



**FILED**

05/09/25

GAVIN NEWSOM, Governor

01:17 PM

STATE OF CALIFORNIA

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**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

A2009019

May 9, 2025

**Agenda ID #23495**  
**Ratesetting**

TO PARTIES OF RECORD IN APPLICATION 20-09-019:

This is the proposed decision of Administrative Law Judge Amin Nojan. 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 **6/12/2025** 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](mailto:icompcoordinator@cpuc.ca.gov).

/s/ MICHELLE COOKE

Michelle Cooke

Chief Administrative Law Judge

MLC: smt

Attachment

Decision **PROPOSED DECISION OF ALJ NOJAN** (Mailed 5/9/2025)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company (U39M) for recovery of recorded expenditures related to wildfire mitigation and catastrophic events, as well as other recorded costs.

Application 20-09-019  
(Filed September 30, 2020)

**DECISION GRANTING COMPENSATION TO WILD TREE FOUNDATION FOR  
SUBSTANTIAL CONTRIBUTION TO DECISION (D.) 23-02-017**

<b>Intervenor:</b> Wild Tree Foundation	<b>For contribution to Decision (D.)</b> 23-02-017
<b>Claimed:</b> \$85,970.75 <sup>1</sup>	<b>Awarded:</b> \$30,357.75
<b>Assigned Commissioner:</b> Alice Reynolds	<b>Assigned ALJ:</b> Amin Nojan

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	D.23-02-017 (“Decision”) approves a contested Settlement Agreement that resolves Application (A.) 20-09-019 permitting Pacific Gas & Electric Company (PG&E) to recover in total revenue requirement \$1,037,899,000 for its operational and capital expenditures associated with recorded amounts in its (1) the Fire Hazard Prevention Memorandum Account, (2) the Fire Risk Mitigation Memorandum Account, (3) the Wildfire Mitigation Plan Memorandum Account, (4) the Catastrophic Events Memorandum Account (CEMA), (5) the Land Conservation Plan Implementation Account, and (6) the Residential Rate Reform Memorandum Account.
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<sup>1</sup> Wild Tree Foundation listed an incorrect total. The correct total is \$86,334.75, please refer to page 12, footnotes 4 - 7.

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

	Intervenor	CPUC Verification
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	12/4/2020	Verified
2. Other specified date for NOI:	n/a	
3. Date NOI filed:	1/4/2020	January 4, 2021
4. Was the NOI timely filed?		Yes
<b>Showing of eligible customer status (§ 1802(b)) or eligible local government entity status (§§ 1802(d), 1802.4):</b>		
5. Based on ALJ ruling issued in proceeding number:	A.20-02-003	Not verified. No ruling in A.20-02-003 was issued on Wild Tree's NOI.
6. Date of ALJ ruling:	3/20/2023	Not verified. No ruling in A.20-02-003 was issued on March 20, 2023.
7. Based on another CPUC determination (specify):	n/a	D.20-06-051, issued June 29, 2020, found Wild Tree eligible as a customer pursuant to §1802(b)(1)(C). <i>See</i> D.20-06-051 at 2-3. That finding applies to Wild Tree's eligibility in this proceeding pursuant to §1804(b)(1).
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
<b>Showing of "significant financial hardship" (§1802(h) or §1803.1(b)):</b>		
9. Based on ALJ ruling issued in proceeding number:	A.20-02-003	Not verified. No ruling in A.20-02-003 was issued on Wild Tree's NOI.
10. Date of ALJ ruling:	3/20/2023	Not verified. No ruling on March 20, 2023 was issued in A.20-02-003

<sup>2</sup> All statutory references are to California Public Utilities Code unless indicated otherwise.

