



STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

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July 8, 2025

Agenda ID #23617
Ratesetting

TO PARTIES OF RECORD IN RULEMAKING 20-08-020:

This is the proposed decision of Administrative Law Judge Jack Chang. 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 August 14, 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/ AVA TRAN for
Michelle Cooke
Chief Administrative Law Judge

MLC:jnf
Attachment

Decision **PROPOSED DECISION OF ALJ CHANG** (Mailed 7/8/2025)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Revisit Net Energy Metering Tariffs Pursuant to Decision 16-01-044, and to Address Other Issues Related to Net Energy Metering.

Rulemaking 20-08-020

**DECISION GRANTING COMPENSATION TO
SMALL BUSINESS UTILITY ADVOCATES FOR
SUBSTANTIAL CONTRIBUTION TO DECISION 22-12-056**

Intervenor: Small Business Utility Advocates (SBUA)	For contribution to Decision (D.) 22-12-056
Claimed: \$407,242.75 ¹	Awarded: \$257,537.00
Assigned Commissioner: Alice Reynolds	Assigned ALJ: Jack Chang ²

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	Decision 22-12-056 “adopts a successor to the net energy metering tariff that addresses the guiding principles adopted in Decision 21-02-011 as well as the requirements of the Public Utilities Code.” (Decision at 2.)
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¹ Total request is incorrect, corrected total request is \$406,927.20. *See* footnotes 4 through 9.

² Rulemaking 20-08-020 was reassigned from ALJ Kelly A Hymes to ALJ Jack Chang on December 3, 2024.

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:³

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	Nov. 2, 2020	Verified
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	Nov. 30, 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.20-08-020	Verified
6. Date of ALJ ruling:	Dec. 23, 2020	Verified
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.20-08-020	Verified
10. Date of ALJ ruling:	Dec. 23, 2020	Verified
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes

³ All statutory references are to California Public Utilities Code unless indicated otherwise.

	Intervenor	CPUC Verification
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.22-12-056	Verified
14. Date of issuance of Final Order or Decision:	Dec. 19, 2022	Verified
15. File date of compensation request:	Feb. 17, 2023 (supplemented Feb. 27, 2023 to including missing timesheets and correct calculation errors)	The original intervenor compensation claim was filed 2/17/23, amended once on 2/27/23 and amended again on 1/3/24.
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):

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p><u>1. Methodology for Assessing Cost Effectiveness</u></p> <p>A. SBUA's record supported the use of TRC test as the central test of cost-effectiveness for NEM 3.0, supplemented by other tests.</p> <p>SBUA argued that "the Commission should select a Net Energy Metering ("NEM") successor tariff that is likely to lead to the majority of NEM systems having a total resource cost (TRC) score of 1.0 or greater[.]" (SBUA Rebuttal Testimony at 3 (July 16, 2021); <i>see also</i>, at 4-8 (emphasizing that TRC</p>	<p>"SBUA concurs with this approach and notes that relying primarily on the TRC test is supported by Public Utilities Code Section 2827.1, which requires the tariff to ensure that total benefits of the tariff to all customers and the electrical system are approximately equal to the total costs." (Decision at 62-63); <i>see also</i>, at 34 (reference to SBUA comments "recommending" an "emphasis on the TRC.".)</p> <p>California Public Advocates (Cal Advocates) argued for "the RIM test as the primary test[;]" Natural Resources Defense Council ("NRDC") took a similar position.</p>	Noted

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<p>scores improve with incentivized adoption of paired-storage.) SBUA recommended that once a program obtains a TRC score of 1.0 or greater, "the Commission should evaluate impacts on non-participants using the first-year cost shift and RIM test results." (SBUA Direct Testimony at 16 (June 18, 2021); <i>see also</i>, at 48.) SBUA agreed that other tests have value but "the RIM test only should be used to guide fine-tuning of rate design and <i>so long as the changes do not substantially decrease the TRC benefits.</i>" (SBUA Reply Brief at 2 (emphasis in original); <i>see also</i>, at 3-4 (arguing that RIM and PAC have supplemental value); SBUA Opening Comments on Proposed Decision at 7 (Jan. 7, 2022) ("SBUA Opening Comments on First PD") (accord).) SBUA argued against replacing the TRC test with the TIM test. (SBUA Opening Brief at 5 (Sept. 1, 2021); <i>see also</i>, SBUA Notice of Ex Parte Communication at 2 (Nov. 8, 2021) (importance of TRC scores).)</p>	<p>(<i>Id.</i> at 63, fn. 123 citing SBUA Opening Brief, SBU-01, SBU-08.) In contrast, and consistent with the Decision's outcome, "SBUA opposes primary reliance on the RIM test as a measure of cost-effectiveness for all customers, as it 'accounts only for certain effects on non-participants, ignoring the benefits to participants, the utility system as a whole, and the environment.'" (<i>Id.</i> at 63-64.)</p> <p>SBUA's commentary and advocacy contributed to the proceeding. "Parties have shown in this proceeding that each test has value and together the tests tell a complete story. Hence, as directed by D.19-05-019, the Commission reviewed and considered the results of the PAC and RIM tests, in addition to the TRC test, in the final tariff determinations in this decision." (<i>Id.</i> at 65.)</p>	
<p>B. SBUA provided significant analysis of the Lookback Study that contributed to a record supporting the Decision.</p> <p>While SBUA raised technical issues with applying the Lookback Study to small commercial customers (<i>see, e.g.</i>, SBUA Direct Testimony at 6-7), SBUA agreed that the Lookback Study's overall supplied valid and useful data. (<i>See, generally</i>, SBUA</p>	<p>SBUA filed opening and reply comments on the Lookback Study. (Decision at 10.) The Decision was supported by and consistent with SBUA's analysis of the Study. The Decision (at 43) concluded that "the Lookback Study should be used as a foundation to create a successor tariff that continues the elements that resulted in positive outcomes but corrects or replaces</p>	<p>Noted. Aside from SBUA's focus on non-residential customers, SBUA's comments on the lookback study were consistent with other parties' comments.</p>

