



PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

FILED

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May 14, 2024

Agenda ID #22602
Ratesetting

TO PARTIES OF RECORD IN INVESTIGATION 17-02-002:

This is the proposed decision of Administrative Law Judge Zhen Zhang. 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 20, 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 ZHANG** (Mailed 5/14/2024)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Investigation pursuant to Senate Bill 380 to determine the feasibility of minimizing or eliminating the use of the Aliso Canyon natural gas storage facility located in the County of Los Angeles while still maintaining energy and electric reliability for the region.

Investigation 17-02-002

**DECISION GRANTING COMPENSATION TO
THE PROTECT OUR COMMUNITIES FOUNDATION FOR
SUBSTANTIAL CONTRIBUTION TO DECISION 23-08-050**

Intervenor: The Protect Our Communities Foundation (PCF)	For contribution to Decision (D.) 23-08-050
Claimed: \$15,667.50	Awarded: \$6,128.50
Assigned Commissioner: Alice Reynolds ¹	Assigned ALJ: Zhen Zhang ²

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	D.23-08-050 granted in part and denied in part the Joint Petition for Modification (PfM) of Decision (D.) 21-11-008 filed by Southern California Gas Company and San Diego Gas & Electric Company. The Commission modified D.21-11-008 to reflect the increase of the interim storage limit of working gas at Aliso Canyon Natural Gas Storage Facility to 68.6 billion cubic feet.
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¹ This proceeding was assigned to President Alice Reynolds on January 26, 2022.

² This proceeding was assigned to ALJ Zhen Zhang on December 11, 2019.

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812¹:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	4/17/2017; 2/25/2019; 2/22/2021	Verified
2. Other specified date for NOI:	PCF's January 17, 2020 NOI was filed pursuant to the Phase 3 Scoping Memo and Ruling issued December 20, 2019, which ruled that "New Notices of Intent to Claim Intervenor Compensation may be filed no later than 30 days from issuance of this Scoping Memo. New Notices of Intent so filed must comply with Public Utilities Code §§ 1801-1812 and Rule 17.1 of the Commission's Rules of Practice and Procedure." Phase 3 Scoping Memo and Ruling (December 20, 2019), p. 8.	Verified
3. Date NOI filed:	1/17/2020	Verified
4. Was the NOI timely filed?		Yes

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

	Intervenor	CPUC Verification
Showing of eligible customer status (§ 1802(b)) or eligible local government entity status (§§ 1802(d), 1802.4):		
5. Based on ALJ ruling issued in proceeding number:	R.18-12-005	Verified
6. Date of ALJ ruling:	4/17/2019	Verified
7. Based on another CPUC determination (specify):	D.23-06-046 (June 29, 2023) in I.17-02-002. D.23-01-016 (January 12, 2023) in A.19-11-003 et seq.; D.23-03-031 (March 16, 2023) in R.18-10-007; D.23-03-025 (March 16, 2023) in R.20-05-003; D.23-04-032 (April 6, 2023) in A.17-10-007/008; D.23-04-051 (April 27, 2023) in R.19-11-009; D.23-04-049 (April 27, 2023) in R.19-11-009; D.23-04-050 (April 27, 2023) in R.20-05-012; D.23-05-024 (May 18, 2023) in R.20-08-022; D.23-06-046 (June 29, 2023) in I.17-02-002; D.23-08-020 (August 10, 2023) in R.20-11-003; D.23-10-018 (October 12, 2023) in R.20-07-013; D.23-10-024 (October 12, 2023) in R.20-05-003.	We note here for this showing that PCF must merely cite to an earlier decision or ruling by entering the docket number of the proceeding in which the ruling or decision was issued and provide that information here. ² Listing D.23-06-046 (June 29, 2023) in I.17-02-002 would have been sufficient enough to provide here. Since there was a ruling in an earlier phase of this Investigation, an entry here is not necessary. We expect that in future claims PCF files they will include only the required information. This will reduce the time that PCF spends on its Intervenor Compensation preparation matters.
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes

² See Intervenor Compensation Guide at 19.

	Intervenor	CPUC Verification
Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	R.18-12-005. R.21-05-011	Verified
10. Date of ALJ ruling:	4/17/2019; 10/28/2021	Verified
11. Based on another CPUC determination (specify):	D.23-06-046 (June 29, 2023) in I.17-02-002. D.23-01-016 (January 12, 2023) in A.19-11-003 et seq.; D.23-03-031 (March 16, 2023) in R.18-10-007; D.23-03-025 (March 16, 2023) in R.20-05-003; D.23-04-032 (April 6, 2023) in A.17-10-007/008; D.23-04-051 (April 27, 2023) in R.19-11-009; D.23-04-049 (April 27, 2023) in R.19-11-009; D.23-04-050 (April 27, 2023) in R.20-05-012; D.23-05-024 (May 18, 2023) in R.20-08-022; D.23-06-046 (June 29, 2023) in I.17-02-002; D.23-08-020 (August 10, 2023) in R.20-11-003; D.23-10-018 (October 12, 2023) in R.20-07-013; D.23-10-024 (October 12, 2023) in R.20-05-003.	As noted in Section 7 above, the citation to all of the Decisions PCF lists here is unnecessary. Section 1802(h) provides that a finding of significant financial hardship in a CPUC proceeding creates a “rebuttable presumption” of eligibility for compensation in other CPUC proceedings that commence within one year of the date of the finding. ³ Since PCF had an earlier ruling in D.23-06-046 in this same proceeding, a mere citation to that Decision, D.23-06-046 (June 29, 2023) in I.17-02-002 would have sufficed. The remaining citations were unnecessary here for this showing ⁴ . We expect that in future claims PCF files they will include only the required information.

