

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

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R2001007

April 8, 2025

Agenda ID #23414
Ratesetting

TO PARTIES OF RECORD IN RULEMAKING 20-01-007:

This is the proposed decision of Administrative Law Judge (ALJ) David Van Dyken and ALJ Robyn Purchia. 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 15, 2025 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/ MICHELLE COOKE

Michelle Cooke

Chief Administrative Law Judge

MLC:avs

Attachment

Decision PROPOSED DECISION OF ALJ VAN DYKEN & ALJ PURCHIA
(Mailed 4/8/2024)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Establish Policies, Processes, and Rules to Ensure Safe and Reliable Gas Systems in California and perform Long-Term Gas System Planning.

Rulemaking 20-01-007

DECISION GRANTING INTERVENOR COMPENSATION TO UTILITY CONSUMERS' ACTION NETWORK FOR SUBSTANTIAL CONTRIBUTION TO DECISION 23-12-003 AND 24-09-034

Intervenor: Utility Consumers' Action Network	For contribution to Decision D.23-12-003 & D.24-09-034
Claimed: \$83,647.00¹	Awarded: \$54,331.83
Assigned Commissioner: Karen Douglas	Assigned ALJ: David Van Dyken, Robyn Purchia

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	In R.20-01-007, the Commission issued an Order Instituting Rulemaking (OIR) on January 27, 2020, to respond to greenhouse gas legislation, gas operational issues and constraints, and gas pipeline and storage safety-related incidents. In the following years, the Commission adopted six decisions that addressed reliability standards, market structure, regulations, transmission pipelines and natural gas storage facilities, and the statutory deadline.
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¹ Arithmetic error from miscalculating Mr. Zeller and Mr. Lopez's totals. Corrected total: \$83,750.13. (See footnotes 4-6.)

D.23-12-003 resolved issues regarding transmission pipelines and natural gas storage facilities included in the Assigned Commissioner's Phase 2 Scoping Memo and Ruling. The decision adopted review criteria and information requirements for gas utility applications to repair or replace transmission pipeline infrastructure. It also adopted criteria to determine when declining demand can enable pipelines to be derated or decommissioned without affecting reliability and required gas utilities to provide an information-only submittal describing planned transmission de-rations.

The decision reinforced that gas utilities must continue to comply with Commission General Order 112-F requirements to align with Pipeline and Materials Safety Administration definitions of transmission pipeline and distribution pipeline as most recently set forth in the Code of Federal Regulations Title 49 Part 192.3. The decision adopted a proposal by PG&E to update its definition of the term "transmission pipeline" and related terms in alignment with CFR Title 49 Part 192.3. Because the decision adopted PG&E's proposed redefinition of transmission pipeline, 600 miles of PG&E's transmission pipeline are now reclassified as distribution pipeline. And D.23-12-003 held that natural gas storage facilities are necessary for reliability and cost management.

D.24-09-034 adjudicated a petition for modification filed jointly by various Intervenors. The decision modified D.22-12-021 and required gas utilities to convene a workshop within 60 days after the annual reports are submitted and to include the year 2025 in Ordering Paragraph 12.

D.24-09-034, along with D.24-03-057, which immediately precedes this decision, recognized that R.20-01-007 did not scope several issues the Commission may want to examine as it considers long-term natural gas planning. D.24-09-034 closed R.20-01-007 to enable the Commission to consider these issues in a subsequent rulemaking.

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:²

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	March 24, 2020	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	April 13, 2020	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.18-07-006	Verified
6. Date of ALJ ruling:	March 30, 2019	May 30, 2019
7. Based on another CPUC determination (specify):		
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:	R.18-07-006	Verified
10. Date of ALJ ruling:	March 30, 2019	May 30, 2019
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.24-09-034	Verified
14. Date of issuance of Final Order or Decision:	October 2, 2024	Verified
15. File date of compensation request:	December 2, 2024	Verified
16. Was the request for compensation timely?		Yes

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

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.Criteria for Transmission Pipelines (D.23-12-003)</p> <p>UCAN addressed various criteria as identified in the Amended Scoping Memo, Track 2A scoping questions (b)-(k) that detailed its recommendations about how the Commission should define transmission versus distribution pipelines, what factors should be considered in derating or decommissioning requests, and how declining demand for natural gas in California will affect the operation and maintenance requirements of existing natural gas infrastructure.</p> <p>D.23-12-003 considered, balanced, reemphasized, or did not adopt such comments and issues in its ruling. UCAN’s contribution, overall, contributed to the record and decision-making process.</p> <p>UCAN's comments emphasized reliability considerations and noted how natural gas plays an important role in ensuring natural gas-fired generation is available to meet peak demand loads</p>	<p>The Decision reflects and reinforces the emphasis on reliability of natural gas facilities.</p> <ul style="list-style-type: none"> • Finding of Fact 2: <i>“Natural gas transmission pipelines are critical to the reliability of the gas and electric systems.”</i> 	<p>Verified, in part. The Decision determined that the Sierra Club’s recommendation was irrelevant. Thus, UCAN’s support of the Sierra Club’s recommendation is both duplicative and irrelevant.</p>