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<p>Response to Verdant Study (Feb. 16, 2021).) SBUA recommended “that parties could use the Lookback Study model to provide a common framework for analyzing proposals when submitting testimony.” (SBUA NEM Proposal at 23 (March 15, 2021).) SBUA focused its analysis of the Lookback Study on negative outcomes for non-residential participants and storage-paired systems. In particular, the Study showed that commercial participants had longer payback periods and participated at low rates. (SBUA Prepared Testimony at 6-7.) The Lookback Study demonstrates the need for additional support for solar-plus-storage systems. (<i>Id.</i> at 8-9, 47).</p>	<p>the elements that resulted in negative outcomes.”</p>	
<p><u>2. Sustainable Market Growth and Rate Design</u></p> <p>A. The Decision framework aligns with SBUA’s emphasis on a gradual transition</p> <p>SBUA emphasized the need for a cautious transition period. (SBUA Rebuttal Testimony at 33.) Strong behind-the-meter (“BTM”) growth is needed to avoid the need to add large amounts of other, as-yet-undeveloped renewable sources. (<i>Id.</i> at 9-10, 14-15.) Any successor tariff should avoid sudden or drastic changes, such as those that were proposed by Joint Utilities and TURN. (SBUA Reply Brief at 1-2; <i>see also</i> SBUA Opening Comment</p>	<p>Joint Utilities opposed “gradualism” and “Cal Advocates, TURN, NRDC, CUE, CalWEA, and IEPA support a glide path in the form of a one-to-two-year interim rate, which the Commission finds too short to ensure sustainable growth of the industry[.]” (Decision at 87.) Compare with SBUA arguments that there is “need for incentives for continued maturation[.]” (<i>Id.</i> at 34.) Consistent with SBUA’s position, the Decision concluded that a successor tariff must include a gradual glide path. (<i>See, e.g., id.</i> at 85) and provided a multi-year stepped down transition for most residential customers, which are the primary drivers of the industry. (<i>Id.</i> at 154.)</p>	<p>Noted. It should be noted that SBUA’s position is duplicative of comments made by others including CalSSA. In fact, in SBUA’s reply brief, SBUA simply added its name to the arguments made by CalSSA without adding to CalSSA’s position.</p>

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<p>on First PD at 2.) Rather, the Commission must establish a glide path for a gradual shift. (SBUA Reply Brief at 4-5.) This will allow time for contractors, the industry and customers to adjust. (<i>Id.</i>; <i>see also</i> SBUA Opening Comments on NEM Reopening Question at 1 (June 10, 2022) (multi-year stepdown).)</p>		
<p>B. The Decision aligns with SBUA's focus on incentivizing solar paired with storage</p> <p>In its initial proposal, SBUA explained that SBUA's proposal is focused on shifting California's NEM program to a greater focus on storage, in order to anticipate declining costs of battery storage systems, as well as to emphasize NEM deployments in underserved markets. Optimizing the use of NEM-paired storage is consistent with the Commission's rate design and NEM principles and enhances the opportunity for NEM systems to drive down system costs and emissions. (SBUA NEM Proposal at 4; <i>see also</i>, at 14 (proposing rates that encourage storage).) SBUA Prepared Testimony at 13; SBUA Rebuttal Testimony at 3 (identifying storage as one of four key elements of proposal); <i>see also</i> SBUA Opening Brief at 1, 11; SBUA Reply Brief at 4-5; SBUA Opening Comments on First PD at 12 (arguing capacity-based grid charge</p>	<p>"SBUA proposes to shift the net energy metering tariff to focus on storage" (Decision at 34.) The Decision concluded that NEM 3.0 should facilitate transition from stand-alone solar to "the adoption of solar systems paired with storage." (<i>Id.</i> at 89; 97 (accord).) Recognizing the current high up-front cost of batteries, the Decision concluded that "it is and will continue to be Commission policy to encourage solar systems paired with storage, while considering the costs and benefits." (<i>Id.</i> at 99; <i>see also, id.</i>, at 215, Findings of Fact 87 ("[t]he addition of storage provides greater benefits to both the customer and the grid as compared to the benefits of a stand-alone solar system".))</p>	<p>Noted. SBUA's comments on the benefits of solar coupled with storage are similar to other parties' comments. Also, SBUA references its prepared testimony, but the reference cited addresses the resiliency benefits from energy storage rather than cost benefits.</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>dissuades storage); SBUA Notice of Ex Parte (March 3, 2022).)</p> <p>SBUA also argued that the Commission should allow grid charging of NEM paired storage systems, which was a reasonable proposal that the Commission considered but did not adopt. But SBUA's analysis and proposals on this contributed to the Commission's deliberations and enhanced the record of consideration in this case.</p>		
<p>C. SBUA argued for cost-based retail export rates that supports the Decision's adoption of ACC-based rates.</p> <p>SBUA's initial proposal recommended that "exports valued at full marginal costs as determined by the avoided cost calculator [(“ACC”)] or the utility's most recent rate case." (SBUA NEM Proposal at 1;at 11-12 (accord); <i>see also</i> SBUA Prepared Testimony at 4 (“net exports valued at full marginal costs as determined by the avoided cost calculator”).) “The payment of customers’ fair share of costs is an important element of a well-balanced NEM program.” (SBUA Opening Comments on First PD at 6.)</p>	<p>SBUA proposed “including all cost elements, to ensure exports are compensated commensurate with the time of delivery to the grid. SBUA supports the use of utility-specific marginal costs.” (Decision at 34.)</p> <p>“In the review of the proposals filed in this proceeding, this decision finds that no one proposal meets all the requirements of a successor tariff. . . . However, as previously determined in this decision, many elements recommended by the proposals are appropriate for a successor tariff and selecting these elements at an appropriate size or amount can help achieve a successful successor tariff.” (<i>Id.</i> at 137.) Retail export compensation is based on the ACC; “the retail export compensation rate is set at averaged monthly values for each hour, differentiated between weekday and weekend/holiday [.]” (<i>id.</i> at 141) “using averaged monthly values for retail export compensation rates also ensures</p>	<p>Noted</p>