³ See Page 20 of the Intervenor Compensation Program Guide, “if a ruling on your NOI in the current proceeding or a ruling in another CPUC proceeding was issued within one year of the start of the proceeding in which you are filing a claim, you must enter the proceeding number on line 5 and the date of the ruling on Line 6.”

⁴ See Intervenor Compensation Guide at 19.

	Intervenor	CPUC Verification
		This will reduce the time that PCF spends on its Intervenor Compensation preparation matters.
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.23-08-050	Verified
14. Date of issuance of Final Order or Decision:	9/6/2023	Verified
15. File date of compensation request:	11/7/2023	11/6/2023
16. Was the request for compensation timely?		Yes. The date of issuance of the final Decision was 09/06/23, 60 days from 09/06/23 fell on 11/05/23, which was a Sunday. PCF filed its claim on 11/06/23 (the next business day ⁵). The claim was filed timely.

C. Additional Comments on Part I:

#	Intervenor's Comment(s)	CPUC Discussion
5-7	<p>The Protect Our Communities Foundation (“PCF”) meets the definition of a Category 3 customer under the Public Utilities Code as a “representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers...” (Pub. Util. Code § 1802, subd. (b)(1)(C).)</p> <p>Article 3, Section 3.3 of PCF’s Bylaws specifically authorizes the organization to represent the interests of Southern California residential utility ratepayers in proceedings before the Commission and to seek intervenor compensation for doing so. PCF advocates for just and</p>	Noted

⁵ See Rule 11.5, Computation of time.

#	Intervenor's Comment(s)	CPUC Discussion
	<p>reasonable rates and against unreasonably costly or unnecessary utility projects. PCF advocates for fair and reasonable energy practices, policies, rules, and laws, for the protection of natural resources from the impacts of largescale energy and industrial infrastructure projects, and in support of sustainable, clean, locally based energy systems. PCF is a San Diego, California based nonprofit public benefit corporation organized for charitable and public purposes within the meaning of Section 501(c)(3) of the Internal Revenue Service Code.</p> <p>PCF also qualifies as an environmental group within the scope of Section 1802(b)(1)(C) because it represents the interests of customers with a concern for the environment.</p> <p>PCF advocates for just and reasonable rates and against unreasonably costly or unnecessary utility projects. PCF advocates for fair and reasonable energy practices, policies, rules, and laws, for the protection of natural resources from the impacts of large-scale energy and industrial infrastructure projects, and in support of sustainable, clean, locally based, renewable energy systems.</p> <p>A copy of PCF's current Bylaws are on file with the Commission in R.13-12-010. In R.13- 12-010, PCF was found to have satisfied eligibility requirements in the September 26, 2014, Administrative Law Judge's Ruling on Protect Our Communities Foundation's Amended Showing of Significant Financial Hardship.</p> <p>A copy of PCF's current Bylaws, as well as a copy of PCF's current Articles of Incorporation, is also on file in A.15-09-013. In A.15-09-013, PCF was found to have satisfied eligibility requirements in D.19-04-031, Decision Granting Compensation to Protect Our Communities for Substantial Contribution to Decision 18-06-028 (April 25, 2019).</p>	
9-11	PCF continues to meet the Commission's longstanding definition of significant financial hardship. PCF is a nonprofit public benefit corporation organized exclusively for charitable, educational, and public purposes within the meaning of Section 501(c)(3) of the Internal Revenue	Noted

#	Intervenor's Comment(s)	CPUC Discussion
	<p>Code. PCF represents the interests of a specific constituency: San Diego and other Southern California area residential utility ratepayers, the majority of whom do not have the financial ability to represent themselves in the application, and whose interests are often not adequately represented in Commission proceedings.</p> <p>Pursuant to Public Utilities Code section 1802(h), PCF certifies that the economic interest in the proceeding of any individual PCF constituent is small compared to the cost of effective participation in this proceeding.</p> <p>Moreover, the Commission has repeatedly determined that PCF's participation without an award of intervenor compensation imposes a significant financial hardship. In the instant proceeding, the Commission recently correctly determined financial hardship. D.23-06-046 (June 29, 2023), p. 3.</p> <p>PCF circumstances have not la changed in any relevant respect since the above determinations were made. Pub. Util. Code, § 1803, subd. (b).</p>	