	<b>Intervenor</b>	<b>CPUC Verification</b>
11. Based on another CPUC determination (specify):	n/a	D.20-06-051, issued June 29, 2020, found that Wild Tree demonstrated significant financial hardship. <i>See</i> D.20-06-051 at 3-4. That finding applies to Wild Tree’s eligibility in this proceeding pursuant to §1804(b)(1).
12. Has the Intervenor demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.22-02-017	D.23-02-017
14. Date of issuance of Final Order or Decision:	2/8/2023	Verified
15. File date of compensation request:	4/7/2023	Verified
16. Was the request for compensation timely?		Yes

**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):**

<b>Intervenor’s Claimed Contribution(s)</b>	<b>Specific References to Intervenor’s Claimed Contribution(s)</b>	<b>CPUC Discussion</b>
<p>1. Proposed Settlement Opposition</p> <p>Wild Tree Foundation (“Wild Tree”) argued in its Comments in Opposition to Proposed Settlement that approval of the proposed settlement would not be reasonable. Wild Tree argued that the proposed settlement failed to meet process requirements for approval of an opposed settlement and provided examples of how the proposed settlement would not address Wild Tree’s concerns with individual components of the application (Comments at pp. 3-7, 35-41; Comments at pp. 8-34.)</p> <p>The Proposed Decision of ALJ Nojan (“PD”) quotes Wild Tree’s position regarding reasonableness of the proposed settlement and failure of settling parties to</p>	<p>Wild Tree Foundation Comments in Opposition to Settlement.</p> <p>Proposed Decision of ALJ Nojan (“PD”) at pp. 10-16, FoF 7.</p> <p>Decision at pp. 14-15.</p>	<p>Noted.</p> <p>However, Wild Tree’s written opposition to the settlement essentially reiterates the arguments made in its Opening Brief, which addressed three substantive issues, each of which is separately identified as a substantial contribution below. See Part III. D[1].</p> <p>Turning to the question of whether</p>

<p>demonstrate reasonableness of proposed reductions. (PD at p. 12.)</p> <p>The PD adopted Wild Tree’s position that the settlement agreement was not reasonable and should not be approved, finding, “based on the concerns raised by the Objecting Parties, we do not find that the Settlement Agreement is reasonable in light of the whole record, nor does it balance the positions of the various parties.” (PD at p. 15.)</p> <p>The Decision includes a description of Wild Tree’s opposition to the proposed settlement (Decision at pp. 14-15) but the settlement was adopted in the Decision.</p> <p>Wild Tree believes its work on this issue furthered the Commission’s analysis on this issue, and the PD, although not the alternate and final decision which was adopted, would have accepted Wild Tree’s position on this issue. Wild Tree has thus made a substantial contribution to the issue of settlement approval.</p>		<p>opposing the settlement contributed to the Decision, we observe that the Decision notes Wild Tree’s opposition but does not discuss it. <i>See</i> Decision at 14-15. Instead, the Decision addresses the specific substantive issues addressed below. It is therefore not clear that Wild Tree’s participation – if any – in the settlement discussions had any material effect on the Decision. Wild Tree has failed to explain how its opposition to the settlement assisted the Commission in decision making. Item 1 is a not a compensable contribution.</p>
<p>2. Winter 2019 Public Safety Power Shutoffs</p> <p>Wild Tree argued that PG&amp;E was ineligible for cost recovery for Winter 2019 Public Safety Power Shutoffs (PSPS) because PG&amp;E had previously been found by the Commission to have failed to protect public safety and to have committed other violations of other state laws when it proactively shut off power during the Winter 2019 PSPS events.</p> <p>Wild Tree’s position that ratepayer recovery for the Winter 2019 PSPS events would be unreasonable and unjust is discussed in the PD and the Decision but its position that PG&amp;E should not be awarded any cost recovery for the Winter</p>	<p>Wild Tree Foundation Opening Brief at pp. 5-25.</p> <p>PD at p. 50 – 54.</p> <p>Decision at pp. 19-20</p>	<p>Noted. The PD disagreed with Wild Tree’s recommendation to disallow cost recovery for all PSPS events in October as overly broad. <i>See</i> PD at 53. The Decision acknowledges PG&amp;E’s deficiencies in implementing PSPS, but notes actions taken in other proceedings before concluding that the Settlement Agreement’s overall 19% reduction in costs reasonably</p>