<p>during periods of hot weather. Comments of UCAN to the Questions Posed by the Staff Gas Infrastructure Decommission Proposal, at p. 8.</p> <p>UCAN also submitted comments supportive of the Sierra Club's recommendation regarding the location of infrastructure in high consequence areas. <i>"In its filings in this rulemaking, Sierra Club raised concerns about the consequences of a natural gas infrastructure failure in what has been designated as a high consequence area, which generally refers to urbanized parts of California or nearby important public facilities such as schools or hospitals. If infrastructure is located in a high consequence area PHMSA requires additional safety measures be taken by the pipeline operator. If</i></p>	<ul style="list-style-type: none"> • Conclusion of Law 20: <i>"Natural gas storage facilities are necessary for reliability and cost management."</i> <p>D.23-12-003, at p. 9. See also, D.23-12-003, Appendices A-B. Both of these appendices were prepared based on the recommendations incorporated in various intervenors's filings and those of the utilities, including the positions taken by UCAN in its responses to the Energy Division's posed questions, as well as the questions promulgated by the presiding Administrative Law Judge. UCAN's answers to the Energy Division's posed questions addressed each of the individual inquiries (to the extent possible). Both of the Appendices (which promulgated new Commission rules over transmission and distribution natural gas pipelines) incorporate elements of intervenor's recommendations including UCAN's.</p> <p>The Decision considered, and weighed, the consequence of location but did not adopt. <i>"We do not adopt the criteria recommended by the Sierra Club, related to the location of the piece of infrastructure in question related to High Consequence Areas (HCA) because this determination is not relevant to a determination of whether to repair/replace or derate/decommission infrastructure."</i> D.23-12-003, at p. 14.</p>	
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<p><i>transmission pipeline is reclassified as distribution at the sole discretion of PG&E, the PHMSA high consequence area requirements would not longer apply to the facilities involved, posing additional risks to an unknowing public and utility employees."</i></p> <p>UCAN Opening Comments on the Proposed Decision, at pp. 8-9.</p> <p>UCAN submitted comments with recommendations on criteria and what the Commission should consider with regard to proposals to derate or decommission transmission pipelines. <i>"Perhaps the most important factor that must be considered to estimate pipeline repair costs is the applicable cost of labor that will be needed to complete the repair. Other obvious variables include the cost of the pipeline materials, the availability of qualified staff to accomplish the repair (recruitment of qualified staff has been a challenge throughout the economy of late), the necessary engineering required to complete the project, the availability of alternative facilities to re-route flowing gas supplies during the repair period, the length of the pipeline being replaced, the number and size of pipeline connections to end users in the length of pipeline to be replaced, the type of soil or rock through which the</i></p>	<p>The Decision addressed this consideration. <i>"As pointed out by PG&E, the regulatory process we adopt today must not disrupt existing derating and decommissioning processes and is intended to supplement, not replace our current reporting processes surrounding derating transmission pipelines."</i></p> <p>D.23-12-003, at pp. 24-26.</p>	
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<p><i>pipeline repair must pass and the regulatory environment that governs the replacement project."</i> UCAN Opening Comments on Staff Questions, at p. 6.</p>		
<p>2.PG&E's proposed redefinition of 600 miles of its transmission pipelines as distribution pipelines.</p> <p>UCAN extensively commented upon PG&E's motion to redefine the classification of 600 miles of its existing transmission pipelines as distribution pipelines.</p> <p>D.23-12-003 reviewed and included arguments on the redefinition and reclassification in its findings. Although the decision did not adopt UCAN's recommendations about PG&E's proposed reclassification of its transmission pipelines, UCAN was the sole intervenor that raised the issues regarding PG&E's proposed reclassification, and the lack of data regarding its on-going operations of these transmission lines.</p> <p>UCAN was the only party noting that PG&E did not provide assurances that its reclassified pipelines will not operate in excess of 60 p.s.i.g., or whether the pipelines have been hydrostatically tested or up to date on inspections, including accurate records about how the pipelines have</p>	<p><i>"UCAN notes PG&E's serious history of safety incidents, including being found guilty of criminal negligence, involuntary manslaughter, and having received multi-billion dollar fines due to safety incidents."</i> D.23-12-003, at pp. 30, 33-34.</p>	<p>Verified.</p>