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><u>PCF detailed the lack of any admissible evidence and the legal standard which requires evidence before granting a PFM, and requested that the Commission deny the PFM.</u></p> <p>PCF Response to Order Shortening Time (May 4, 2023), p. 1-2; PCF Opposition to PFM (May 15, 2023), p. 2-4.</p>	<p><u>Although the Commission ultimately granted the PFM, the Commission recognized the need for evidence and established an additional process to obtain evidence, seeking verified responses to questions before deciding the PFM as submitted.</u></p> <p>ALJ Ruling on Joint Petition for Modification (May 5, 2023), p. 1; <i>id.</i> at p. 3 (“To better understand the implications of granting the relief sought in the Petition, SoCalGas and SDG&E are instructed to prepare and file a joint response to this ruling and address the questions affixed to this ruling as Attachment 1...each party shall include verifications per Rule 1.11.”); <i>id.</i> at p. 5 (ruling requiring SoCalGas and SDG&E to file verified responses and replies to supplement their petition); D.23-08-050, p. 4-5 (referencing PCF’s OST oppo and acknowledging that “[t]he May 5, 2023 ruling ordered SoCalGas and SDG&E to answer...four questions...”); D.23-08-050, p. 5 (identifying PCF as the only party to have opposed the PFM).</p>	<p>PCF was not the only party to oppose the Joint Petition for Modification. Like PCF, Issam Najm (Mr. Najm) opposed the Joint Petition for Modification (D.23-08-050 at 14-15.). On May 3, 2023, Mr. Najm opposed the motion to shorten time to respond to the Joint Petition for Modification. On May 30, 2023, Mr. Najm opposed the Joint Petition for Modification in his reply to responses by SoCalGas and SDG&E.</p> <p><i>See</i> Part III-D, CPUC Comments, Disallowances and Adjustments [4].</p>
<p><u>PCF recommended that the Commission should avoid relying on SoCalGas’ and SDG&E’s speculative claims about the causes and impact of the 2022 winter gas spike, presenting</u></p>	<p><u>The Commission considered PCF’s rebuttal to SDG&E and SoCalGas’ claims about the 2022 winter gas spike, took official notice of I.23-03-008, and made clear that the actual causes for the 2022 winter gas spike would neither be resolved in this</u></p>	<p>D.23-08-050 did not rely on PCF’s arguments that granting the Joint Petition for Modification would prejudice the issues</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p><u>alternative explanations and detailing that the Commission instituted an investigation to determine the causes of the spike.</u></p> <p>PCF rebutted SoCalGas’ and SDG&E’s claims about the solutions for the 2022 winter gas spike by pointing to open questions expressly identified for consideration in Commission proceeding I.23-03-008 that directly relate to the viability of one solution over another. PCF Reply to Responses to PFM (May 30, 2023), p. 5-8, 12; PCF Opposition to PFM (May 15, 2023), p. 2-3; Joint Community Advocates, Consumer Advocates, and Environmental Parties Comments on the PD (August 17, 2023), p. 2-3; Joint Community Advocates, Consumer Advocates, and Environmental Parties Reply Comments on the PD (August 22, 2023), p. 5; <i>See also</i> D.23-08-050, p. 10 (recognizing the speculative nature of SoCalGas’ and SDG&E’s claims).</p>	<p><u>proceeding nor prejudged by the decision.</u></p> <p>“Official notice of I.23-03-008, initiated on March 20, 2023, Order Instituting Investigation on the Commission’s Own Motion into Natural Gas Prices During Winter 2022-2023 and Resulting Impacts to Energy Markets, should be taken pursuant to Rule 13.10 of the Commission’s Rules of Practice and Procedure.” D.22-08-050, p. 24 (Conclusion of Law No. 2); <i>See also id.</i> at p. 17 (“We take official notice of I.23-03-008, Order Instituting Investigation on the Commission’s Own Motion into Natural Gas Prices During Winter 2022-2023 and Resulting Impacts to Energy Markets, which discusses the high natural gas prices during the 2022-2023 winter.”).</p> <p>“...the market manipulation concerns raised by TURN, PCF and Mr. Najm are not within the scope of this proceeding as they are being considered in I.23-03-008.” D.23-08-050, p. 19; <i>see also</i> D.23-08-050, p. 12 (“As discussed above, SoCalGas’s and SDG&E’s procurement cost in 2023 for core customers were 300% higher than costs in January 2022.”); <i>id.</i> at p. 13 (“SoCalGas and SDG&E explain that storage capacity mitigates price volatility because it provides the ability to buy cheaper gas during the summer months for the winter months when natural gas is usually more</p>	<p>of I.17-02-002. (D.23-08-050 at 16.)</p> <p>D.23-08-050 did not rely on PCF’s arguments because the market manipulation issues raised by PCF were outside the scope of I.17-02-002. (D.23-08-050 at 19.)</p> <p><i>See</i> Part III-D, CPUC Comments, Disallowances and Adjustments [5].</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	<p>expensive.”); <i>id.</i> at p. 14-15 (“In contrast, PCF and Mr. Najm argue that the Commission should deny the Petition because granting the Petition would prejudice the issues of this proceeding and also reward the alleged market manipulation.”)</p> <p>“...none of the modifications to D.21-11-008 disrupt this proceeding’s work to formulate and adopt a path forward . . . Changing the maximum allowable storage limit as needed does not prejudice the path forward or determine an outcome. This proceeding continues to consider near-term pathways to reduce and eliminate reliance on Aliso Canyon, consistent with the scoping memo, and based on extensive party input.” D.23-08-050, p. 16; <i>id.</i> at p. 19 (“In their joint opening comments, Mr. Najm, PCF, Utility Consumers’ Action Network, and the Center for Energy Efficiency and Renewable Technologies argue that this decision will undermine the work completed in the proceeding to eliminate the use of Aliso Canyon by increasing the storage limit from 41.16 Bcf to 68.6 Bcf.”)</p>	
<p><u>PCF enriched the record and contributed to the decision by providing detailed legal and factual analysis to refute the claims of SoCalGas and SDG&E, and in support of its recommendation that the Commission should avoid prejudging the outcome of this proceeding and the</u></p>	<p><u>The Commission considered and addressed PCF’s (and other parties’) analysis and recommendations, emphasized the temporary nature of the decision, and expressly determined that the Commission did not intend to prejudice the outcome of this proceeding or the need to eliminate Aliso Canyon when deciding to temporarily increase storage levels.</u></p>	<p>We do not find that PCF enriched the record or contributed to the decision by providing detailed legal and factual analysis on the recommendation that the Commission might prejudice the outcome of the proceeding.</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p><u>need to shut down Aliso Canyon.</u></p> <p>PCF Response to Order Shortening Time (May 4, 2023), p. 2; PCF Reply to Responses to PFM (May 30, 2023), p. 3-12; Joint Community Advocates, Consumer Advocates, and Environmental Parties Comments on the PD (August 17, 2023), p. 1-15; Joint Community Advocates, Consumer Advocates, and Environmental Parties Reply Comments on the PD (August 22, 2023), p. 2-5.</p>	<p>“The modifications to D.21-11-008 in this Decision...” D.23-08-050, p. 23 (Finding of Fact No. 7) (emphasis added).</p> <p>“The modifications to D.21-11-008 do not impact the Commission’s work to comprehensively evaluate the portfolio of resources that could replace Aliso Canyon in the long term.” D.23-08-050, p. 23 (Finding of Fact No. 8).</p>	<p>None of the arguments or positions, advanced by PCF were topics raised for discussion in D.23-08-050. D.23-08-050 specifically states that granting the Joint Petition for Modification would not prejudice the issues of I.17-02-002. (D.23-08-050 at 16.)</p> <p><i>See Part III-D, CPUC Comments, Disallowances and Adjustments [6].</i></p>