<p>2019 PSPS events was not adopted by the Commission.</p> <p>Although the Commission did not adopt Wild Tree’s position on this issue, Wild Tree’s position was represented in the PD and the Decision and Wild Tree believes that its participation ensured a thorough analysis on this issue and assisted in providing for a complete record on this issue. Wild Tree has thus made a substantial contribution to the issue of Winter 2019 PSPS costs.</p>		<p>accounts for managerial decisions made during the 2019 PSPS events. <i>See</i> Decision at 19. Because the Decision is responsive to some of Wild Tree’s concerns, Item 2 is a partially compensable contribution. <i>See</i> Part III.D [2, 3].</p>
<p>3. CEMA costs for Glen Cove, Bethel Island, and Camino Fires</p> <p>Wild Tree was the only party to argue that PG&amp;E was ineligible for cost recovery associated with Glen Cove, Bethel Island, and Camino Fires because the fires did not meet the requirements for such recovery pursuant to CEMA statutes and Commission precedent.</p> <p>Wild Tree’s argument that recovery would not be reasonable pursuant to the requirements of the Public Utilities Code or Commission precedent was adopted in the PD. The Decision does not specifically address this issue but awarded costs for the Fires as part of settlement approval.</p> <p>Wild Tree believes its work on this issue furthered the Commission’s analysis on this issue, and the PD, although not the alternate and final decision which was adopted, would have accepted Wild Tree’s position on this issue. Wild Tree has thus made a substantial contribution to the issue of CEMA cost recovery for Glen Cove, Bethel Island, and Camino Fires.</p>	<p>Wild Tree Opening Brief at pp. 26-33. PD at pp. 70-71.</p>	<p>Noted. The PD agreed with Wild Tree that it is not clear that the Governor’s October 27, 2019 Proclamation covered the three fires. <i>See</i> PD at 72.</p> <p>However, the Decision found Wild Tree’s recommendations regarding various CEMA events unconvincing. <i>See</i> Decision at 19. Because the Decision responds to CEMA issues discussed in the PD, it is responsive to some of Wild Tree’s concerns, and Item 3 is a partially compensable contribution. <i>See</i> Part III.D [2, 3].</p>
<p>4. CEMA costs for weather events – 2019 January and February Storms, October 2019 Wind Event</p>	<p>Wild Tree Foundation Opening Brief at pp. 26-29. PD at pp. 70-71.</p>	<p>Wild Tree argued that costs related to the January and February storms of</p>

<p>Wild Tree argued that PG&amp;E was ineligible for cost recovery associated with 2019 January and February Storms and October 2019 because these weather events did not meet the requirements for such recovery pursuant to CEMA statutes and Commission precedent.</p> <p>Wild Tree’s position that ratepayer recovery for the weather events would be unreasonable is discussed in the PD and described in the Decision but its position that PG&amp;E should not be awarded any cost recovery for the events was not adopted in the PD or the Decision.</p> <p>Although the Commission did not adopt Wild Tree’s position on this issue, Wild Tree’s position was represented in the PD and the Decision and Wild Tree believes that its participation ensured a thorough analysis on this issue and assisted in providing for a complete record on this issue. Wild Tree has thus made a substantial contribution to the issue of CEMA costs for weather events.</p>		<p>2019 are not eligible for CEMA recovery. This position was explicitly rejected in the PD: “[w]e do not find Wild Tree’s argument for disallowance of costs related to the January and February Storms to be persuasive.” See PD at 70. The specific issue is not discussed in the Decision. Wild Tree has failed to explain how its arguments on this issue assisted the Commission in decision making. Item 4 is not a compensable contribution. See Part III.D [2 ,3].</p>
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**B. Duplication of Effort (§ 1801.3(f) and § 1802.5):**