<p>been maintained. And UCAN argued that PG&E should have set forth a full schedule of standards and analysis over the 12-to-18 month implementation proposal for reclassification.</p> <p><i>“If PG&E is allowed to skip inspections by redefining existing transmission pipelines as distribution main, it will most likely be leaving leaking pipelines in the ground; something that is contrary to the large purpose of this rulemaking.”</i></p> <p>Response of the Utility Consumer's Action Network to the Motion of Pacific Gas & Electric Company to Reopen the Comment Period on Track 2A, Question 2.1(c)(1) to Consider a Proposal to Reclassify Certain of Their Natural Gas Transmission Pipelines as Distribution Main Consistent with Changes to Pipeline Safety Regulations, at pp. 4-5.</p>		
<p>3.GO 177 Report Analysis (D.24-09-034)</p> <p>UCAN’s filed comments on the utilities’ GO 177 reports made numerous recommendations, highlighted errors and omissions, and detailed points where the utilities’ reports violated Commission orders. UCAN’s comments on the GO 177 reports were acknowledged by the utilities and the utilities</p>		<p>Verified. However, work on GO 177 filings submitted after the PFM was filed on 2/9/24 were not relevant to the record supporting the PFM. See Part III. D [2].</p>

<p>made corrections to the reports in response to UCAN’s comments. UCAN Comments on the Utilities’ GO 177 Reports, at pp. 1-6.</p> <p>The Commission voiced its appreciation of comments on the GO 177 reports and supported continued participation by stakeholders.</p>	<p><i>“We continue to recognize that the Commission adopted GO 177, in part, to strengthen public participation and ensure impacted residents and stakeholders have appropriate means to voice concerns and shape project design. As such, we appreciate the Petitioners’ participation in the reporting process and direct utilities to address their concerns to the extent feasible.”</i></p> <p>D. 24-09-034, p. 14.</p>	
<p>4.PFM Analysis (D.24-09-034)</p> <p>UCAN’s analysis determined that the PFM was timely and justifiably filed pursuant to Commission rules. UCAN Response to PFM, at pp. 1-2.</p> <p>UCAN recommended the Commission adopt the PFM and provided specific context and examples that demonstrate the need for adoption of the PFM. UCAN Response to PFM, at pp. 2-6.</p> <p>D.24-09-034 agreed that 4 of the 6 issues in the PFM were timely filed. The Commission</p>	<p><i>“The Petitioners presented good cause to explain the short delay beyond one year associated with bringing four of the six issues raised in the Petition... [T]he Commission could not assess the implementation results until gas utilities completed the requirements of D.22-12-021 and GO 177. For this reason, the Commission finds that the Petitioners are not relitigating these four issues, as the Joint Utilities argue”</i></p> <p>D. 24-09-034, p. 14.</p> <p><i>“As required by 16.4(d), the Petitioners justified their delay in bringing four of the six issues raised in the Petition.</i></p>	<p>Noted. UCAN’s comments primarily reiterated the petitioners' arguments, so their contribution did not substantially affect the decision-making process (e.g. UCAN Response to PFM).</p> <p>As stated in Decision 24-09-034 at pp. 18, “we ... determine that ... Utility Consumer’s Action Network do[es] not provide evidence to support the Petitioners’ request.” See Part III. D [2].</p>

<p>partially agreed and granted some changes recommended in the PFM.</p> <p>UCAN recommended the Commission adopt the PFM’s revision to workshop timing. <i>“The PFM’s updated language on advice letters also serves to minimize the time between the annual reports and the workshop on the annual report because it reduces the IOUs’ incentive to delay the workshop date.”</i> UCAN Response to PFM, at pp. 2-6.</p> <p>Reflecting UCAN’s support, the Decision restricted the IOUs regarding timing of the workshop.</p> <p>UCAN detailed an unintended consequence of GO 177’s language is how it incentivizes the utilities to disregard and dismiss parties’ comments. UCAN Response to PFM, at p. 6.</p> <p>The Decision warned the utilities not to ignore parties’ comments.</p>	<p><i>Out of these four issues, the Commission will exercise its authority under Pub. Util. Code Section 1708 to clarify the timing of the workshop and add the year 2025 to Ordering Paragraph 12 of D.22-12-021.”</i> D. 24-09-034, p. 6. See also, <i>“We adopt the Petitioners’ recommendation to include “and 2025” in the Ordering Paragraph.”</i> D. 24-09-034, p. 13.</p> <p><i>“The Petitioners suggest modifying D.22-12-021 Ordering Paragraph 8 to require gas utilities to hold workshops within 60 days of filing their Annual Report of Planned Gas Investments. We grant the Petitioners’ request.”</i> D. 24-09-034, p. 11.</p> <p><i>“We caution gas utilities not to interpret this denial as permission to ignore party comments. We continue to</i></p>	
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<p>UCAN highlighted its continued concerns with utilities piecemealing projects to avoid reporting requirements. UCAN Response to PFM, at p. 4.</p> <p>The Commission acknowledged the concern of piecemealing and admonished the utilities on this issue.</p> <p>UCAN supplied the Commission with detailed examples of the utilities’ repeated and unjustified use of safety claims to attempt to justify unnecessary spending. UCAN Response to PFM, at p. 3.</p> <p>The Commission acknowledged and thanked parties for raising this issue.</p>	<p><i>recognize that the Commission adopted GO 177, in part, to strengthen public participation and ensure impacted residents and stakeholders have appropriate means to voice concerns and shape project design. As such, we appreciate the Petitioners’ participation in the reporting process and direct utilities to address their concerns to the extent feasible.”</i> D. 24-09-034, p. 14.</p> <p><i>The Commission “remind[s] the gas utilities to not interpret this denial as permission to piecemeal.”</i> D. 24-09-034, p. 11.</p> <p><i>“We appreciate that the Petitioners brought their concerns about the safety exemption to our attention, especially now that we have a complete record from GO 177’s first year of implementation to consider.”</i> D. 24-09-034, p. 21.</p>	
<p>5.Closing the Proceeding and Carrying Issues Forward (D.24-09-034)</p>		<p>Noted. UCAN Opening Comments on PD at pp. 5-6 were addressed in the final</p>