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	the tariff is based on the generator's true costs and benefits to the grid, thus leading to equity among all ratepayers while maximizing the value of the generation to all customers and to the grid." (<i>Id.</i> at 142)	
<p>D. SBUA supported the ACC Plus approach adopted by the Decision</p> <p>"SBUA agree[d] with the intent of the MTC to provide a glide path" but recommended an alternative approach. (SBUA NEM Proposal at 25.) SBUA criticized the Market Transition Credit (MTC) as described in the first Proposed Decision released December 2021, in part because it would step down before the market would have time adapt. (SBUA Reply Comments on Proposed Decision at 2 (Jan. 14, 2022).) SBUA argued that the ACC Plus approach is superior to the MTC described in the first Proposed Decision. (SBUA Opening Comments on NEM Reopening Questions at 1-2.) SBUA requested that the small commercial customers also receive ACC Plus, which is valuable advocacy on behalf of these customers, but this was not adopted in the decision.</p>	<p>"Generally, parties were divided on which glide path approach the Commission should adopt." (Decision at 123.) SBUA and other parties supported the ACC Plus approach (<i>Id.</i> at 123) while others, including CALSSA, Sierra Club and SEIA, proposing a retail rate step-down (<i>Id.</i> at 124). Another group, including NRDC, Cal Advocates and TURN, supported the MTC approach described in the first Proposed Decision and, in "[r]epresenting the extreme opposite positions on this issue, Joint Utilities continue to contend that a glide path or transition credit is unnecessary for successor tariff customers[.]" (<i>Id.</i> at 124.)</p> <p>The first Proposed Decision (FOF No. 119) concluded that "the Market Transition Credit provides the best approach for a glide path for the successor tariff." In contrast, the final Decision (FOF No. 128-29) rejected the MTC in favor of ACC Plus. "This decision finds the ACC Plus to be superior to either the Market Transition Credit or the retail rate step-down approaches because of its direct</p>	<p>Noted. The Commission's recitation of the parties' arguments in the Decision does not constitute a substantial contribution to the proceeding. In the future, SBUA should refrain from citing general references to its claimed contributions column, unless these references demonstrate how SBUA made a contribution to the Commission's Decision.⁴</p>

⁴ See, for example, D.24-03-024 at 14.

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	linkage to the adopted retail export compensation value.” (Decision at 126.)	
<p>E. The Decision responded to the practical problems created by no netting raised by SBUA to enable economic forecasting under no-netting conditions</p> <p>From the outset, SBUA generally raised concerns that no netting (known originally as instantaneous netting) “Creates unreasonable challenges for solar installers and customers to obtain and analyze such data to forecast project economics” and “Does not provide any mechanism for customers to manage energy use instantaneously.” (SBUA Rebuttal Testimony at 21; <i>see also</i> SBUA Opening Brief at 14-15; SBUA Reply Brief at 5-6; SBUA Notice of Ex Parte (March 3, 2022); SBUA Opening Comments on First PD at 15-16.)</p>	<p>The Decision reports that SBUA argued against no netting, in part, because it “creates unreasonable challenges for solar installers and customers in terms of accessing and analyzing data to forecast project economics.” (Decision at 130; <i>see also</i>, at 34-35 (discussing SBUA’s position).) The Decision adopted no netting but responded to SBUA’s concerns. “This decision addresses two distinct concerns with the no netting approach. First, the Commission should ensure that a successor tariff customer’s bill is transparent. Second, the Commission should require that prospective customers receive accurate estimates of bill savings.” (<i>Id.</i> at 132.) The Decision directed the utilities, over their objections, to provide both channels of data in 15-minute intervals. (<i>Id.</i>) It also “finds an adjustment factor to be useful as a proxy for no netting. Joint Utilities are directed to propose adjustment factors through a Tier 3 advice letter to be submitted no later than 90 days from the adoption of this decision and to update those adjustment factors in a Tier 1 advice letter annually thereafter.” (<i>Id.</i> at 134.)</p>	Noted
<p><u>3. Appropriate Payback Periods</u></p> <p>SBUA’s testimony was recognized as a primary contribution</p>	<p>The first Proposed Decision (p. 67) considered 10-year payback periods to be reasonable. The Decision revised that conclusion and determined that a nine-year</p>	Noted

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>Decision's approach to selecting payback periods.</p> <p>A primary focus of SBUA's proposal was on the need for shorter payback periods, particularly for commercial customers, to avoid making BTM solar, particularly solar-plus-storage that incurs higher up-front costs, uneconomical under a NEM 3.0 tariff. (SBUA Prepared Testimony at 7-8, 18-19; SBUA Rebuttal Testimony at 13; SBUA Opening Brief at 16, 18; SBUA Reply Brief at 6; SBUA Opening Comments on First PD at 16; SBUA Reply Comments on First PD at 3-5; SBUA Ex Parte Notice, Attach. A; SBUA Reply Comments on NEM Reopening Questions at 2-3 (June 24, 2022) (disputing claims that 10-year repayment is sufficient).) This approach contrasted dramatically with the Joint IOUs and TURN, which effectively proposed payback periods of well over 11 years. (SBUA Rebuttal Testimony at 13.)</p>	<p>payback period for stand-alone solar is reasonable with a shorter time periods for solar-plus-storage. (Decision at 77-79, 149, 154, 177 (Table 11); FOF No. 56.) This target was then "used to determine the glide path incentive amount." (<i>Id.</i> at 79.) The Decision recognizes that SBUA's testimony included "recommendation for appropriate payback periods[.]" (<i>Id.</i> at 34; <i>see also</i>, at 145 (noting SBUA's comments on non-residential payback periods in fn. 413).) "SBUA presents an analysis asserting that increasing the payback period from five to nine years reduces solar uptake by 55 percent.[fn] SBUA's analysis looked at state level data from several sources, and set the payback period as the average payback reported for each state by Energy Sage and Solar Nation, the installation rate as the capacity of residential behind-the-meter solar installations from December 2020, and the potential installation rate determined by a National Renewable Energy Laboratory (NREL) analysis of rooftop photovoltaic technical potential." (<i>Id.</i> at 73; <i>see also id.</i> at 149 (referencing SBUA recommendation).)</p>	
<p><u>4. Reasonable Cost Allocation</u></p> <p>A. SBUA's testimony and briefs strongly support the decision to utilize a new proceeding "to consider the issue of accurately</p>	<p>The Decision (p. 115) concluded that:</p> <p>The Commission considers this new rulemaking to be a more appropriate venue to consider the issue of accurately</p>	<p>Noted</p>

