding, and drafted novel recommendations for the Commission to adopt in modifying the MIP.</p> <p>Sierra Club was judicious in limiting hours claimed for this proceeding to hours that contributed to comments, filings, or workshop comments in front of the Commission. Significantly, Sierra Club did not claim any hours for internal coordination and limited the hours claimed for research that went into comments. Sierra Club is not including hours spent on research activities that did not ultimately contribute to the Decision, and it also did not include any research hours that covered multiple issues. The hours claimed are reasonable given the amount of work, particularly given the level of detail and research that went into Sierra Club’s filings leading up to this Decision.</p>	<p>Noted.</p> <p>Noted.</p>

	CPUC Discussion
<p>c. Allocation of hours by issue:</p> <p>1) Structure of Microgrid Incentive Program – 46%</p> <p>Work on applicant eligibility criteria for the MIP, e.g. applicant scoring, and implementation requirements for the Joint IOUs in administering the MIP, e.g. standby charges.</p> <p>2) Funding of Diesel and Other Dirty Fuel Generation – 11%</p> <p>Work on the funding of fossil fuel and other polluting microgrid resources.</p> <p>3) General Participation – 42%</p> <p>Contribution to meetings, comments, and workshops for this proceeding that spans multiple issues related to microgrids.</p> <p>Timekeeping records and calculation of hours by issue are included in Attachment 3</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Verified.</p>

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Katherine Ramsey (attorney)	2021	97.5	\$470	See Comment 1	\$45,825.00	97.50	\$470.00 [1]	\$45,825.00
Katherine Ramsey (attorney)	2022	42.2	\$510	See Comment 1	\$21,522.00	42.20	\$485.00 [1]	\$20,467.00
Katherine Ramsey (attorney)	2023	16.5	\$530	See Comment 1	\$8,745.00	16.50	\$505.00 [1]	\$8,332.50
Sahm White (expert consultant)	2021	83.05	\$650	See Comment 2	\$53,982.50	74.30 [2]	\$200.00 [3]	\$14,860.00
Sahm White (expert consultant)	2022	35.25	\$650	See Comment 2	\$26,325.00 ³	25.25 [2]	\$200.00 [3]	\$5,050.00
Sahm White (expert consultant)	2023	8.5	\$650	See Comment 2	\$5,525.00	8.50	\$200.00 [3]	\$1,700.00
Subtotal: \$161,924.50⁴						Subtotal: \$96,234.50		

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 \$
Leah Bahramipour (paralegal)	2022	14	\$88.13	See Comment 3	\$1,239.42 ⁵	7.00 [4]	\$90.00 [5]	\$630.00
Leah Bahramipour (paralegal)	2022 ⁶	4	\$100	See Comment 3	\$400.00	4.00	\$100.00 [5]	\$400.00
Subtotal: \$1,639.42 ⁷						Subtotal: \$1,030.00.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Katherine Ramsey (attorney)	2023	9	\$265	½ of 2023 Rate	\$2,385.00	9.00	\$252.50 [1]	\$2,272.50
Sahm White (expert consultant)	2023	4	\$325	½ of 2023 Rate	\$1,300.00	4.00	\$100.00 [3]	\$400.00
Leah Bahramipour	2023	5	\$50	½ of 2023 Rate	\$250.00	5.00	\$50.00 [5]	\$250.00
Subtotal: \$3,685 ⁸						Subtotal: \$2,922.50		
TOTAL REQUEST: \$ ⁹						TOTAL AWARD: \$100,187.00		
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer’s normal hourly rate.</p>								

³ Per hours claimed here and in Sierra Club's timesheets, this total dollar amount equals to \$22,912.50.

⁴ Per hours claimed here and, in their timesheets, Sierra Club's subtotal claimed for all Attorney, Expert & Advocate Fees totals \$158,512.00.

⁵ Per hours claimed here and in Sierra Club's timesheets, this total dollar amount equals to \$1,233.82.

⁶ Sierra Club listed this year as '2022', however, per timesheets submitted by Sierra Club, these hours correlate to hours for Leah Bahramipour in 2023.

⁷ Per hours claimed here and, in their timesheets, Sierra Club's subtotal claimed for all Other Hourly Fees totals \$1,633.82.

⁸ Per hours claimed here and, in their timesheets, Sierra Club's subtotal claimed for Intervenor Compensation Claim Preparation totals \$3,935.00.

⁹ The Total Request dollar amount was left blank by Sierra Club. Per all hours claimed here and, in their timesheets, Sierra Club's total award request totals \$164,080.82.