B. 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?</p>	<p>Yes</p>	<p>Verified</p>
<p>b. Were there other parties to the proceeding with positions similar to yours?</p>	<p>Yes</p>	<p>Verified</p>
<p>c. If so, provide name of other parties: Issam Najm, TURN</p>		<p>Noted</p>

	Intervenor’s Assertion	CPUC Discussion
<p>d. Intervenor’s claim of non-duplication:</p> <p>PCF was the only party to file an opposition to the Joint Petition for Modification. TURN did not file a Response to the Joint Motion of Southern California Gas Company and San Diego Gas & Electric Company To Shorten Time To Respond To Joint Petition for Modification Of Decision 21-11-008. PCF’s and Mr. Najm’s responses to the order shortening time each focused on different grounds. Thus, to the extent PCF’s recommendations were similar to other parties,’ PCF’s presentation supplemented, complemented, and contributed to the presentations by others. Dr. Najm, PCF, and TURN all filed Replies to the Responses by the Utilities to the ALJ’s May 5, 2023 questions that focused on different arguments and evidence. PCF’s unique experience, perspective, interests, expertise, and advocacy in this proceeding avoided duplication. PCF communicated with other parties in an effort to ensure efficient advocacy and avoid duplication of efforts, as demonstrated by the joint comments PCF and other parties filed on the proposed decision.</p>		<p>Noted</p>

C. Additional Comments on Part II:

#	Intervenor’s Comment	CPUC Discussion
<p>II(A)</p>	<p>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.”</p>	<p>D.23-08-050 did not rely on PCF’s arguments when evaluating the Joint Petition for Modification. (D.23-08-050 at 17, 19.) PCF’s contribution did not support D.23-08-050. Furthermore, PCF raised arguments outside the scope of I.17-02-002.</p> <p><i>See Part III-D, CPUC Comments, Disallowances and Adjustments</i></p>
<p>II(A)</p>	<p>Substantial Contribution Includes Enriching Deliberations or the Record. The Commission’s past decisions recognize that the Commission does not need to</p>	<p>D.23-08-050 did not rely on PCF’s arguments when evaluating the Joint Petition for Modification. (D.23-08-050 at 17, 19.) PCF’s contribution did not support D.23-08-050. Furthermore, PCF raised arguments outside the scope of I.17-02-002.</p>

#	Intervenor's Comment	CPUC Discussion
	<p>fully adopt an intervenor's position on a particular issue for that intervenor to make a substantial contribution. D.08-04-004, p. 4-5; D.19-10-019, p. 3; D.03-03-031, p. 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"). Past Commission decisions instruct that intervenors substantially contribute when they have "provided a unique perspective that enriched the Commission's deliberations and the record" (D.05-06-027, p. 5); when they have "assisted the Commission in the decision-making process" (D.19-10-019, p. 3-4); 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 (D.08-04-004, p. 5-6); and when they offer alternative evaluations of the disputes addressed (D.19-10-019, p. 5-6.)</p>	<p>See Part III-D, CPUC Comments, Disallowances and Adjustments.</p>
II(A)	<p>Substantial Contribution Includes Procedural Recommendations. The Commission recognizes that "[p]rocedural outcomes are statutorily recognized as substantial contribution." (D.19-10-019, p. 7; <i>id.</i> at p. 4 [adoption of "procedural recommendations related to scheduling and evidence."].)</p>	Noted