	<b>Intervenor’s Assertion</b>	<b>CPUC Discussion</b>
<b>a. Was the Public Advocates Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?</b>	Yes	Verified
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes	Verified
<b>c. If so, provide name of other parties:</b> TURN, Del Monte		Noted
<p><b>d. Intervenor’s claim of non-duplication:</b></p> <p>While TURN and Del Monte shared the general positions with Wild Tree that not all costs should be awarded and the settlement agreement should not be approved, the intervenors focused on different issues and provided differing recommendations for reductions and thus commonly held positions were not duplicated so as to dilute the contributions of any of the parties in opposition to the application and proposed settlement.</p> <p>Wild Tree took care to not repeat arguments that were the focus of other</p>		<p>Verified. Mr. Del Monte’s efforts focused on the Tubbs fire, which Wild Tree did not address.</p> <p>TURN’s recommendations were based on</p>

<p>parties’ advocacy, instead addressing a limited set of issues – costs for PSPS events and costs for some events claimed under CEMA – while indicating support for arguments advanced by other intervenors. At the same time, Wild Tree advanced arguments that made a substantial contribution to the decision that were not substantially addressed by other parties such as CEMA recovery for weather events and fires. Ultimately, Wild Tree’s work was complementary, and not overly duplicative of other parties. The diversity of intervenor recommendations and proposals provided for a robust record and did not result in a duplication of efforts. This is demonstrated, for example, by the PD’s reliance upon Wild Tree, TURN, and Del Monte’s arguments against the approval of the settlement.</p>	<p>analyses of specific actions that PG&amp;E did or did not take, whereas Wild Tree’s efforts consisted largely of summarizing CPUC decisions and reports criticizing PG&amp;E’s past performance.</p>
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**C. Additional Comments on Part II:**

#	Intervenor’s Comment	CPUC Discussion
<p>1-4</p>	<p><i>Contribution to Proposed Decision</i>                      Wild Tree’s substantial contribution to D.22-12-013 is supported by contributions it made to the ALJ’s proposed decision. “The Commission has repeatedly held that an intervenor’s contribution to a final decision may be supported by contributions to a proposed decision, even where the Commission’s final decision does not adopt the proposed decision’s position on a particular issue.” )D.04-12-002 at p. 5 citing D.92-08-030, mimeo. at 4; D.96-08-023, mimeo. at 4; D.96-09-024, mimeo. at 19; D.99-11-006 at pp. 9-10; D.01-06-063 at pp. 6-7.)                      For example, in D.11-05-044, the Commission awarded TURN \$143,800 out of \$147,600 requested for TURN’s work even though the underlying decision, unlike the proposed decision, had approved the proposed utility program over TURN’s objections. For a variety of issues, the Commission concluded that compensation should be granted based upon contributions to the PD, based upon findings such as “TURN’s participation ensured a thorough analysis on this issue, and their position was reflected in the PD, though not the alternate PD, which was the final decision that was adopted.” (D.11-05-044 at p. 5.)</p>	<p>See discussion below on partial contribution.</p>
	<p><i>Partial Contributions</i>                      Pub. Util. Code § 1802 defines substantial contribution, for the purposes of intervenor compensation awards, to include partial contributions: “‘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. Where the customer’s participation has resulted in a substantial contribution, even if the decision adopts that customer’s contention or recommendations only in part, the commission</p>	<p>The CPUC recognizes that a party can make a substantial contribution to a Decision even when a Decision rejects that party’s recommendations. In that situation, the burden is on the party claiming a</p>