<p>UCAN recommended that the Commission enable parties to claim intervenor compensation for work completed within the proceeding on which the Commission had requested input but on which it has yet to issue a decision.</p> <p>UCAN Opening Comments on PD, at pp. 5-7; UCAN Opening Comments on PD, Appendix A, pp. i-ii; UCAN Reply Comments on PD, at p. 2.</p> <p>The Commission agreed and directed intervenors to file for compensation in the new cycle of the proceeding.</p>	<p><i>“Intervenors may carry over to the successor docket the hours incurred commenting on the Phase 3 Scope and Schedule due on March 13, 2024, participating in the March 19, 2024, prehearing conference, and commenting on the Joint Agency Staff White Paper due on April 15, 2024 (together Phase 3 issues) and make a single claim for intervenor compensation in that proceeding. Parties claiming intervenor compensation in the new rulemaking for hours incurred on the Phase 3 issues shall reference this decision and R.20-01-007 in their claim.”</i></p> <p>D. 24-09-034, Ordering Paragraph 4, p. 27.</p>	<p>decision. The Reply Comments reiterate the same recommendation.</p>
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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?³</p>	<p>Yes</p>	<p>Verified</p>

³ The Office of Ratepayer Advocates was renamed the Public Advocate’s Office of the Public Utilities Commission pursuant to Senate Bill No. 854, which the Governor approved on June 27, 2018.

	Intervenor’s Assertion	CPUC Discussion
<p>b. Were there other parties to the proceeding with positions similar to yours?</p>	<p>Various Intervenors raised and addressed, but not to the same degree, issues and positions similar to UCAN.</p>	<p>Noted</p>
<p>c. If so, provide name of other parties: Besides Cal Advocates, other, but not all, Intervenors who focused on similar issues included: California Environmental Justice Alliance, Environmental Defense Fund, Sierra Club, Southern California Generation Coalition, and The Utility Reform Network</p>		<p>Noted; CforAT also supported the PFM.</p>
<p>d. Intervenor’s claim of non-duplication: <u>D.23-12-003</u> As for UCAN’s contribution to D.23-12-003, UCAN was the sole party to raise concerns about PG&E’s proposed reclassification of 600 miles of its transmission pipelines as distribution pipelines noting PG&E’s problematic operating history, the lack of information in its Motion about whether its pipelines have been properly maintained or hydrostatically tested, and concerns over the lack of guarantees in the Motion about the pressure at which the reclassified pipelines would be operated at. Moreover, UCAN’s Opening Comments regarding the Energy Division’s Gas Infrastructure Decommissioning Report included answers (to the extent) possible to all 27 of the questions posed by the Energy Division staff. UCAN was the only party that submitted such detailed answers and attempted to address all of the issues raised by the report. UCAN’s Opening Comments proposed that two additional goals be addressed by the Commission that natural gas utilities prioritize measures to rapidly reduce natural gas usage in California and that natural gas utilities pursue the least possible overall cost strategy for reducing natural gas usage in California. UCAN was the only party to propose these two additional goals. UCAN’s Opening Comments were 28 pages long and addressed all (to the extent possible) of the complex implications of the declining need for and use of natural gas in California.</p> <p><u>D.24-09-034</u> As for UCAN’s contribution to D.24-09-034, UCAN made a substantial contribution to D.24-09-034 without duplication. Due to its emphasis on consumer protection, cost-effectiveness, and data analysis, UCAN was able to take several unique positions in its interventions. For example, UCAN’s feedback on the utilities’ GO 177 Reports was the only set of feedback that</p>		<p>Noted. However, D.23-12-003 did not resolve the issues presented in the Staff Gas Infrastructure Decommissioning Report. On February 22, 2024, the Assigned Commissioner noted that she would gather more information before returning to address the staff proposal at a later date.</p>

	Intervenor’s Assertion	CPUC Discussion
<p>supplied analyses in the form of figures comparing each utility’s GO 177 Report assertions to the other GO 177 Reports. UCAN’s analyses included comparisons of project cap ex, reportable projects, reportable projects without cap ex, exempt projects, and projects with non-pipeline alternatives. UCAN was able to complete similar evaluations of the utilities’ claims in response to the PFM. For example, UCAN collected and evaluated quantitative data on the utilities’ safety claims. Without these data and comparisons, provided exclusively by UCAN, the Commission would have been less informed when making its decisions.</p>		