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<p>calculating a customer's energy and grid usage[.]” (Decision at 115.)</p> <p>SBUA's direct testimony noted that while a grid usage charge is appropriate, any grid impact charge should be treated like standby charges that are tied to the actual characteristics of the specific system. (SBUA Direct Testimony at 17-18 (cost-based NEM customer charges are reasonable), 22, 44.) SBUA further “recommend[ed] that the Commission open a Phase 2 of this proceeding to determine the specific costs that should be included in a NEM generation charge and the basis on which individual customers should be assigned such a charge.” (SBUA Rebuttal Testimony at 24; <i>see also</i>, SBUA Reply Brief at 6 (accord); SBUA Opening Comments on NEM Reopening Questions at 1, 5 (June 10, 2022) (suggesting that grid access charges are inapplicable to storage systems that do not impose costs on the grid); SBUA Reply Comments on Reopening Comments on NEM at 1 (accord).)</p> <p>SBUA actively met with Commission staff to encourage configuration of a charge that reflected actual costs. (See SBUA Notice of Ex Parte Communication, 2 (March 3, 2022) (“there is need for a subsequent phase of this proceeding to design a cost based GPC for each utility given the lack of critical information available at</p>	<p>calculating a customer's energy and grid usage while ensuring that the grid is prepared for the intermittent decrease and increase of usage. The new rulemaking will have the advantage of looking at the totality of rates when reforming fixed charges for the use of the grid. Hence, this decision declines to adopt a grid benefits charge as part of the successor tariff.</p> <p>The Decision records that “in opening and rebuttal testimony [SBUA] recommended a generation charge” and also proposed “a second phase to determine implementation.” (<i>Id.</i> at 34.) While the a new rulemaking is not formally a second phase of this proceeding, it serves the same function. The Decision's conclusion is most closely aligned with SBUA's proposal and SBUA substantially contributed to an appropriate record for the Decision.</p>	

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<p>this stage of the proceeding”); <i>see also, id.</i>, Attach. A, p. 2 (explaining that the GPC is not cost-based); SBUA Notice of Ex Parte Communication, 2-3 (Nov. 8, 2021) (accord); SBUA Notice of Ex Parte Communication, 2-3 (Oct. 26, 2021) (accord).)</p> <p>SBUA argued in comments on the initial Proposed Decision that a grid benefits charge is necessary but that it “be calculated in a second phase of this proceeding[.]” (SBUA Opening Comments on Proposed Decision at 11-13 (Jan. 7, 2022); <i>see also</i> SBUA Reply Comments at 2-3 (Jan. 14, 2022).) When this position was adopted in the second Proposed Decision, SBUA commented in favor. (SBUA Opening Comments on Proposed Decision at 6 (Nov. 30, 2022).)</p>		
<p>B. The Decision implements SBUA’s approach to non-bypassable charges for the time being.</p> <p>SBUA recommended continuing to subject NEM systems to non-bypassable charges. (SBUA NEM Proposal at 18; SBUA Opening Testimony at 34-36 (accord); SBUA Reply Comments on NEM Reopening Questions at 3 (June 24, 2022) (accord).)</p>	<p>“SBUA recommends maintaining the current treatment of non-bypassable charges.” (Decision at 34.) “Until such a fixed charge is determined and noticed, and as further explained in Section 8.5.3, the successor tariff shall continue to assess non-bypassable charges based on the energy that successor tariff customers import from the grid.” (<i>Id.</i> at 118.)</p>	<p>Noted</p>
<p><u>5. Use of Highly-Differentiated TOU Import Rates</u></p> <p>SBUA was among the parties supporting the shift to highly-differentiated rates.</p>	<p>The Decision noted that SBUA supported highly differentiated TOU rates. (Decision at 109 (“SBUA surmises that even without any other reform, a shift toward more fully-differentiated</p>	<p>Noted. As SBUA states, it was among several parties arguing the benefits of highly</p>

