



PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

FILED

11/18/24

12:32 PM

A2301004

November 18, 2024

Agenda ID #23086
Ratesetting

TO PARTIES OF RECORD IN APPLICATION 23-01-004:

This is the proposed decision of Administrative Law Judge Jason Jungreis. 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 December 19, 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 JUNGREIS** (Mailed 11/18/2024)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Southern California Gas Company (U904G), to Establish Gas Demand Response Pilot Programs.
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Application 23-01-004

**DECISION DENYING COMPENSATION TO
ENVIRONMENTAL DEFENSE FUND FOR
LACK OF SUBSTANTIAL CONTRIBUTION TO
DECISION 24-01-036**

Intervenor: Environmental Defense Fund	For contribution to Decision (D.) 24-01-036
Claimed: \$17,134.70 ¹	Awarded: \$0.00
Assigned Commissioner: Karen Douglas	Assigned ALJ: Jason Jungreis

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	Decision Denying Application (D.24-01-036).
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¹ The correct amount claimed is \$17,135.20.

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:	March 20, 2023	Verified
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	April 19, 2023	Verified
4. Was the NOI timely filed?		Yes
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.12-06-013	R.23-12-008
6. Date of ALJ ruling:	February 25, 2013	May 9, 2024
7. Based on another CPUC determination (specify):	N/A	
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	D.21-11-017	D.21-11-017 authorized Pacific Gas and Electric Company to implement an optional day-ahead real time rate for commercial electric vehicle customers and does not provide a finding of significant financial hardship. A ruling issued in R.23-12-008 granted EDF the finding of significant financial hardship.
10. Date of ALJ ruling:	November 19, 2021	May 9, 2024

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

	Intervenor	CPUC Verification
11. Based on another CPUC determination (specify):	N/As	
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.24-01-036	Verified
14. Date of issuance of Final Order or Decision:	January 30, 2024	Verified
15. File date of compensation request:	March 29, 2024	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor's Comment(s)	CPUC Discussion
9 / 10	In D.20-09-007, the CPUC found that EDF had demonstrated customer status and significant financial hardship.	We note that D.20-09-007 does not match EDF's entry for 9/10 in the Part I table above. Also, D.20-09-007 awarded compensation to EDF in A.18-11-003 and does not provide an eligible showing of significant financial hardship for this proceeding.

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
EDF expressed support for SoCalGas' efforts to decarbonize the gas system and embrace decarbonization through non-pipeline alternatives such as gas demand response programs. EDF Response to the Application at 2.	The Commission rejected the specific application as adequate advancement of these issues; but acknowledged EDF's argument and highlighted that the decision denying the application does not "foreclose future natural gas DR applications" that may address these issues more adequately. D.24-01-036 at 12.	Noted; <i>See</i> Part III.D[1] CPUC Comments, Disallowances, and Adjustments.

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>EDF highlighted the potential benefit of a potential gas demand response program for future efforts—including efforts underway as a part of the GO 177 process—to quantify the costs and benefits of avoided gas infrastructure investment.</p> <p>EDF Response to the Application at 2.</p>	<p>The Commission rejected the specific application as adequate advancement of these issues; but acknowledged EDF’s argument and highlighted that the decision denying the application does not “foreclose future natural gas DR applications” that may address these issues more adequately.</p> <p>D.24-01-036 at 12.</p>	<p>Noted; <i>See</i> Part III.D[1] CPUC Comments, Disallowances, and Adjustments.</p>
<p>EDF highlighted the larger context of decarbonization and declining gas demand as providing the need for non-pipeline alternatives such as gas demand response programs.</p> <p>EDF Comments on Proposed Decision at 2.</p>	<p>The Commission rejected the specific application as adequate advancement of these issues; but acknowledged EDF’s argument and highlighted that the decision denying the application does not “foreclose future natural gas DR applications” that may address these issues more adequately.</p> <p>D.24-01-036 at 12.</p>	<p>Noted; <i>See</i> Part III.D[1] CPUC Comments, Disallowances, and Adjustments.</p>
<p>EDF recommended the Commission to order revision of the Application instead of its denial, in response to the Proposed Decision.</p> <p>EDF Comments on Proposed Decision at 4.</p>	<p>The Commission rejected the specific application as adequate advancement of these issues; but acknowledged EDF’s argument and highlighted that the decision denying the application does not “foreclose future natural gas DR applications” that may address these issues more adequately.</p> <p>D.24-01-036 at 12.</p>	<p>Noted; <i>See</i> Part III.D[1] CPUC Comments, Disallowances, and Adjustments.</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?	No	Verified
b. Were there other parties to the proceeding with positions similar to yours?	No	Verified
c. If so, provide name of other parties: N/A		Noted
d. Intervenor's claim of non-duplication: EDF provided a unique perspective in its response by highlighting the potential of a gas demand response (DR) pilot program in addressing the issue of avoided infrastructure costs and cost-effective decarbonization of the gas system.		Noted