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
<p>a. Intervenor’s claim of cost reasonableness:</p> <p>PCF provided arguments, with legal and factual citations to evidence and the record of this proceeding that was initiated in early 2017. PCF’s involvement in this proceeding throughout the many years of the proceeding facilitates PCF’s efficient participation at each stage. While it is impossible in this case to provide an actual dollar value of the benefit to ratepayers of PCF’s participation, PCF’s fees are small compared to the benefits that ratepayers and the public will ultimately realize from PCF’s contributions to this proceeding. PCF’s advocacy will save ratepayers money both in the form of eliminating the costs of operating Aliso Canyon itself and in the form of reducing greenhouse gas emissions and other pollutants. As the only party to oppose the petition for modification initially, PCF’s participation provided a critical voice for many who are otherwise unable to participate in detailed, complex, and lengthy proceedings. <i>See e.g.</i>, Najm ex parte communication (August 25, 2023) (enclosing letters from Legislative representatives describing strong public opposition to increases to Aliso Canyon Storage Levels); Sammy Roth, ‘<i>My mind is just blown.</i>’ <i>California allows more gas storage at Aliso Canyon leak site</i>, Los Angeles Times (August 31, 2021), available at https://www.latimes.com/environment/newsletter/2023-08-31/california-allows-more-natural-gas-storage-at-aliso-canyon-methane-leak-site-boiling-point (Dozens of Porter Ranch residents signed onto a letter to Governor Gavin Newsom calling the facility “a clear and present danger” while other Los Angeles residents protested in a rally).</p>	<p>Noted. However, <i>see</i> Part III D. CPUC Comments, Disallowances , and Adjustments.</p>
<p>b. Reasonableness of hours claimed:</p> <p>PCF’s number of hours are minimal for the work produced leading to D.23-08-050. PCF’s expert Bill Powers, and PCF’s legal direct Malinda Dickenson, each took the lead drafting comments where their respective, distinct expertise warranted. Mr. Powers’ background and participation in this proceeding from its commencement in 2017, and Ms. Dickenson’s involvement in this proceeding since 2020, as well as Mr. Powers’ and Ms. Dickenson’s extensive experience participating in various matters before the Commission, dramatically reduced the number of hours involved in PCF’s participation. In effort to minimize costs, PCF law fellow Andrea White, whose rate is significantly lower than Ms. Dickenson’s, prepared this request. PCF also saved time by</p>	<p>Noted. However, <i>see</i> Part III D. CPUC Comments, Disallowances , and Adjustments.</p>

	CPUC Discussion
working with other parties to file comments jointly. All the hours claimed in this request were reasonably necessary to PCF’s participation towards D.23-08-050.	
<p>c. Allocation of hours by issue:</p> <p>Based on the details in the timesheets, the allocation of time spent towards D.23-08-050 is as follows: 75%: opposing the petition for modification 15%: commenting on the PD 10%: general participation</p>	Noted

B. Specific Claim: *

CLAIMED						CPUC AWARD		
ATTORNEY AND EXPERT FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Malinda Dickenson [Legal Director; Attorney]	2023	16.20	\$700	See Comment #1	\$11,340	9.1 [4, 5, 7, 8]	\$635.00 [1]	\$5,778.50
Bill Powers [Expert]	2023	8.00	\$380	See Comment #2	\$3,040	0.00 [6, 7]	\$375.00 [2]	\$0.00
Subtotal: \$14,380.00						Subtotal: \$5,778.50		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Andrea White	2023	5.00	\$117.50	(1/2 hourly rate, see comment # 3)	\$587.50	5.00	\$70.00 [3]	\$350.00
Malinda Dickenson	2023	2.00	\$350.00	(1/2 hourly rate, see comment # 1)	\$700	0.00 [9]	\$317.50 [1]	\$0.00
Subtotal: \$1,287.50						Subtotal: \$350.00		
TOTAL REQUEST: \$15,667.50						TOTAL AWARD: \$6,128.50		

*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.

**Reasonable Claim preparation time is typically compensated at 1/2 of preparer’s normal hourly rate

CLAIMED			CPUC AWARD
ATTORNEY INFORMATION ⁶			
Attorney	Date Admitted to CA BAR ⁷	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Malinda Dickenson	Dec 2022	222564	No
Andrea White	Dec 2023	351824	No

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

Attachment or Comment #	Description/Comment
Attachment #1	Certificate of Service
Attachment #2	Time Sheet and Categorization
Attachment #3	Malinda Dickenson Resume
Attachment #4	Andrea White Resume
Comment #1	<p>Malinda Dickenson basis for 2023 rate: \$700/hour. PCF justifies Ms. Dickenson’s 2023 rate of \$700 per hour based on Ms. Dickenson’s 13 years of experience in the legal director role as described in the Commission’s hourly rate chart, which includes 9 years as principal of her own law firm plus 4 years as PCF’s General Counsel and then Legal & Executive Director. Ms. Dickenson’s 13 years of experience in the legal director role qualifies her for the mid to upper range of Level IV, which applies to 10-15 years of legal director experience. In 2021 dollars, the median range for Level IV legal directors equated to \$622.90, and the high for Level IV legal directors equated to \$783.36, which equals \$675 and \$845, respectively, in 2023 dollars utilizing the Commission’s approved COLA for 2022 and 2023 and the Commission’s established practice of rounding to the nearest five-dollar increment. These rates include overhead costs. Ms. Dickenson’s 2023 rate of \$700 is just above the median and far below the upper range for Level IV Legal Directors.</p> <p>Ms. Dickenson’s resume is attached and has been updated to clarify that Ms. Dickenson is a lawyer with 21 years of experience that is directly related to her work before the Commission. In 2021 dollars, the median range for Level V attorneys equated to \$606.31, and the high for Level V attorneys equated to \$699.03, which equals \$655 and \$750, respectively,</p>

⁶ The Commission has verified the information submitted here.