#	Intervenor’s Comment	CPUC Discussion
	<p>may award the customer compensation for all reasonable advocate's fees, reasonable expert fees, and other reasonable costs incurred by the customer in preparing or presenting that contention or recommendation.”</p> <p>The Commission has interpreted “in part” to include granting intervenor compensation to a party that made a substantial contribution in a multi-issue proceeding although the party did not prevail on some of the issues (See D.98-04-028; D.98-08-016; D.00-02-008) or even all issues (See D.20-11-010). “The Commission has provided compensation even when the position advanced by the intervenor is rejected. (D.89-03-96 (awarding San Luis Obispo Mothers For Peace and Rochelle Becker compensation in Diablo Canyon Rate Case because their arguments, while ultimately unsuccessful, forced the utility to thoroughly document the safety issues involved).” (D.02-03-035 at p. 3 (Where the Commission granted TURN its intervenor compensation request in full following the withdrawn of the application in response to subsequent legislation.))</p> <p>The Commission has recognized that it “may benefit from an intervenor’s participation even where the Commission did not adopt any of the intervenor’s positions or recommendations.” (D.08-04-004 at p. 5-6, see also</p> <p>D.09-04-027 (Commission awarded intervenor compensation to TURN even on issues where TURN did not prevail, as TURN’s efforts “contributed to the inclusion of these issues in the Commission’s deliberation” and caused the Commission to “add more discussion on the issue, in part to address TURN’s comments.”))</p> <p>In this proceeding, the Proposed Decision adopted findings and conclusions consistent with Wild Tree’s position regarding settlement approval and CEMA cost recovery for fires. Even though the Commission rejected other policy recommendations and legal contentions put forth by Wild Tree, Wild Tree’s participation was the basis for discussion in the Proposed Decision and Decision on critical issues and thus Wild Tree “substantially assisted the commission in the making of its order or decision” (Pub. Util. Code § 1802(h)) by contributing to the inclusion of these issues in the Commission’s deliberation. (D.09-04-027.)</p> <p>Pursuant to Commission precedent, Wild Tree should be granted compensation for all of Wild Tree’s time and expenses in this proceeding for its substantial contribution to the proceeding.</p>	<p>substantial contribution to explain how the additional evidence or argument it presents assists the Commission in the decision-making process, thereby benefiting the Decision.</p> <p>The party should demonstrate how the effort affected the Commission’s expectations going forward or assisted the Commission in its analysis of the issues. Where this Decision simply rejected Wild Tree’s position, Wild Tree did not make a substantial contribution. In other instances, the Decision indicates that although it rejected Wild Tree’s position, Wild Tree’s participation assisted in the Commission’s analyses of the issues addressed. In those cases, Wild Tree’s contribution are compensable.</p>

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

	CPUC Discussion
<b>a. Intervenor’s claim of cost reasonableness:</b>	As noted above, Wild

<p>Wild Tree’s costs are reasonable in light of the amount of time, resources, and effort Wild Tree put into the proceeding as a party. Wild Tree requests a total intervenor compensation claim of \$85,970.75. This is reasonable for the scale of the proceeding given the number and complexity of issues presented. Due to the multi-faceted nature of this proceeding, a typical law firm would have expended significantly more resources at higher cost than that spent by Wild Tree.</p>	<p>Tree made a partially compensable contribution to the Decision in several areas. The reasonableness of the hours claimed is addressed below.</p>
<p><b>b. Reasonableness of hours claimed:</b></p> <p>Wild Tree spent a reasonable and prudent amount of time on this matter, working diligently addressing highly complex and complicated issue in an efficient and expedient manner. A single in-house attorney, who is also Wild Tree Foundation’s Legal Director, experienced in practice before the Commission, drafted all filings for Wild Tree thereby leveraging many years of experience and expertise while limiting its attorney costs.</p> <p>Wild Tree limited its participation to addressing a limited set of legal and policy issues, thereby limiting attorney and expert time. Wild Tree reached an agreement with applicants and adverse intervenors to jointly waive cross examination in hearing thereby significantly reducing attorney and expert costs related to hearing preparation and cross examination. To the extent possible, Wild Tree coordinated with other intervenors on procedural and substantive matters thereby increasing efficiency and expediency of its participation.</p>	<p>The hours claimed for Opposition to Settlement are not compensable. See discussion in Part II.A. above. <i>See</i> Part III.D [1].</p> <p>The hours claimed for PSPS are reduced by 50% to account for the fact that the PD was not convinced and disagreed with Wild Tree’s recommendation to disallow cost recovery for all PSPS events in October as overly broad. <i>See</i> Part III.D [2,3].</p> <p>The hours claimed for CEMA are reduced by 75% because Wild Tree’s position regarding CEMA cost recovery related to the January and February storms of 2019 – one of the two CEMA issues it raised – was explicitly rejected in the PD and is only discussed in passing in the final Decision. <i>See</i> Part III.D [2,3].</p> <p>With these adjustments, the remaining hours claimed are</p>