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
<p>a. Intervenor’s claim of cost reasonableness: <u>D.23-12-003</u> UCAN was conscientious about limiting the number of hours it devoted to this phase of R.20-01-007. Aside from some consultations with its expert witness, Margaret Felts, all of UCAN's work in this phase was performed by its senior counsel, Jason Zeller. Lengthy filings by Mr. Zeller such as its response to the Energy Division's staff report and questions posed (a 28 page filing) were completed in less than 10 hours. Moreover, UCAN's other submittals were also completed with a minimum of time. As was noted earlier, UCAN was the only party to raise issues about PG&E's reclassification proposal, the use of geographic information systems to focus on the effects of energy infrastructure on environmental and social justice communities, and the opportunity this rulemaking presents to accelerate the decarbonization of California's energy infrastructure.</p> <p><u>D.24-09-034</u> UCAN leveraged the expertise of its consultant Tyson Siegele to analyze the GO 177 issues including the utilities’ reports, and the PFM. By addressing the GO177 issues with a single consultant, UCAN was able to minimize the hours spent on these issues. UCAN’s contributions will likely lead to the utilities filing future GO177 reports that align better with the Commission’s requirements, thereby saving ratepayer dollars.</p>	<p>Noted</p>
<p>b. Reasonableness of hours claimed: <u>D.23-12-003</u> Mr. Zeller devoted 72.5 hours to the multiple filings he submitted as part of this phase of the rulemaking, a modest number of hours given the reality that the issues raised by this phase of R.20-01-007 are complex, multi-</p>	<p>Noted</p>

		CPUC Discussion																					
<p>faceted, have important policy implications for the future of California's energy infrastructure, and will be an on-going concern for the Commission in the years to come. UCAN, alone among the active parties in this phase of the rulemaking, addressed almost all of the issues raised by the Energy Division's report, raised unique issues regarding using the rulemaking to pursue decarbonization and protect ESJ communities, and raised important safety issues regarding PG&E's reclassification proposal.</p> <p><u>D.24-09-034</u></p> <p>Mr. Lopez was the only attorney assigned to GO177 issues and Mr. Siegele was the only analyst assigned to these issues. UCAN focused on areas where it could provide a substantial contribution and on which it had established research within the preceding. All hours submitted to the Commission were crucial to UCAN's substantial contribution.</p>																							
<p>c. Allocation of hours by issue: UCAN reviewed D.98-04-059 and has adopted the practice articulated in that decision of how to allocate time and costs by issue to the best of our understanding. In Part II.A above, UCAN identified its substantial contribution by issue, either where the Decisions cited UCAN's participation or addressed issues/arguments raised by UCAN and that, in</p> <table border="1"> <tbody> <tr> <td>Initial Preparation</td> <td>1</td> <td>1%</td> </tr> <tr> <td>Criteria for Transmission Pipeline</td> <td>51.50</td> <td>38%</td> </tr> <tr> <td>PG&E's Proposed Redefinition of 600 Miles of its Transmission Pipelines as Distribution Pipelines</td> <td>24.00</td> <td>18%</td> </tr> <tr> <td>Evaluate IOUs' GO 177 Reports</td> <td>21.03</td> <td>16%</td> </tr> <tr> <td>Analyze PFM issues</td> <td>31.73</td> <td>23%</td> </tr> <tr> <td>Proceeding closure and carry-over of issues</td> <td>6.20</td> <td>5%</td> </tr> <tr> <td>Total for Issues:</td> <td>135.45</td> <td>100%</td> </tr> </tbody> </table> <p>our opinion, added to the record of this proceeding. UCAN's attached timesheet shows the work done as per Issue as so identified. All time entries are for work related to these contributions to D.23-12-003 & Decision D.24-09-034. In Part III above, UCAN reviewed and presented its claims to the reasonableness of hours and efforts in support of its contribution. UCAN urges the Commission to find our total amount of hours requested for reimbursement reasonable.</p>		Initial Preparation	1	1%	Criteria for Transmission Pipeline	51.50	38%	PG&E's Proposed Redefinition of 600 Miles of its Transmission Pipelines as Distribution Pipelines	24.00	18%	Evaluate IOUs' GO 177 Reports	21.03	16%	Analyze PFM issues	31.73	23%	Proceeding closure and carry-over of issues	6.20	5%	Total for Issues:	135.45	100%	Noted
Initial Preparation	1	1%																					
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Total for Issues:	135.45	100%																					