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<p>“SBUA’s proposal would roughly double the potential differential during the summer and provide a much larger differential during the winter.” (SBUA NEM Proposal at 14 (March 15, 2021).) “Our proposal includes a requirement that NEM customer groups required to use daily TOU netting must also be on an underlying tariff that includes strong TOU rate differentiation.” (SBUA Opening Testimony at 51-52; <i>see also</i> SBUA Rebuttal Testimony at 10, 18 (accord); SBUA Opening Brief at 17 (accord).)</p>	<p>rates will increase bills for successor net energy metering customers.”.) “Requiring the successor tariff customers to take service on time-of-use rates with a high off peak/on peak price differentiation (<i>i.e.</i>, highly differentiated time-of-use rates) will meet several guiding principles in this proceeding.” (<i>Id.</i> at 111.)</p>	<p>differentiated time of use rates. SBUA fails, however, to show how its arguments uniquely contributed to the Decision.</p>
<p><u>6. Including Disadvantaged Customers</u></p> <p>The Decision aligns with SBUA’s arguments that disadvantaged customers be provided enhanced export compensation rates.</p> <p>From the outset and throughout the proceeding, SBUA emphasized the importance of special consideration of small commercial customers and disadvantaged communities, particularly by ensuring a higher export tariff. (<i>See, e.g.</i>, SBUA NEM Proposal at 1, 2, 9 (recommending that higher, NEM 2.0 remain in place for customers in disadvantaged communities and CARE/FERA customers); SBUA Direct Testimony at 52 (accord); SBUA Opening Brief at iii, 3 (accord); SBUA Opening Comments on Proposed Decision at 7-8 (accord).)</p>	<p>While the Decision declined to maintain the NEM 2.0 status quo for disadvantaged communities and small commercial customers (at 174-75), it did conclude to provide the ACC Plus to CARE/FERA-enrolled customers, residential customers in DACs and residential customers living in Indian Country. (<i>Id.</i> at 176.) The Joint Utilities proposed not to provide increased export tariff to these customers and even would have imposed some grid benefits charges. (<i>Id.</i> at 173.) Cal Advocates and NRDC also did not propose an increased export tariff but instead suggested an equity fund to assist disadvantaged customers acquire solar systems. (<i>Id.</i> at 173-74.) SBUA’s position, that disadvantaged customers should continue to be paid NEM 2.0 export rates, was similar to that of CALSSA and PCF, discussed in the Decision (at 172, 174).</p>	<p>Noted</p>

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	<p>Ultimately, the Decision does not adopt any of the proposals in their entirety. SBUA's approach of targeting customers in DACs and CARE/FERA customers, and offering increased export compensation with an emphasis on the importance of reasonable payback periods (discussed above in Section 3 above) is in-line and supportive of the Decision's conclusion that the the ACC Plus provides a greater financial incentive in addition to the retail export compensation rate. The structure of the ACC Plus is based on the simple payback period and adders are calculated to return an average payback period of nine years or less.</p> <p>(<i>Id.</i> at 175.)</p>	
<p><u>7. Non-Residential Customers Legacy Status and Lock-in Period</u></p> <p>A. The Decision adopted SBUA's proposal for a fair non-residential lock-in period</p> <p>SBUA was the <i>only</i> party to identify the inappropriate inconsistency of subjecting commercial customers to shorter lock-in period.</p> <p>At Oral Argument, SBUA counsel explained that The PD provides residential customers a 9-year ACC lock-in period aligned with their payback period. In contrast, small commercial customers are provided</p>	<p>In response to SBUA's participation, non-residential customers were afforded a lock-in period equal to that of residential customers (9 years), instead of a shorter period (5 years) originally stated in the Proposed Decision. (Decision at 144-45; <i>cf.</i> Proposed Decision at 138-39 ("this decision limits the lock-in period to five years for nonresidential customers").)</p>	<p>Noted</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>only a 5-year ACC lock-in period, far below their payback period. [¶] According to page 25 of the Lookback Study, hardly any nonresidential systems are being installed. A shorter lock-in period offers small commercial customers with less certainty and, combined with their need for shorter payback periods, will likely lead to most small businesses being economically excluded from the NEM market.” (Oral Argument Transcript, pp. 2269, ln. 26-28, 227, ln. 1-11.)</p> <p>SBUA’s opening comments on the Proposed Decision further argued that less advantageous lock-in period for commercial customers was unjustifiable, stating:</p> <p style="padding-left: 40px;">The PD exacerbates the problem of excessively long repayment periods for small commercial customers, particularly in SCE’s territory, by granting shorter lock-in period for the ACC to small commercial customers (5 years) than for residential customers (9 years). [fn]. This is unreasonable because the PD explains that the nine-year period for residential customers “aligns with the customer payback period” while asserting that a sub-payback period for small commercial customers is preferable because it “ensur[es] these customers transition in a timely fashion to the most current [ACC] . . . to receive the most accurate and current price signals to support the grid at the</p>		

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>time it is most needed.”[fn] Essentially, the PD assumes, without any evidence, a <i>greater</i> need to rush small commercial customers off of the ACC. However, this is backwards. The objective of ensuring appropriate payback is relevant to all customers, perhaps most importantly commercial customers who invest in DER primarily for financial reasons. (SBUA Opening Comments on PD at 9 (Nov. 30, 2022).)</p>		
<p>B. The Decision adopted SBUA's recommendation to allow non-residential customers to also take advantage of legacy status.</p> <p>SBUA was the <i>only</i> party to identify the problem faced by commercial entities being excluded from the legacy transfer rule. SBUA proposed a correction in its opening comments and in oral argument.</p> <p>SBUA's November 30, 2022, Opening Comments on Proposed Decision (p.14) explained that the same continuity principles that dictate that in some instances new residential customers should be able to take advantage of an existing legacy period, also apply to some commercial customers, concluding:</p> <p style="padding-left: 40px;">The same attestation for legal partners that applies to residential customers should also be available to small commercial firms that can demonstrate that the account-holding entity</p>	<p>As proposed by SBUA, the Decision directs that the legacy period apply, “in the case of nonresidential customers, [when] the account-holding entity continues to be majority controlled by the same underlying individuals or entities from the time the legacy system was installed[.]” (Decision at 164-65.) The Proposed Decision (at 157) did not include this language and only specified that “[t]he exception” to the rule that a new customer does not obtain the benefit of a the system's legacy period “is when the subsequent customer is or was the legal partner (<i>e.g.</i>, spouse or domestic partner) of the original customer[.]” leaving considerable uncertainty whether or how the legacy rule would apply to commercial entities.</p>	<p>Noted for the contention that the legacy period applies to commercial customers when the account-holding entity continues to be majority controlled by the same underlying individuals.</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>continues to be majority controlled by the same underlying individuals or entities from the time that the time the legacy system was installed.</p> <p>At the November 16, 2022, oral argument, SBUA counsel asserted that the PD allows the legacy lock-in for residential customers to be transferred and continued by legal partner of the original customer. This should also apply to small commercial customers that are often involved in complex partnerships. The same attestation for legal partners that applies to residential customers should also be available to small commercial firms that can demonstrate the account is being transferred in a business partnership that existed at the time the system was installed.</p> <p>(Oral Argument Transcript, pp. 2270, ln. 20-28, 2271, ln. 1-3.)</p> <p>The language proposed by SBUA was added virtually verbatim to the Decision.</p>		