⁷ 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>in 2023 dollars utilizing the Commission’s approved COLA for 2022 and 2023 and the Commission’s established practice of rounding to the nearest five-dollar increment. These rates include overhead costs. Ms. Dickenson’s 2023 rate of \$700 falls in between the median and high values for Level V Attorneys, which is conservative based on Ms. Dickenson’s 21 years of directly related experience.</p> <p>Legal directors with comparable or less experience than Ms. Dickenson have been awarded rates exceeding Ms. Dickenson’s \$700 rate, demonstrating that PCF is conservatively requesting Ms. Dickenson’s requested rate. Examples include Mr. Birkelund’s adopted rate of \$705 for 2022 (D.23-02-016, p. 10), which equals \$735 per hour in 2023 dollars utilizing the Commission’s approved COLA for 2022 and 2023 and the Commission’s established practice of rounding to the nearest five-dollar increment. Mr. Birkelund has two years less experience in the legal director role than Ms. Dickenson. (<i>See</i> D.22-08-046, p. 17.) Ms. Elliott, who had the same number of years of legal director experience in 2021 as Ms. Dickenson does now, was awarded a rate of \$700 for 2021, which equates to \$755 in 2023 dollars utilizing the Commission’s approved COLA for 2022 and 2023 and the Commission’s established practice of rounding to the nearest five-dollar increment. (D.23-08-043, p. 31.)</p>
Comment #2	<p>Bill Powers basis for 2023 rate: \$380/hour. D.23-04-051 awarded Mr. Powers a 2021 hourly rate of \$355.00. (D.23-04-051, p. 21.) PCF applied the annual escalation methodology adopted in Resolution ALJ-393 using the Commission determined escalation rate of 3.31% to calculate Mr. Powers’ 2022 rate (based on his \$355.00 awarded rate for 2021), which equals \$365/hour (366.75 rounded to the nearest \$5). In 2023, PCF similarly applied the annual escalation methodology adopted in Resolution ALJ-393 using the Commission determined escalation rate of 4.46% to calculate Mr. Powers’ 2023 rate of \$380/hour (\$381.28 rounded to the nearest \$5). <i>See</i> CPUC Resolution ALJ-393 (December 17, 2020), p. 4.</p>
Comment #3	<p>Andrea White basis for 2023 Rate: \$235. Andrea White is a Law Fellow at The Protect Our Communities Foundation. PCF is requesting a rate of \$235 per hour for Ms. White. Ms. White graduated from the University of California, Berkeley School of Law in May of 2023, sat for the July 2023 administration of the California Bar, and awaits bar results within days of filing this claim.</p> <p>Ms. White began working at PCF as a Law Fellow in August of 2023, performing work that parallels and requires the knowledge and skill of an</p>

Attachment or Comment #	Description/Comment
	<p>attorney. Examples of the work Ms. White performs includes conduction legal research, analyzing evidence, preparing data requests, assisting in the drafting of testimony, attending workshops, drafting comments, and preparing intervenor filings, all while under the supervision of PCF’s Legal & Executive Director, an experienced attorney.</p> <p>After review of the Commission’s Hourly Rate Table for intervenors (available at https://www.cpuc.ca.gov/proceedings-and-rulemaking/intervenor-compensation/), PCF has identified the 0-1 year attorney as the most comparable position to Ms. White. For 2021, the range for 0-1 years of attorney experience was \$174.97 (low), \$233.39 (median), and \$299.47 (high), which equates to \$190 (low), \$250 (median), and \$325 (high) in 2023 dollars utilizing the Commission’s approved escalation rates and rounding to the nearest five dollar increment pursuant to the Commission’s established practice. In 2021, the Commission approved a 2020 rate of \$190 per hour for Rebecca Ruff, a law school graduate with comparable training and experience to Ms. White (D.21-07-025, p. 20), whereas in D.23-08-043 and D.22-09-022, the Commission approved a 2021 rate of \$250 for Ms. Ruff immediately after being admitted to the bar. Therefore, PCF estimates a rate of \$220 as the appropriate rate in 2021 for a Level I attorney who had not yet passed the bar, as this is in between the 2020 rate of \$190 when Ms. Ruff had not been admitted to the bar and the 2021 rate of \$250 after Ms. Ruff had been admitted to the bar. A rate of \$220 in 2021 equates to \$235 in 2023, utilizing the Commission’s approved escalation rates and rounding to the nearest five-dollar increment pursuant to the Commission’s established practice. Ms. White’s requested rate of \$235 per hour in 2023 is reasonable, especially given Ms. White’s experience in legal areas related to the CPUC which are summarized below. PCF plans to revise Ms. White’s compensation amount after her admittance to the bar.</p> <p>Ms. White’s resume is attached and demonstrates her background, experience, and education in areas of laws and procedures relevant to CPUC matters, including environmental law and utility regulations. Ms. White graduated from the University of California, Berkeley School of Law in 2023 with Certificates of Specialization in Environmental Law and Energy & Clean Technology Law. She graduated summa cum laude with a Bachelor of Science in Environment & Sustainability and minors in Anthropology, Archaeology, and Climate Change from Cornell University in 2020. During her time at Cornell University, Ms. White gained experience in data analysis, research, and analytics as a research assistant for the Lost Crops Research Group and a teaching assistant for</p>