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Jason Zeller	2022	1	\$725.00	D.24-05-016	\$725.00	0 [1]	\$715.00 [4]	\$0.00
Jason Zeller	2023	74.50	\$745.00	D.24-10-023	\$55,502.50	49.5 [1]	\$745.00 [4]	\$36,877.50
Jason Zeller	2024	.25	\$770.00	D.24-10-023	\$192.50	5.5 [1]	\$770.00 [4]	\$4,235.00
Edward Lopez	2024	19.00	\$495.00	See Comment 1	\$9,405.00	11.04 [1,2,3]	\$475.00 [5]	\$5,244.00
Tyson Siegele (Expert)	2024	40.70	\$345.00	D.24-11-021	\$14,041.50	11.86 [1,2]	\$345.00 [7]	\$4,091.70
Subtotal: \$79,866.50						Subtotal: \$50,448.20		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Jason Zeller	2024	5.5	\$385.00	D.24-10-23	\$1,361.25 ⁴	5.5	\$385.00 [4]	\$2,117.50
Edward Lopez	2024	4.75	\$247.50	See Comment 1	\$1,828.75 ⁵	4.75	\$247.50 [5]	\$1,175.63
Tyson Siegele (Expert)	2024	2.80	\$172.50	D.24-11-021	\$483.00	2.80	\$172.50 [7]	\$483.00
Courtney Cook-Sloan	2024	1.00	\$107.50	See Comment 2	\$107.50	1.00	\$107.50 [6]	\$107.50
Subtotal: \$3,780.50⁶						Subtotal: \$3,883.63		
TOTAL REQUEST: \$83,647.00⁷						TOTAL AWARD: \$54,331.83		

⁴ Arithmetic error. $\$385.00/\text{hour} \times 5.5 \text{ hours} = \$2,117.50$.

⁵ Arithmetic error. $\$247.50/\text{hour} \times 4.75 \text{ hours} = \$1,175.63$.

⁶ Arithmetic error from miscalculating Mr. Zeller and Mr. Lopez's totals. Corrected subtotal: \$3,883.63.

⁷ Arithmetic error from miscalculating Mr. Zeller and Mr. Lopez's totals. Corrected total: \$83,750.13.

CLAIMED		CPUC AWARD	
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate</p>			
ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR ⁸	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Jason Zeller	March 21, 1989	139477	No
Edward Lopez	December 20, 1991	157052	No

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

Attachment or Comment #	Description/Comment
1	Certificate of Service
Comment 1 Edward Lopez 2024 Hourly Rate	Based on the approved \$475 2023 hourly rate, per D.24-01-019, the application of the Commission's 4.07% escalation for 2024, and rounding to the nearest \$5 increment, UCAN requests the 2024 hourly rate for Mr. Lopez of \$495.
Comment 2 Courtney Cook- Sloan 2024 Hourly Rate	Based on the approved \$205 2023 hourly rate, per D. 24-01-019, the application of the Commission's 4.07% escalation for 2024, and rounding to the nearest \$5 increment, UCAN requests the 2024 hourly rate for Ms. Cook-Sloan of \$215.

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] Disallowances	As stated in the IComp Program Guide pp. 4, "a request for an award of compensation may be filed after the issuance of a decision that resolves an issue on which the intervenor believes it made a substantial contribution." The issue of the staff proposal on decommissioning was not resolved in D.23-12-003 or D.24-09-034, so it is not compensable. Therefore, hours related to

⁸ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

Item	Reason
	<p>the staff gas infrastructure decommissioning proposal in UCAN's timesheets from 12/29/222 - 2/27/23 are disallowed.</p> <ul style="list-style-type: none"> • Zeller 2022: 1 • Zeller 2023: 8.5 <p>Zeller's time entries from 4/19/23 - 5/2/23 stating preparation, review, or finalization of responses/replies to ALJ Questions cannot be attributed to any document UCAN has filed within the relevant timeline. This makes it unclear how this time contributed to the decision-making process, so the following hours are disallowed:</p> <ul style="list-style-type: none"> • Zeller 2023: 14.5 <p>The following time entry did not contribute to the decision-making process and is therefore disallowed:</p> <ul style="list-style-type: none"> • 3/16/2023 Zeller: Preparing motion for late-filed acceptance of UCAN's reply answers (2) <p>UCAN failed to provide adequate descriptions for the following time entries, leaving it unclear how this time contributed to the decision-making process. It is the responsibility of the intervenor to provide adequate descriptions that clearly support how their time led to a decision. See Rule 17.4 of the Rules of Practice and Procedure, and D.10-02-010, Part III.D. Therefore, the following hours are disallowed:</p> <ul style="list-style-type: none"> • Zeller 2/12/24: Meeting with Tyson Siegle about the status of the future of natural gas rulemaking, Issue 4 (0.125) • Zeller 2/12/24: Meeting with Tyson Siegle about the status of the future of natural gas rulemaking, Issue 3 (0.125) <p>Work on GO 177 filings submitted after the PFM was filed on 2/9/24 were not relevant to the record supporting the PFM and therefore did not contribute to the decision-making process, so the following hours are disallowed:</p> <ul style="list-style-type: none"> • Lopez 2024: 4 • Siegele 2024: 15.9 <p>UCAN listed time entries associated with the review of Phase 2 PD and UCAN Comments on Phase 2 PD on 2/22 - 2/26/2024. Given that the Phase 2 PD was published 9/27/23 and UCAN's comments were published 10/17/23 and 10/23/23, it is unclear why UCAN waited months to review these documents or how this review contributed to the decision-making process. Therefore, the following hours are disallowed:</p>