			reasonable.
<b>c. Allocation of hours by issue:</b>			Noted, allocated hours total 100%.
<b>Issue Code</b>	<b>Description</b>	<b>% of total time</b>	
OS	Opposing Settlement	28%	
PS	PSPS	40%	
CE	CEMA	22%	
CO	Coordination with other parties	4%	
GE	General – preparation and strategy, hearings, discovery	6%	

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
April Maurath Sommer	2020	19.39 <sup>3</sup>	\$400	D.22-08-014	\$7,756 <sup>4</sup>	9.31 [3]	\$400.00	\$3,724.00
April Maurath Sommer	2021	126.15	\$525	D.22-08-014	\$66,228.75	45.35 [2]	\$525.00	\$23,808.75
April Maurath Sommer	2022	14.56	\$600	See Comment 1	\$8,736	0.00 [1]	\$540.00 [4]	\$0.00
<b>Subtotal: \$82,720.75<sup>5</sup></b>						<b>Subtotal: \$27,532.75</b>		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
April Maurath Sommer	2023	10	\$325	See comment 1 (½)2023 rate of \$655, rounded to nearest \$5 increment	\$3,250	10.00	\$282.50 [4]	\$2,825.00
<b>Subtotal: \$3,250</b>						<b>Subtotal: \$2,825.00</b>		
<b>TOTAL REQUEST: \$85,970.75<sup>6</sup></b>						<b>TOTAL AWARD: \$30,357.75</b>		

\*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

<sup>3</sup> Timesheets submitted by Wild Tree Foundation indicate Sommer dedicated 20.30 hours in 2020.

<sup>4</sup> The corrected total is \$8,120.00 for 2020.

<sup>5</sup> The corrected subtotal is \$83,084.75.

<sup>6</sup> The corrected total request is \$86,334.75.

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.  
 \*\*Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer’s normal hourly rate

<b>ATTORNEY INFORMATION</b>			
<b>Attorney</b>	<b>Date Admitted to CA BAR<sup>7</sup></b>	<b>Member Number</b>	<b>Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation</b>
April Maurath Sommer	2008	257967	No

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

<b>Attachment or Comment #</b>	<b>Description/Comment</b>
Comment 1	<p>Fair Market Rate 2022 and 2023 for Attorney April Maurath Sommer</p> <p>As demonstrated by the resume attached to this claim, in 2022 and 2023 Maurath Sommer had 14 and 15 years of experience respectively as an attorney, all of them specifically in work either before the Commission or directly relevant to work at the Commission in environmental, regulatory, and energy law. Maurath Sommer is not only exceptionally qualified as an attorney practicing before the Commission, but also has additional experience and responsibility as a legal director of two organizations with significant experience as intervenors before the Commission.</p> <p>Resolution ALJ-393’s hourly rate chart states, for the attorney role, “higher experience levels should have experience with areas of law and procedures relevant to CPUC matters, such as environmental law or utility regulation.” All of Maurath Sommer’s 15 years’ experience meets this requirement and, in addition, 10 years of her experience has been in practice before the Commission, and 8 years of her experience as an attorney has also been as a legal director.</p> <p>Pursuant to Resolution ALJ-393’s hourly rate chart, Maurath Sommer’s 2022 rate should be calculated based on the 2022 Attorney IV (10-15 years) range \$398.27 - \$635.75. Based upon Maurath Sommer’s 14 years’ experience as an attorney, Maurath Sommer’s 2022 fair market rate as an attorney should be at the upper end of the Attorney IV (10-15 years) range of no less than \$600.</p> <p>Pursuant to Resolution ALJ-393’s hourly rate chart, Maurath Sommer’s 2023 rate should be calculated based on the 2023 Attorney IV (10-15 years) range \$421.18 - \$658.66. Based upon Maurath Sommer’s 15 years’ experience as an attorney, Maurath Sommer’s fair market rate as an attorney should be at the top of the Attorney IV (10-15 years) range of \$658.66, rounded to nearest \$5 increment of \$655.</p>