CLAIMED			CPUC AWARD
ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR ¹⁰	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Katherine Ramsey	February 2015	302532	No

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

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	Resumes
Attachment 3	Timesheets
Comment 1	<p>Sierra Club requests that the Commission adopt a 2023 hourly rate of \$530, 2022 hourly rate of \$510, and 2021 hourly rate of \$470 for Katherine Ramsey. Ms. Ramsey’s 2021 rate was established at \$470 in D.21-09-013 and D.2-10-033. Her 2021 hourly rate was based on the market rate spreadsheet using the following inputs: the attorney role at level IV with 10–15 years of experience. The same data points in the market rate chart shows a 2022 median rate of \$513.61 for a Level IV attorney with 10–15 years of experience. Sierra Club’s requested 2022 hourly rate of \$510 is just below this median and appropriate for Ms. Ramsey’s role and experience. The requested rate of \$530 for work in 2023 reflects an increase commensurate with Ms. Ramsey’s increased experience and a COLA adjustment.</p> <p>Katherine Ramsey is an attorney with 10 years of experience in environmental and energy law, is barred in New York and California, and has practiced before the Commission for 7 years. She practices primarily before public utilities commissions in California, Nevada, and Arizona. Ms. Ramsey has represented Sierra Club in dozens of utility proceedings and has been awarded Intervenor Compensation in previous decisions, including D.22-10-033, D.20-01-019, D.21-02-017, and D.21-08-032. Ms. Ramsey’s resume is included in Attachment 2.</p>

¹⁰ 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
Comment 2	<p>Sierra Club requests that the Commission adopt a 2021, 2022, and 2023 hourly rate of \$650 for Sahm White. Sahm White is an expert regulatory consultant for Sierra Club. Mr. White has been awarded intervenor compensation by the Commission multiple times including approved in D.16-04-032, D.16-08-014, D.16-11-017 and others, but had not requested an hourly rate using the Commission’s new hourly rate look-up tool until an intervenor compensation claim was filed by Sierra Club on 2/4/2022 in relation to D.21-12-069 in R.20-11-003.</p> <p>The hourly rate of \$650 per hour is in the middle range of the Level V hourly rate for public policy analysts pursuant to Resolution ALJ-393, according to the look-up tool on the Commission’s IComp website. Mr. White is an expert on energy regulatory issues, emissions, sustainability and economics. He has worked on these topics for over 25 years. For the past thirteen years, Mr. White has been primarily engaged on policy matters related to transmission, distribution, and electric generation. Mr. White’s resume is included in Attachment 2.</p>
Comment 3	<p>Sierra Club requests that the Commission adopt a 2022 hourly rate of \$88.53 for Leah Bahramipour, which is the low end for a paralegal with a bachelor’s degree and 0-1 years of experience, based on the new “Hourly Rate Chart”. The requested rate of \$100 for work in 2023 reflects an increase commensurate with Ms. Ramsey’s increased experience and a COLA adjustment.</p> <p>Ms. Bahramipour joined Sierra Club as a legal assistant in July 2022. She graduated from New York University with a B.A. in Environmental Studies and Politics in May 2022. Ms. Bahramipour’s resume is included in Attachment 2.</p>

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] Katherine Ramsey (Ramsey) 2021, 2022 &	2021 Attorney Katherine Ramsey Hourly Rate: Commission D.22-10-033 authorized Katherine Ramsey Attorney Level III hourly rate as at \$470.00 per hour.

Item	Reason
2023 Hourly Rates	<p>2022 Attorney Katherine Ramsey Hourly Rate: Commission D.24-01-051 authorized Katherine Ramsey Attorney Level IV hourly rate as at \$485.00 per hour.</p> <p>This decision affirms the previously adopted rates.</p> <p>2023 Attorney K. Ramsey Hourly Rate: Attorney Ramsey's rate as a Level IV median Attorney for services billed in the year 2023 is hereby set at \$505.00 per hour. Such rate is calculated by applying a 4.46 % cost of living adjustment (COLA) to Attorney Ramsey's \$485.00 per hour 2022 rate rounded to the nearest \$5.00 increment ($1.0446 \times \\$485.00 = \\$506.631 = \\505.00). See Resolution ALJ-393 and the Commission's Market Rate Study Hourly Rate Chart.</p>
[2] Sahm White (White) 2021 & 2022 Hours	<p>Adjustments Consultant Sahm White 2021 (8.75 hours):</p> <p>Consultant Sahm White's 2021 General time entries for August 20, 2021 (.75), October 6, 2021 (1.0), October 13, 2021 (1.0), November 3, 2021 (1.0), November 10, 2021 (1.0), November 17, 2021 (1.0), December 1, 2021 (1.0) and December 8, 2021 (2.0), cumulatively 8.75 hours, do not demonstrate that the performance of tasks described in the vague manner therein was necessary for making a substantial contribution to the final decision, and are not compensable. See also D.17-01-017.</p> <p>Adjustments Consultant Sahm White 2022 (10.0 hours):</p> <p>Consultant Sahm White's 2022 General time entries for February 2, 2022 (1.0), February 9, 2022 (1.0), February 23, 2022 (1.0), March 2, 2022 (1.0), March 9, 2022 (1.0), March 30, 2022 (1.0), April 6, 2022 (1.0), April 13, 2022 (1.0), April 27, 2022 (1.0), and September 28, 2022 (1.0), cumulatively 10.00 hours, do not demonstrate that the performance of tasks described in the vague manner therein was necessary for making a substantial contribution to the final decision, and are non-compensable. See also D.17-01-017.</p>
[3] White 2021, 2022 & 2023 Hourly Rate	<p>2021, 2022, and 2023 Hourly Rates For Consultant Sahm White:</p> <p>For White's 2021, 2022, and 2023 hourly rates, Sierra Club is requesting an hourly rate of \$650. Outside consultant rates may not exceed fees billed by the consultant.¹¹ Submitted invoices reflect a consultant fee of \$200.00 for</p>