Attachment or Comment #	Description/Comment
	<p>Introductory Biology: Ecology and the Environment. While in law school, Ms. White was a Senior Articles Editor and Executive Editor for Ecology Law Quarterly, a widely-cited premier quarterly environmental law review journal, which as of 2022, was ranked second among Environmental and Land Use Law journals (Washington and Lee School of Law, <i>Law Journal Rankings</i>, available at https://managementtools4.wlu.edu/LawJournals/Default.aspx). Ms. White published two of her articles in the journal including one which was a comparative analysis of how French and German courts enforce their greenhouse gas emissions reduction goals as compared to the United States.</p> <p>During law school Ms. White obtained a variety of legal experience directly relevant to her work before the CPUC. Ms. White took classes relevant to environmental and energy law, such as Administrative Law, Energy Law and Policy, Renewable Energy Law, Environmental Law and Policy, Climate Change and the Law, Water Law, Environmental Health through Film, and Energy Project Development and Finance. She performed pro bono work for the student organizations Environmental Conservation Outreach and Clean Energy Leaders in Law. This pro bono work involved legal research and writing and administrative practice on topics related to public lands use, pipeline construction, public records requests, and low-income solar programs. She also advocated for the rights of a Native California Tribe as part of the law school’s Environmental Law Clinic. In Summer 2021, she interned at the Great Rivers Environmental Law Center in St. Louis and in Summer 2022 she was a summer law clerk for the Environmental Defense Center in Santa Barbara. This practical legal experience included legal research and writing, administrative, and litigation experience on topics related to pesticides, water quality, air quality, and oil trucking.</p>

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] 2023 Hourly Rate for Malinda Dickenson	D.24-03-030 adopted a 2023 rate of \$635.00 for Malinda Dickenson Intervenor Compensation Claim Preparation is awarded at ½ preparer’s normal rate, bringing the 2023 claim preparation rate to \$317.50 for Malinda Dickenson.

Item	Reason
<p>[2] 2023 Hourly Rate for Bill Powers</p>	<p>D.24-03-065 approved a 2023 rate of \$380 for Powers. However, this exceeds the maximum hourly rate for the Expert - Not Otherwise Classified – V classification in 2023 (\$241.17 - \$378.55). We correct Powers’ 2023 rate accordingly here to the nearest \$5 increment and approve a 2023 rate of \$375 moving forward.</p>
<p>[3] 2023 Hourly Rate for Andrea White</p>	<p>White has no previously established rate before the Commission. PCF requests a 2023 hourly rate of \$235 for White’s work in this proceeding as a Level 1 attorney with 0-1 years of experience, however White was not admitted to the BAR until December 2023, a month after her work in this proceeding. Per ALJ-393, White does not qualify for the requested Attorney – Level I rate for work performed prior to December 2023.</p> <p>We find it reasonable to establish a pre-CA BAR 2023 hourly rate for White that aligns with Resolution ALJ-393.</p> <p>White gained experience in data analysis, research, and analytics as a research assistant for the Lost Crops Research Group and a teaching assistant for Introductory Biology: Ecology and the Environment. In law school, White was a Senior Articles Editor and Executive Editor for Ecology Law Quarterly, a widely-cited premier quarterly environmental law review journal. White took classes relevant to environmental and energy law, such as Administrative Law, Energy Law and Policy, Renewable Energy Law, Environmental Law and Policy, Climate Change and the Law, Water Law, Environmental Health through Film, and Energy Project Development and Finance. Additionally, White performed pro bono work for the student organizations Environmental Conservation Outreach and Clean Energy Leaders in Law. The pro bono work involved legal research and writing and administrative practice on topics related to public lands use, pipeline construction, public records requests, and low-income solar programs. She also advocated for the rights of a Native California Tribe as part of the law school’s Environmental Law Clinic. In Summer 2021, she interned at the Great Rivers Environmental Law Center in St. Louis and in Summer 2022 she was a summer law clerk for the Environmental Defense Center in Santa Barbara. In this capacity, White performed legal research and writing, administrative, and litigation experience on topics related to pesticides, water quality, air quality, and oil trucking.</p> <p>We classify White’s pre-CA BAR work as a Legal – Paralegal – Level II. Resolution ALJ-393 lists a 2023 range of \$112.56 - \$173.52 with a median of \$140.84 for Legal – Paralegal – Level II (2-5 years of</p>

Item	Reason
	<p>experience). We approve a 2023 mid-rate range rate of \$140 for White’s pre-CA BAR work. We approve ½ this hourly rate (\$70.00) for White’s work on intervenor compensation preparation. We do not establish a post-CA BAR 2023 hourly rate for White since there were no post-CA BAR hours approved in this claim.</p>
<p><i>At the onset of this review, we note numerous timesheet entries for both Powers and Dickenson that combine multiple tasks into one timesheet entry. Page 25 of the Intervenor Compensation Program Guide states that the “time records must not combine hours for several specific tasks in one timesheet entry. See Rule 17.4(b)(2). Here, where we have disallowed work that is combined with other tasks in one timesheet entry, we exercise our own independent discretion and assign an exact time for each task by dividing the total time by the number of tasks listed. We remind PCF that it must avoid this practice in future claims it may file, or potentially face deeper reductions.</i></p>	
<p>[4] Disallowance of Hours for Duplication of Effort</p>	<p>PCF was not the only party to oppose the Joint Petition for Modification. Like PCF, Issam Najm (Mr. Najm) opposed the Joint Petition for Modification. (D.23-08-050 at 14-15.). On May 3, 2023, Mr. Najm opposed the motion to shorten time to respond to the Joint Petition for Modification, just like PCF did in its “Response to Order Shortening Time” filed on May 4, 2023. On May 30, 2023, Mr. Najm opposed the Joint Petition for Modification in his reply to responses by SoCalGas and SDG&E. Other than 0.15 hours logged on May 3, 2023 for Dickenson’s “review of Najm response to motion for order shortening time,” there are no other timesheet entries to support that PCF worked with Najm on these issues to jointly file documents when their positions were the same. Page 20 of the Intervenor Compensation Program Guide instructs intervenors that the “duplication of work performed by other parties must be avoided” and that “all or part of claimed costs may be disallowed for duplicative work.” Here we disallow 50% of the hours (3.45 hours as shown below) that PCF spent on its “Response to Order Shortening Time” and its “Opposition to the Petition for Modification” for unnecessary duplication.</p> <ul style="list-style-type: none"> • 2023 Dickenson 3.45 hours