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

	Intervenor's Assertion	CPUC Discussion
a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?	Yes.	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Yes.	Verified
c. If so, provide name of other parties: SBUA's position aligned with several parties on aspects of some issues (<i>e.g.</i> , Walmart, CALSSA), but did not overlap with respect to the overall NEM 3.0 proposal taking into consideration SBUA's concern with both the need for sustainable growth and reduction of cost shift from residential users to other customers.		Noted; however, at times SBUA concurred with other parties' arguments without adding any additional context, such as in the gradual glide path discussion above.
d. Intervenor's claim of non-duplication: While some of SBUA's positions aligned with other intervenors, SBUA's experts provided a unique Successor Proposal that accounted for the needs of small commercial customers. As discussed above, SBUA's positions differed from other parties (<i>e.g.</i> , Cal Advocates, NRDC, TURN) on a multitude of issues. SBUA avoided undue duplication with other parties by focusing its efforts on issues with the most relevance to small business customers and, while necessarily remaining apprised of all relevant issues, minimized time spent on many of the general topics covered by other parties.		Noted

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
<p>a. Intervenor’s claim of cost reasonableness:</p> <p>SBUA seeks compensation for actively participating in this proceeding by attending the prehearing conference and workshops, propounding discovery on the utilities, submitting comments on the Lookback Study and data template, and an initial proposal, researching and providing over 100 pages of opening and reply testimony, attending hearings and defending cross-examination, developing the SBUA NEM Proposal, presenting at workshops, opening and reply legal briefs, opening and reply comments on the initial proposed decision, holding four ex parte meetings with Commission staff, submitting opening and reply comments on the questions included in the ruling setting aside the proposed decision, presenting oral argument to the Commission, and filing opening and reply comments on the second proposed decision.</p> <p>SBUA intervened in this proceeding as the only party specifically representing the interests of small commercial customers. SBUA’s involvement significantly improved the record and outcome of the proceeding by, among other contributions described above, providing influential testimony regarding the importance of appropriate payback periods for non-residential customers, bringing attention to a large but overlooked customer segment that faces heightened barriers to participation in the NEM program and generally, developing a framework that sustainably grows the NEM market while proceeding in a thoughtful, methodical manner. SBUA’s contributions are thoroughly reflected in Decision and the record.</p> <p>The benefit of SBUA’s participation is difficult to quantify financially. However, given the centrality and urgency of reducing the cost shift associated with the existing NEM program and ensuring that behind-the-meter solar power grows robustly to meet the state’s greenhouse gas emission reduction goals and affordably and reliably provides electricity to meet increase load demands, the benefits and costs to ratepayers, including small businesses, will be substantial and clearly justify SBUA’s hours on behalf of this otherwise underrepresented class of ratepayers.</p> <p>SBUA’s compensation request seeks an award of <u>\$407,242.75</u>, which is a reasonable in light of the sophistication of SBUA’s expert contribution and SBUA’s heavy engagement throughout the very drawn out</p>	<p>Noted</p>

	CPUC Discussion
proceeding. For these reasons, the Commission should find that SBUA's efforts have been valuable and approve the request for fees.	
<p>b. Reasonableness of hours claimed:</p> <p>As a party, it was necessary to participate fully, devoting hours to carefully understand the implications of numerous proposals and technical elements, which had evolved over the course of the proceeding. The complexity and multiplicity of issues necessitated SBUA expending a large number of hours in this proceeding, which SBUA submits is reasonable in light of the proceeding's significance and SBUA's contribution to the record.</p>	Noted. <i>See</i> Part III.D CPUC Comments, Disallowances, and Adjustments. [8-11].
<p>c. Allocation of hours by issue:</p> <p>SBUA has assigned the following issue codes:</p> <ol style="list-style-type: none"> 1. Methodology for Assessing Cost Effectiveness (TRC and Lookback Study)- 99.4hr (10%) 2. Sustainable Market Growth and Rate Design (gradual transition, incentivizing storage, workable no-netting and cost-based retail export tariff)- 384hr (39%) 3. Reasonable Payback Period- 118.15hr (12%) 4. Cost Allocation (accurate grid usage charges and non-bypassable charges)- 107.85hr (11%) 5. Use of Highly-Differentiated TOU Import Rates- 33.75hr (3.4%) 6. Including Disadvantaged Customers- 39.8hr (4%) 7. Non-Residential Customers Legacy Status and Lock-in Period- 10.9hr (1%) 8. Workshops, Hearings, Discovery- 153.7hr (16%) 9. General Participation- 39.6hr (4%) <p>SBUA asserts that the categories above are well defined to allow SBUA to accurately assign hours to various tasks in its time entries. Should the Commission wish to see different information on this point or some other breakdown of SBUA's hourly work, SBUA requests that we be so informed and provided an opportunity to supplement this request accordingly. SBUA submits that all of the hours claimed were reasonably efficiently expended and should be fully compensated.</p>	Noted. Hours allocated total 100.4%.