<sup>7</sup> This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

Attachment 1	Certificate of Service
Attachment 2	Timesheets of April Maurath Sommer
Attachment 3	Bio and Resume of April Maurath Sommer

#### D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] Sommer 2022 Disallowances	<p><b>Sommer’s 2022 claimed hours are reduced by 14.56 hours for the activities below:</b></p> <p><u>Lack of Substantial Contribution (14.56 hours):</u></p> <ul style="list-style-type: none"> <li>• <b>Settlement:</b> As noted above in Part II.A.1, Wild Tree’s written opposition to the settlement was largely a reiteration of its positions on substantive issues (some of which are compensable contributions). Moreover, its Opposition to Proposed Settlement is very similar to its Opening Brief and significant portions of both documents consist of direct quotations from other CPUC decisions and reports addressing PG&amp;E’s past performance. Because we find that Wild Tree’s contribution associated with opposing the settlement is not compensable, we need not address the reasonableness of hours claimed for this issue. All hours for 2022 are allocated to this issue and they are therefore reduced by 14.56 to 0.00. There were no hours allocated to any other substantive issue in 2022.</li> </ul>
[2] Sommer 2021 Disallowances	<p><b>Sommer’s 2021 claimed hours are reduced by 80.80 hours for the activities below:</b></p> <p><u>Lack of Substantial Contribution (78.55 hours):</u></p> <ul style="list-style-type: none"> <li>• <b>Settlement (27.88 hours):</b> All hours for Opposition to Proposed Settlement are disallowed, for the reasons discussed previously in this decision, resulting in a reduction of 27.88 hours.</li> <li>• <b>PSPS (28.03 hours):</b> As discussed above in Part II.A.2, we note that the Decision disagreed with the Wild Tree’s recommendation to disallow cost recovery for all PSPS events in October as overly broad. However, the Decision briefly addresses PG&amp;E’s deficiencies in implementing PSPS, and Wild Tree shall be compensated for 50% of its hours on this issue. This results in a reduction of 28.03 hours.</li> <li>• <b>CEMA (22.64 hours):</b> In Part II.A.3 above, Wild Tree separated out two issues related to CEMA recovery: the applicability of the Governor’s October 27, 2019 Proclamation to three fires, and the availability of recovery for costs related to the January and February storms of 2019. However, these issues were combined in the timesheet and in III.A.c. above. The final Decision minimally mentioned Wild Tree’s contributions on CEMA issues and rejected them out of hand as “unconvincing.” Wild Tree’s contribution on CEMA issues can only be considered as marginal to the Commission’s decision-making, and as a result Wild Tree shall be compensated for 25% of its hours for CEMA recovery issues, resulting in a reduction of 22.64 hours.</li> </ul>