¹¹ See, for example, Resolution ALJ-235 at 4.

Item	Reason
	work performed. ¹² We therefore adopt an hourly rate of \$200.00 for White for 2021, 2022, and 2023. ¹³
[4] Leah Bahramipour (Bahramipour) 2022 Hours	2022 Adjustments Leah Bahramipour (7.00 hours): Leah Bahramipour's 2022 time entries for August 5, 2022 (7 hours) and August 19, 2022 (7 hours), cumulatively fourteen (14) hours are adjusted downward to seven (7) hours. Seven (7) of the requested fourteen (14) hours are duplicative, includes a mix of clerical and administrative tasks that are not compensable; ¹⁴ and are therefore disallowed. See also D.17-01-017. See also Pub. Util. Code §§ 1801.3(f) & 1802.5.
[5] Bahramipour 2022 & 2023 Hourly Rates	<p>2022 Hourly Rate for Leah Bahramipour: Commission D.24-02-042 authorized Leah Bahramipour Level I Paralegal hourly rate as at \$90.00 per hour.</p> <p>2023 Hourly Rate for Leah Bahramipour: Commission D.24-02-042 authorized Leah Bahramipour Level I Paralegal hourly rate as at \$100.00 per hour.</p> <p>This decision affirms the previously adopted rates.</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))

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

¹² See Sierra Club Task Orders at 2 attached to the Supplement to the Intervenor Compensation Claim of Sierra Club, filed on March 14, 2024.

¹³ We have noticed that a few time records entries (the total of 5.0 hours in 2021) in the invoices attached to the Supplement were billed at the rate of \$340. However, tasks or activities described in these time entries do not differ substantively from the similar tasks or activities billed at the hourly rate of \$200. Therefore, the award granted in this decision applies the rate of \$200 evenly to all compensable hours.

¹⁴ See, for example, D.17-04-008 at 11.

If not:

Party	Comment	CPUC Discussion

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FINDINGS OF FACT

1. Sierra Club has made a substantial contribution to D.23-04-034.
2. The requested hourly rates for Sierra Club'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 \$100,187.00

CONCLUSION OF LAW

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

ORDER

1. Sierra Club is awarded \$100,187.00
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company shall pay Sierra Club their respective shares of the award, based on their California-jurisdictional electric and gas revenues for the 2021 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data is unavailable, the most recent electric and gas revenue data shall be used. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning August 28, 2023, the 75th day after the filing of Sierra Club'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 Sacramento, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No.
Contribution Decision(s):	D.23-04-034		
Proceeding(s):	R.19-09-009		
Author:	Administrative Law Judge Colin Rizzo		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Sierra Club	6/14/2023	\$167,248.92 ⁹	\$100,187.00	N/A	Vague hours, clerical/administrative tasks

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Katherine	Ramsey	Attorney	\$470.00	2021	\$470.00
Katherine	Ramsey	Attorney	\$510.00	2022	\$485.00
Katherine	Ramsey	Attorney	\$530.00	2023	\$505.00
Sahm	White	Expert	\$650.00	2021	\$200.00
Sahm	White	Expert	\$650.00	2022	\$200.00
Sahm	White	Expert	\$650.00	2023	\$200.00
Leah	Bahramipour	Paralegal	\$88.13	2022	\$90.00
Leah	Bahramipour	Paralegal	\$100.00	2023	\$100.00

(END OF APPENDIX)