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Ariel Strauss	2021	18.50 ⁵	\$450	D.23-02-016	\$8,325.00	14.27 [8,9,10,11]	\$450.00 [5]	\$6,421.50
Ariel Strauss	2022	28.30 ⁶	\$465	D.23-02-016	\$13,159. ⁷	27.02 [8,9,10,11]	\$465.00 [5]	\$8,881.50
Paul Chernick	2021	200.20	\$465	D.22-09-024	\$93,093	104.68 [8,9,10,11]	\$465.00 [4]	\$48,676.50
Paul Chernick	2022	10.00	\$505	As above, plus a 3.31% COLA for 2022 and a 5% step increase per Res. ALJ-393; <i>see</i> Comment #1 below.	\$5,050	5.00 [8,9,10,11]	\$505.00 [4]	\$2,525.00
James Harvey	2021	289.05 ⁸	\$210	D.22-09-024	\$60,700.50	119.95 [8,9,10,11]	\$210.00 [6]	\$25,189.50
Itzel Hayward	2021	144.20 ⁹	\$610	D.22-12-051	\$87,962	116.26 [8,9,10,11]	\$610.00 [1]	\$70,918.60
Itzel Hayward	2022	2.50	\$660	As above, plus a 3.31% COLA for 2022 and a 5% step increase per Res. ALJ-	\$1,650	2.25 [8,9,10,11]	\$660.00 [1]	\$1,485.00

⁵ Correct number of hours listed on the timesheet is 18.30.⁶ Correct number of hours listed on the timesheet is 32.50.⁷ The correct requested total for Strauss is 2022 is \$13,159.50.⁸ Correct number of hours listed on the timesheet is 289.25.⁹ Correct number of hours listed on the timesheet is 144.40.

CLAIMED						CPUC AWARD		
				393; <i>see</i> Comment #1 below.				
James Birkelund	2020	1.40	\$510	D.21-06-011	\$714	1.12 [8,9,10,11]	\$510.00 [7]	\$571.20
James Birkelund	2021	38.70	\$650	D.23-02-016	\$25,155	28.67 [8,9,10,11]	\$650.00 [7]	\$18,635.50
James Birkelund	2022	23.80 ¹⁰	\$705	D.23-02-016	\$16,779	18.24 [8,9,10,11]	\$705.00 [7]	\$12,859.20
John Wilson	2021	196.50	\$380	D.22-09-024	\$74,670	138.80 [8,9,10,11]	\$380.00 [2]	\$52,744.00
John Wilson	2022	11.50	\$410	As above, plus a 3.31% COLA for 2022 and a 5% step increase per Res. ALJ- 393; <i>see</i> Comment #2 below.	\$4,715	9.25 [8,9,10,11]	\$410.00 [2]	\$3,792.50
Luke May	2021	18.10	\$425	Res. ALJ 393; <i>see</i> Comment #3 below.	\$7,692.50	2.09 [8,9,10,11]	\$425.00 [3]	\$888.25
Subtotal: \$399,665.50						Subtotal: \$253,588.25		

¹⁰ Correct number of hours listed on the timesheet is 23.75.

CLAIMED						CPUC AWARD		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Ariel Strauss	2023	¹¹	\$233	50% of 2022 rate; <i>see</i> Comment #4 below.	^{\$12}	14.45 [10]	\$255.00 [5]	\$3,684.75
Itzel Hayward	2023	¹³	\$330	50% of 2022 rate; <i>see</i> Comment #4 below.	¹⁴	0.80 [10]	\$330.00 [1]	\$264.00
Subtotal: \$7,577.25 ¹⁵						Subtotal: \$3,948.75		
TOTAL REQUEST: \$ 407,242.75 ¹⁶						TOTAL AWARD: \$257,537.00		
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer’s normal hourly rate</p>								

¹¹ Timesheets indicate Strauss dedicated 28.90 hours to intervenor compensation claim preparation.

¹² Strauss requested intervenor compensation claim preparation is not listed but should list \$6,733.70.

¹³ Timesheets indicate Hayward dedicated 1.60 hours to intervenor compensation claim preparation.

¹⁴ Hayward's requested intervenor compensation claim preparation is not listed but should list \$528.00.

¹⁵ Intervenor compensation claim preparation subtotal is incorrect, the correct subtotal is \$7,261.70.

¹⁶ Total request is incorrect, corrected total request is \$406,927.20.

CLAIMED			CPUC AWARD
ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR ¹⁷	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
James M. Birkelund	March 2000	206328	No
Itzel Hayward	Dec. 1997	192385	No
Luke May	Admitted Oregon State Bar May 2012	OR Bar No. 121174	No
Ariel S. Strauss	March 2012	282230	No

C. Attachments Documenting Specific Claim and Comments on Part III¹⁸:

Attachment or Comment #	Description/Comment
Comment # 1	Attorney Itzel Hayward’s rate in D.22-12-051 was set at \$610 per hour for 2021. In addition, we are asking for a 5% step increase for Ms. Hayward, which, along with the 3.31% Cost of Living Adjustment for 2022, results in a 2022 rate in this case of \$660 per hour ($610 \times 1.05 \times 1.0331$, rounded to the nearest five, per D.13-05-009). Resolution ALJ-393 (p. 5) states that intervenor representatives remain eligible to claim up to two five percent annual “step increases” within each labor role experience level. Ms. Hayward has not received a step increase for her experience level.
Comment # 2	Expert John Wilson’s rate in D.22-09-024 was set at \$380 per hour for 2021. We are asking for a 5% step increase for Mr. Wilson for 2022, which, along with the 3.31% Cost of Living Adjustment for 2022, results in a 2022 rate in this case of \$410 per hour ($380 \times 1.05 \times 1.0331$, rounded to the nearest five, per D.13-05-009). Resolution ALJ-393 (p. 5) states that intervenor representatives remain eligible to claim up to two five percent annual “step increases” within each labor role experience level. Mr. Hayward has not received a step increase for his experience level.
Comment #3	SBUA seeks an hourly rate for the work of attorney Luke May of \$425 for his work in 2021 based on Resolution ALJ-393. SBUA sought this same rate in R.18-12-006. Pending a decision on that compensation

¹⁷ This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

¹⁸ Attachments not included in the final decision.