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

	CPUC Discussion
a. Intervenor's claim of cost reasonableness: EDF requests a total intervenor compensation claim of \$17,134.70. This is reasonable for the scale of the proceeding and EDF's participation in the proceeding. EDF notes that a majority of its work was spent prior to the pre-hearing conference on identifying preliminary issues in the proceeding.	Noted; <i>See</i> Part III.D CPUC Comments, Disallowances, and Adjustments.
b. Reasonableness of hours claimed: <u>Attorney Time:</u> EDF devoted a total of approximately 11.7 hours of attorney time for work performed by EDF's attorney, Elizabeth Kelly. This is reasonable for the scale of the proceeding and range of issues presented in the proceeding. <u>Expert Time:</u> EDF utilized approximately 10 hours of the expert time of Michael Colvin, EDF's Director of Regulatory and Legislative Affairs, California Energy Program. EDF utilized approximately 5.2 hours of the	Noted; <i>See</i> Part III.D CPUC Comments, Disallowances, and Adjustments.

		CPUC Discussion
expert time of Joon Hun Seong, EDF's Energy Decarbonization Analyst. This is reasonable in light of the scope and scale of the proceeding.		
c. Allocation of hours by issue:		Noted; totals 100%.
Issue	Allocation	
EDF Response to SoCalGas Application	50%	
EDF Response to Proposed Decision and Ex Parte	50%	

B. Specific Claim: *

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Elizabeth Kelly	2023	6.20	\$654	Median Intervenor Compensation Rate for Attorney V	\$4,054.80	0.00 [2]	N/A [3]	\$0.00
Elizabeth Kelly	2024	5.50	\$687	Median Intervenor Compensation Rate for Attorney V; with 5% COLA adjustment	\$3,778.50	0.00 [2]	N/A [3]	\$0.00
Michael Colvin	2023	4.5	\$702	Median Intervenor Compensation Rate for Public Policy Analyst V	\$3,159	0.00 [2]	N/A [3]	\$0.00
Michael Colvin	2024	5.5	\$737	Median Intervenor Compensation Rate for Public Policy Analyst V; with 5% COLA Adjustment	\$4,053.50	0.00 [2]	N/A [3]	\$0.00
Joon Hun Seong	2023	2.70	\$357	Median Intervenor Compensation Rate for Public Policy Analyst III; with 5% COLA Adjustment	\$963.90	0.00 [2]	N/A [3]	\$0.00
Joon Hun Seong	2024	2.50	\$375	Median Intervenor Compensation Rate for Public Policy Analyst III; with 5% COLA Adjustment	\$937.50	0.00 [2]	N/A [3]	\$0.00
Subtotal: \$ 16,947.20						Subtotal: \$0.00		

CLAIMED						CPUC AWARD		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Joon Hun Seong	2024	1	\$188	Median Intervenor Compensation Rate for Public Policy Analyst III; with 5% COLA Adjustment and divided by 2	188.0	0.00 [2]	N/A [3]	\$0.00
<i>Subtotal: \$188.00³</i>						<i>Subtotal: \$0.00</i>		
<i>TOTAL REQUEST: \$17,134.70⁴</i>						<i>TOTAL AWARD: \$0.00</i>		
<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. Intervenor'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>								
ATTORNEY INFORMATION								
Attorney	Date Admitted to CA BAR ⁵	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation					
Elizabeth Kelly	12/28/2009 (CA) 3/5/2007 (NY)	268401 (CA) 4488938 (NY)	No					

C. Attachments Documenting Specific Claim and Comments on Part III⁶:

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	Resume of Elizabeth Kelly
Attachment 3	Resume of Michael Colvin
Attachment 4	Resume of Joon Hun Seong
Attachment 5	Timesheet

³ Information added by the California Public Utilities Commission.

⁴ The correct total is \$17,135.20.

⁵ This information may be obtained through the State Bar of California's website at: <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

⁶ Attachments not included in final Decision.

Attachment or Comment #	Description/Comment
<p>Comment 1</p>	<p>Rate for Elizabeth Kelly, Attorney</p> <p>Ms. Kelly’s legal energy experience (15+ years) and expert energy economics and rate design experience prior to becoming an attorney are set forth on her resume, Attachment 2. Given her experience, she is classified as Attorney V.</p> <p>Above the midpoint of the range is appropriate for Ms. Kelly due to her unique and extensive energy and regulatory experience, including:</p> <ul style="list-style-type: none"> • Her economics degree which allows for a greater degree of understanding of financial and technical matters before the Commission; • Her experience in energy economic and rate design consulting which contributes to her substantive knowledge in energy; • The extent and depth of her experience in energy and project finance transactions; • Her experience in launching MCE, California’s first Community Choice Aggregator, which required extensive legal and regulatory advocacy, in many cases without specific precedent before the California Public Utilities Commission; • Her experience serving clients specifically before the California Public Utilities Commission; and • Her service within energy and legal groups that have advanced her knowledge and experience, including: <ul style="list-style-type: none"> ○ Founder of the San Francisco Women General Counsel Circle ○ 2018 National Association of Women Lawyers General Counsel Institute, Member of Planning Committee and Workshops Subcommittee ○ 2017 National Association of Women Lawyers General Counsel Institute, Member of Planning Committee, Workshops Subcommittee, and Logistics Subcommittee.