Item	Reason
	<ul style="list-style-type: none"> • Lopez 2024: 3 <p>The following time entry is associated with Phase 3, which is not compensable at this time as it did not contribute to D.23-12-003 or D.24-09-034. Therefore, the following hours are disallowed:</p> <ul style="list-style-type: none"> • Lopez 3/19/2024: Attending PHC (1) <p>With the disallowances noted here, the following are the new hourly totals:</p> <ul style="list-style-type: none"> • Zeller 2022: 0 • Zeller 2023: 49.5 • Zeller 2024: 5.5 • Lopez 2024: 15.75 • Siegele 2024: 27.6
<p>[2] Lack of Substantial Contribution</p>	<p>UCAN often repeated other parties’ proposals and remarks or did not perform its own unique analysis. The Commission compensates efficient effort that contributes to the proceeding’s outcomes; however, the Commission also disallows inefficient participation that is not contributory to the underlying issues. Given the volume of timesheet entries and the limited nature of UCAN’s contribution, we apply percentile deductions to UCAN’s hours to adjust their compensation to reflect their limited contributions to D.24-09-034. We remind UCAN, per the Intervenor Compensation Program Guide at p.21, the Commission compensates “productive, effective and efficient” efforts that contribute to the proceeding’s outcomes.</p> <p>The Commission notes that UCAN's input did not result in a substantial contribution to the final decision because they duplicated the positions taken by other parties in the proceeding without providing meaningful input to the positions advocated by other parties; or otherwise addressed issues that were not considered in the final decision.</p> <p>As noted in Part II above, UCAN’s contribution to D.24-09-034 on the GO 177/PFM issue was limited and not unique. In their comments filed on 3/11/24, 9/12/24, and 9/17/24, UCAN primarily reiterated what the petitioners argued without providing substantial evidence. We apply a 60% reduction to the hours related to drafting these documents:</p> <ul style="list-style-type: none"> • Lopez 2024: 5 • Siegele 2024: 17.7 <p>Given that UCAN’s comments on the PFM were not substantial, their timesheet entries marked as Issues 3, 4, and 5 including reviewing documents</p>

Item	Reason
	<p>in this proceeding, reviewing other parties' comments, and researching for comments are deemed excessive, inefficient efforts. We apply a higher reduction of 80% to the following hours, which are less attributable to a decision than drafting comments:</p> <ul style="list-style-type: none"> • Lopez 2024: 2 • Siegele 2024: 6.4 <p>With the disallowances noted here and [1], the following are the new hourly totals:</p> <ul style="list-style-type: none"> • Zeller 2022: 0 • Zeller 2023: 49.5 • Zeller 2024: 5.5 • Lopez 2024: 11.15 • Siegele 2024: 11.86
[3] Rule 17.4 B Compliance	<p>Several of UCAN's timesheet entries for Edward Lopez combine multiple tasks, which is non-compliant with the IComp Program Guide pg. 25, which states "Time records must not combine several issues in one timesheet entry" and Rule 17.4(b). We apply a 5% deduction to the following timesheet entries after the disallowances noted in [1] and [2]:</p> <ul style="list-style-type: none"> • Lopez 3/12/2024 Review Joint Intervenors Opposition to PFM; Review Go 177 Report; Communicate w/ Expert, Issue 3 • Lopez 3/12/2024 Review Joint Intervenors Opposition to PFM; Review Go 177 Report; Communicate w/ Expert, Issue 4 • Lopez 9/11/2024 Review PD & Communicate w/ Expert re: Opening Comments on PD on PFM; Incorporate issues re: pathway for intervenors to submit Icomp requests for time spent on analyses requested by the Commission • Lopez 9/11/2024 Review PD & Communicate w/ Expert re: Opening Comments on PD on PFM; Incorporate issues re: pathway for intervenors to submit Icomp requests for time spent on analyses requested by the Commission, Issue 5 • Lopez 9/13/2024: Review Parties Opening Comments on PFM PD; Communicate w/ Expert; Incorporate issues re: pathway for intervenors to submit Icomp requests for time spent on analyses requested by the Commission, Issue 4 <p>With the disallowances noted here and [1] and [2], the following are the new hourly totals:</p> <ul style="list-style-type: none"> • Zeller 2022: 0 • Zeller 2023: 49.5