Item	Reason
[5] Disallowance for Failure to Contribute to the Decision-Making Process and for Presenting Material and Arguments That Were Outside the Scope of the Proceeding	<p>PCF’s views were not unique and did not contribute to or enrich the Commission’s deliberations. PCF’s argument that granting the Joint Petition for Modification would prejudice the issues of I.17-02-002 did not contribute to the decision-making process and was not adopted by the Commission. (D.23-08-050 at 16). PCF’s market manipulation arguments were outside the scope of this instant proceeding; therefore, they failed to contribute to or enrich the Commission’s deliberations. (D.23-08-050 at 19.)</p> <p>We disallow 50% the remainder of PCF’s hours (2.90 hours as shown below), after the reduction above, associated with the filing of PCF’s Opposition to Petition for Modification dated May 15, 2023, PCF’s Reply to Responses to Petition for Modification dated May 30, 2023, the Joint Community Advocates, Consumer Advocates, and Environmental Parties Comments of the PD dated August 17, 2023, and Environmental Parties Reply Comments on the PD dated August 22, 2023.</p> <ul style="list-style-type: none"> • 2023 Dickenson 2.90 hours
[6] Duplicative and Excessive Hours	<p>Powers’s hours are duplicative and excessive as they represent the same activities and work already performed by Ms. Dickenson. As stated above, PCF raised arguments that did not contribute to or enrich the Commission’s deliberations.</p> <ul style="list-style-type: none"> • 2023 Powers 7.00 hours
[7] Disallowance for Time Spent Reviewing Other Parties Reply Comments	<p>We disallow PCF’s time spent “reviewing other parties comments” as the reviewing of other parties comments does not make a substantial contribution to the outcome of the proceeding. As such, the work below is not compensable.</p> <ul style="list-style-type: none"> • 2023 Powers 1.00 hour (5/29/23- 1 entry) • 2023 Dickenson 0.55 hours (5/30/23- 2 entries and 5/31/23- 2 entries)
[8] Disallowance for Vague Task	<p>We disallow 0.20 hour of Dickenson’s time on 7/31/23 spent “reviewing email correspondence.” This entry lacks specificity as to whom emails Dickenson reviewed.</p> <ul style="list-style-type: none"> • 2023 Dickenson 0.20 hour

Item	Reason
[9] Malinda Dickenson’s 2023 Intervenor Compensation Claim Preparation Hours	<p>As we have discussed above in Part I-Section B, PCF needs to refer to the Intervenor Compensation Program Guide so that it is not submitting excess information in its claim. We have noted above some incidences where this has occurred and have provided guidance to correct this. In addition, PCF’s states that in an effort to cut costs that it assigned the claim preparation to Andrea White, rather than use a more expensive attorney such as Dickenson. We disallow Dickenson’s hours below for these reasons. The disallowed hours more closely reflects our standards on reasonableness of hours.</p> <ul style="list-style-type: none"> • 2023 Dickenson 2.00 hours

PART IV: OPPOSITIONS AND COMMENTS
Within 30 days after service of the 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 (see Rule 14.6(c)(6))?	No

FINDINGS OF FACT

1. The Protect Our Communities Foundation has made a substantial contribution to D.23-08-050.
2. The requested hourly rates for The Protect Our Communities Foundation’s representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$6,128.50.

CONCLUSION OF LAW

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

ORDER

1. The Protect Our Communities Foundation is awarded \$6,128.50.
2. Within 30 days of the effective date of the decision, Southern California Gas Company shall pay The Protect Our Communities Foundation the total award. 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 January 20, 2024, the 75th day after the filing of The Protect Our Communities Foundation's request, and continuing until full payment is made.
3. The comment period for today's decision is not waived.

The decision is effective today.

Dated _____ 2024, at San Luis Obispo, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision:	D2308050		
Proceeding:	I1702002		
Author:	ALJ Zhen Zhang		
Payee:	Southern California Gas Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Protect Our Communities Foundation	11-06-2023	\$15,667.50	\$6,128.50	N/A	See Part III D. CPUC Comments, Disallowances, and Adjustments

Hourly Fee Information

First Name	Last Name	Attorney or Expert	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Malinda	Dickenson	Attorney, Legal Director	\$700	2023	\$635.00
Bill	Powers	Expert	\$380	2023	\$375.00
Andrea	White	Advocate ¹	\$235	2023	\$140.00

(END OF APPENDIX)

¹ One month after her work in this proceeding, White was admitted to the CA BAR. For purposes of rate evaluation, we have classified White here as a Paralegal Level II. See Comments in Part III. D of this Decision.