Attachment or Comment #	Description/Comment
	<ul style="list-style-type: none"> ○ 2016 CAISO Energy Imbalance Market Governing Body Nominating Committee, Public Interest and Consumer Advocate Committee Member ○ 2015 CAISO Board of Governors Nominee Review Committee, End User and Retail Provider Committee Member
Comment 2	<p>Rate for Michael Colvin, Expert</p> <p>Michael Colvin spent over 10 years at the California Public Utilities Commission and another 5.5 at Environmental Defense Fund. Given his experience he is classified as public policy analyst IV</p>
Comment 3	<p>Rate for Joon Hun Seong, Expert</p> <ul style="list-style-type: none"> • Joon Hun Seong has received a Master of Public Policy degree from UC Berkeley, has two years of previous policy analysis experience working for American Solar Partners, a solar developer based in Mt. Vernon, New York. He has worked as a policy analyst at EDF for approximately two years. Given his academic qualifications and professional experience, he is classified as public policy analyst III.

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] No Substantial Contribution	<p>EDF supported Southern California Gas Company’s application, which was ultimately declined due to numerous flaws. EDF presented no arguments that adequately addressed or reconciled with the identified deficiencies. While EDF is seeking contribution for what they have interpreted as a decline without prejudice, the decision clarifies that these matters were already addressed in D.20-02-043, which allowed for the possibility of resubmission as long as specific requirements were met - requirements that were not fulfilled as shown in D.24-01-036. Although the application was initially declined without prejudice in D.20-02-043, the current decision is not declining this application without prejudice, but merely encouraging Southern California Gas Company to continue to pursue these initiatives in a feasible manner. See D.24-01-036 at 12, and 13 which states, “Because the underlying bases for the parties’ substantive and procedural arguments have been addressed within the decision or are of no impact, not further address or substantive modification of this decision is required”.</p>

Item	Reason
	EDF is also seeking compensation for recommending that the Commission order a revision of the application rather than decline it. However, D.20-02-043 already provided this option, allowing a modified application to be resubmitted with the expectation that Southern California Gas Company would meet the specified requirements, which they failed to do. Repeating this process here would be redundant. See D.24-01-036 at 7-8.
[2] Total Hours	As EDF did not substantially contribute to D.24-01-036 any claim for contribution would be unreasonable. Therefore, we reduce all hours to zero.
[3] Hourly Rates	As EDF did not make a substantial contribution to D.24-01-036 we do not find it appropriate to establish rates for the identified individuals at this time.

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
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B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?	No
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If not:

Party	Comment	CPUC Discussion

FINDINGS OF FACT

1. Environmental Defense Fund has not made a substantial contribution to D.24-01-036.
2. The total of reasonable compensation is \$0.00.
3. Environmental Defense Fund presented no arguments that adequately addressed or reconciled the identified flaws in Southern California Gas Company’s application.
4. Environmental Defense Fund presented information that had already been addressed in D.20-02-043, providing no substantive contribution.

CONCLUSION OF LAW

1. The Claim does not satisfy all the requirements of Pub. Util. Code §§ 1801-1812.
2. Compensation must be denied due to the lack of substantial contribution.

ORDER

1. The Intervenor compensation claim of Environmental Defense Fund for contribution to Decision 24-01-036 is denied.
2. The comment period for today's decision is not waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D2401036		
Proceeding(s):	A2301004		
Author:	ALJ Jungreis		
Payer(s):	Southern California Gas Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Environmental Defense Fund	3/28/2024	17,134.70 ¹	\$0.00	N/A	See Part III.D CPUC Comments, Disallowances, and Adjustments.

Hourly Fee Information

First Name	Last Name	Labor Role	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Elizabeth	Kelly	Attorney	\$654	2023	N/A
Elizabeth	Kelly	Attorney	\$687	2024	N/A
Michael	Colvin	Expert	\$702	2023	N/A
Michael	Colvin	Expert	\$737	2024	N/A
Joon Hun	Seong	Expert	\$357	2023	N/A
Joon Hun	Seong	Expert	\$375	2024	N/A

(END OF APPENDIX)

¹ The correct amount claimed is \$17,135.20.