Item	Reason
	<ul style="list-style-type: none"> • Zeller 2024: 5.5 • Lopez 2024: 11.04 • Siegele 2024: 11.86
[4] Zeller Hourly Rate	<p>D.24-05-016 previously verified a 2022 rate of \$725 for Mr. Zeller as a Legal – Attorney – V. However, according to the Hourly Rate Chart approved in Resolution ALJ-393, the maximum approved rate for 2022 is \$719.10, for which the previous adopted rate exceeds. Considering this, we will correct Mr. Zeller's 2022 rate by taking the maximum approved rate of \$719.10 and rounding down to the nearest \$5:</p> <ul style="list-style-type: none"> • We adopt \$715 as Mr. Zeller’s corrected 2022 rate moving forward. • D.24-10-023 verified a 2023 rate of \$745. We find it reasonable and adopt it here. • D.24-10-023 verified a 2024 rate of \$770. We find it reasonable and adopt it here.
[5] Lopez Hourly Rate	<p>D.24.01-019 previously verified a 2023 rate of \$475 for Mr. Lopez as an Advocate – Executive Director – V. However, according to the Hourly Rate Chart approved in Resolution ALJ-393, the maximum approved rate max for 2023 is \$464.81, for which the previous adopted rate exceeds. Considering this, we will correct Mr. Lopez’s 2023 rate by taking the maximum approved rate of \$464.81 and rounding down to the nearest \$5:</p> <ul style="list-style-type: none"> • We adopt \$460 as Mr. Lopez’s corrected 2023 rate moving forward. • We apply 2024 escalation factor 4.07% for a 2024 rate of \$475.
[6] Cook-Sloan Hourly Rate	<p>D.24-01-019 verified a 2023 rate of \$205 for Courtney Cook-Sloan. To the 2023 rate of \$205, we apply the 2024 escalation factor 4.07% for a 2024 rate of \$215 (rounded to the nearest \$5).</p>
[7] Siegele Hourly Rate	<p>Upon further review, the Commission has determined that Tyson Siegele is a consultant. The Commission requested supplemental documentation to confirm the rate charged by Tyson Siegele.</p> <p>Pursuant to Commission policy, the rate requested by an intervenor must not exceed the rate billed to that intervenor by any outside consultant it hires, even if the consultant’s billed rate is below the floor for a given experience level. Per the IComp Program Guide at 24, the Commission may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§ 1804(d)). UCAN has confirmed that Tyson Siegele serves as a consultant for UCAN under contract on a contingency basis, meaning Tyson Siegele has agreed to defer all, or part of his consulting fee contingent upon receipt of this Intervenor Compensation award.</p>

Item	Reason
	<p>Given this contingency, we utilize the reasonable rates established by Resolution ALJ-393 based on Tyson Siegele’s experience for work in this proceeding. UCAN requested a rate of \$345 for 2024 for Tyson Siegele. Given the 2024 rate range for Expert - Not Otherwise Classified (\$253.40 - \$390.78), we find the 2024 hourly rate of \$345 to be reasonable and we adopt it here.</p> <p>The award determined herein for the consultant’s contribution in this proceeding shall be paid in full to the consultant, and no portion of this part of the award shall be kept by the intervenor. Additionally, the rates approved here are specific to work in this proceeding and the contract terms between the consultant and intervenor, as they are established in accordance with the Commission’s policy on consultant compensation, and the understanding that the consultant has not billed or collected full compensation for the work performed until the final award is given.</p> <p>We reiterate that it is the responsibility of the intervenor to be forthcoming about engaging consultants and <i>the terms of the contract</i>, to adhere to the Commission’s policy on compensation for consultant fees, and to provide the appropriate documentation with the <i>initial</i> claim to ensure efficient processing, and thus avoid the need for the Commission to request supplemental documentation. In this instance, UCAN did not provide all the documentation pertaining to the contract terms between UCAN and Tyson Siegele in the initial claim and waited until the Commission requested supplemental documentation which delays the processing of the claim.</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
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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. Utility Consumers' Action Network has made a substantial contribution to D.24-09-034 and D.23-12-003.
2. The requested hourly rates for Utility Consumers' Action Network'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 \$54,331.83.

CONCLUSION OF LAW

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

ORDER

1. Utility Consumers' Action Network is awarded \$54,331.83.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company, and Southwest Gas Corporation shall pay Utility Consumers' Action Network their respective shares of the award, based on their California-jurisdictional gas revenues for the 2023 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data are unavailable, the most recent 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 February 15, 2025, the 75th day after the filing of Utility Consumers' Action Network'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 _____, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D2312003, D2409034		
Proceeding(s):	R2001007		
Author:	ALJ Purchia and ALJ Van Dyken		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company, and Southwest Gas Corporation		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Utility Consumers' Action Network	December 2, 2024	\$83,647.00 ¹	\$54,331.83	N/A	See Part III D. CPUC Comments, Disallowances, and Adjustments.

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Jason	Zeller	Attorney	\$725.00	2022	\$715
Jason	Zeller	Attorney	\$745.00	2023	\$745
Jason	Zeller	Attorney	\$770.00	2024	\$770
Edward	Lopez	Attorney	\$495.00	2024	\$475
Tyson	Siegele	Expert	\$345.00	2024	\$345
Courtney	Cook-Sloan	Paralegal	\$215.00	2024	\$215

(END OF APPENDIX)

¹ Arithmetic error from miscalculating Mr. Zeller and Mr. Lopez's totals. Corrected total: \$83,750.13. (See footnotes 4-6.)