Item	Reason
	<p><u>Vagueness (1.24 hours):</u>                      The below time entries are vague and do not clearly state their purpose. It is unclear how these efforts contributed to the decision-making process. Therefore, we disallow the following tasks.</p> <ul style="list-style-type: none"> <li>• 6/2/21 – “Call with all parties”</li> <li>• 5/10/21 – “Meet and confer with all parties”</li> </ul> <p><u>Multiple Tasks Included in Single Time Entry (0.42 hours):</u>                      Sommer inappropriately combined multiple tasks in the same time entry. Pursuant to Rule 17.4, each time record shall identify the specific task performed. The hours below are reduced by 50% for failure to comply with program guidelines.</p> <ul style="list-style-type: none"> <li>• 10/20/21 – “Reviewing and editing joint table draft, emailing”</li> <li>• 10/15/21 – “Reviewing draft joint table and emailing parties”</li> </ul> <p><u>Administrative/Clerical Tasks (0.59 hours)</u>                      The Commission does not compensate attorneys for their time spent on clerical and administrative tasks. See D.98-11-049 and D.08-09-034. We disallow the following tasks.</p> <ul style="list-style-type: none"> <li>• 10/7/21 – “Emails with intervenors regarding schedule”</li> <li>• 7/30/21 – “Reviewing motion to vacate briefing schedule”</li> </ul>
<p>[3] Sommer 2020 Disallowances</p>	<p><b>Sommer’s 2020 claimed hours are reduced by 10.99 hours for the activities below:</b></p> <p><u>Lack of Substantial Contribution (10.99 hours):</u></p> <ul style="list-style-type: none"> <li>• PSPS (6.08 hours):                      As discussed above in Part II.A, Wild Tree shall be compensated for 50% of its hours on this issue. This results in a reduction of 6.08 hours in 2020.</li> <li>• CEMA (4.91 hours):                      For the reasons discussed previously in Part II.A, Wild Tree shall be compensated for 25% of its hours for CEMA recovery issues, resulting in a reduction of 4.91 hours in 2020.</li> </ul>
<p>[4] Sommer 2022 Hourly &amp; 2023 Intervenor Compensation Claim Preparation Rate</p>	<p>D.24-03-062 established a 2022 hourly rate of \$540.00 for Sommer.</p> <p>D.24-03-062 established a 2023 hourly rate of \$565.00 for Sommer. We take half the established 2023 hourly rate of \$565.00 to establish a 2023 intervenor compensation claim preparation rate of \$282.50 for Sommer.</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))**

<p><b>A. Opposition: Did any party oppose the Claim?</b></p>	<p>No</p>
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<b>B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?</b>	No
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If not:

<b>Party</b>	<b>Comment</b>	<b>CPUC Discussion</b>

**FINDINGS OF FACT**

1. Wild Tree Foundation has made a substantial contribution to D.23-02-017.<sup>8</sup>
2. The requested hourly rates for Wild Tree 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 \$30,357.75.

**CONCLUSION OF LAW**

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

**ORDER**

1. Wild Tree Foundation is awarded \$30,357.75.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay Wild Tree 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 June 21, 2023, the 75<sup>th</sup> day after the filing of Wild Tree Foundation’s request, and continuing until full payment is made.
3. The comment period for today’s decision is not waived.

This decision is effective today.

Dated \_\_\_\_\_, at Sacramento, California.

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<sup>8</sup> Wild Tree Foundation referenced D.22-12-013 which was issued A.21-12-002. We correct the decision number to D.23-02-017.

## APPENDIX

## Compensation Decision Summary Information

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D2302017 <sup>9</sup>		
<b>Proceeding(s):</b>	A2009019		
<b>Author:</b>	ALJ Amin Nojan		
<b>Payer(s):</b>	Pacific Gas and Electric Company		

## Intervenor Information

<b>Intervenor</b>	<b>Date Claim Filed</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
Wild Tree Foundation	4/7/2023	\$85,970.75 <sup>1</sup>	\$30,357.75	N/A	See Part III.D CPUC Comments, Disallowances, and Adjustments.

## Hourly Fee Information

<b>First Name</b>	<b>Last Name</b>	<b>Attorney, Expert, or Advocate</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
April	Maurath Sommer	Attorney	\$400	2020	\$400.00
April	Maurath Sommer	Attorney <sup>10</sup>	\$525	2021	\$525.00
April	Maurath Sommer	Attorney <sup>10</sup>	\$600	2022	\$540.00
April	Maurath Sommer	Attorney <sup>10</sup>	\$655	2023	\$565.00

(END OF APPENDIX)

<sup>9</sup> Wild Tree Foundation referenced D.22-12-013 which was issued A.21-12-002. We correct the decision number to D.23-02-017.

<sup>10</sup> Sommer is classified as a Legal Director Level II from 2021 - 2023.