Attachment or Comment #	Description/Comment
	claim, the same 2021 hourly rate will apply here. SBUA requests that the Commission refer to and rely on that earlier showing to support Mr. May's 2021 rate.
Comment # 4	For administrative convenience and given that all work performed in 2023 for this matter occurred in early 2023 and is only in connection with compensation claim preparation, without prejudice to other compensation requests for 2023 activity, SBUA accepts compensation of Ms. Hayward and Mr. Strauss's 2023 hours in this claim at 2022 rates.
Attachment 1	Certificate of Service (<i>see</i> attachment under separate cover)
Attachment 2	Time Sheet Records with Allocation of Hours by Issue

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] Hayward 2021 and 2022 Hourly Rate & Intervenor Compensation Claim Preparation Rate	<p>Upon further review, we note that SBUA failed to identify Hayward as a consultant, instead of a full-time staff member of SBUA.</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.¹⁹ 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)).</p> <p>SBUA confirms that per the terms of their contract, Hayward has been hired on a contingency basis, meaning that the consultant has agreed to defer its consulting fee contingent upon receipt of this Intervenor Compensation award. Given this contingency, we utilize the reasonable rates established by Resolution ALJ-393 based on Hayward's experience. Given the 2021 Legal - Attorney – V rate range is \$486.31 to \$699.03 with a median of \$606.31, we find the 2021 hourly rate of \$610.00 to be reasonable and we apply it here.</p> <p>Given the 2022 Legal - Attorney – V rate range is \$506.38 to \$719.10 with a median of \$626.38, we find the 2022 hourly rate of \$660.00 to be reasonable and we apply it here. We apply ½ of Hayward's 2023 rate of \$660.00 for an intervenor compensation claim preparation rate of \$330.00.</p> <p>The award made herein for the consultant's contribution in this proceeding shall be passed through in full to the consultant, and no portion of this part of the award shall be</p>

¹⁹ D.07-01-009, D.08-04-010, and ALJ Resolution ALJ 235.

Item	Reason
	<p>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 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 <u>the terms of the contract</u>, 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, SBUA did not provide all the documentation pertaining to the contract terms between SBUA and Hayward in the initial claim and waited until the Commission requested supplemental documentation which delays the processing of the claim.</p>
[2] Wilson 2021 & 2022 Hourly Rate	<p>Upon further review, we note that SBUA failed to identify Wilson as a consultant, instead of a full-time staff member of SBUA.</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.²⁰ 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)).</p> <p>The Commission requested supplemental documentation be submitted by SBUA to confirm the rate charged by Wilson. SBUA confirms that per the terms of their contract, Wilson has been hired on a contingency basis, meaning that the consultant has agreed to defer its consulting fee contingent upon receipt of this Intervenor Compensation award. Given this contingency, we utilize the reasonable rates established by Resolution ALJ-393 based on Wilson's experience. Given the 2021 Expert - Public Policy Analyst – IV rate range is \$263.72 to \$493.98 with a median of \$373.20, we find the 2021 hourly rate of \$380.00 to be reasonable and we apply it here.</p> <p>Given the 2022 Expert - Public Policy Analyst – IV rate range is \$276.07 to \$506.33 with a median of \$385.55, we find the 2022 hourly rate of \$410.00 to be reasonable and we apply it here.</p> <p>The award made herein for the consultant's contribution in this proceeding shall be passed through 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,</p>

²⁰ D.07-01-009, D.08-04-010, and ALJ Resolution ALJ 235.

Item	Reason
	<p>and the understanding that the consultant has not billed or collected 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 <u>the terms of the contract</u>, 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, SBUA did not provide all the documentation pertaining to the contract terms between SBUA and Wilson in the initial claim and waited until the Commission requested supplemental documentation which delays the processing of the claim.</p>
[3] May 2021 Hourly Rate	<p>Upon further review, we note that SBUA failed to identify May as a consultant, instead of a full-time staff member of SBUA.</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.²¹ 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)).</p> <p>The Commission requested supplemental documentation be submitted by SBUA to confirm the rate charged by May. SBUA confirms that per the terms of their contract, May has been hired on a contingency basis, meaning that the consultant has agreed to defer its consulting fee contingent upon receipt of this Intervenor Compensation award. Given this contingency, we utilize the reasonable rates established by Resolution ALJ-393 based on Hayward's experience. Given the 2021 Legal - Attorney – III rate range is \$309.76 to \$519.48 with a median of \$413.88, we find the 2021 hourly rate of \$425.00 to be reasonable and we apply it here.</p> <p>The award made herein for the consultant's contribution in this proceeding shall be passed through 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 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 <u>the terms of the contract</u>, 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</p>

²¹ D.07-01-009, D.08-04-010, and ALJ Resolution ALJ 235.

Item	Reason
	<p>need for the Commission to request supplemental documentation. In this instance, SBUA did not provide all the documentation pertaining to the contract terms between SBUA and May in the initial claim and waited until the Commission requested supplemental documentation which delays the processing of the claim.</p>
<p>[4] Chernick 2021 & 2022 Hourly Rate</p>	<p>Upon further review, we note that SBUA failed to identify Chernick as a consultant, instead of a full-time staff member of SBUA.</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.²² 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)).</p> <p>The Commission requested supplemental documentation be submitted by SBUA to confirm the rate charged by Chernick. SBUA confirms that per the terms of their contract, Wilson has been hired on a contingency basis, meaning that the consultant has agreed to defer its consulting fee contingent upon receipt of this Intervenor Compensation award. Given this contingency, we utilize the reasonable rates established by Resolution ALJ-393 based on Wilson's experience. SBUA requested a 2021 hourly rate of \$465 as an Expert - Public Policy Analyst – V for Chernick. We find the 2021 hourly rate of \$465 to be reasonable and we apply it here.</p> <p>Given the 2022 Expert - Public Policy Analyst - V rate range is \$491.99 to \$868.71 with a median of \$650.89, we find the 2022 hourly rate of \$505.00 to be reasonable and we apply it here.</p> <p>The award made herein for the consultant's contribution in this proceeding shall be passed through 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 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 <u>the terms of the contract</u>, 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, SBUA did not provide all the documentation pertaining to the contract terms between</p>

²² D.07-01-009, D.08-04-010, and ALJ Resolution ALJ 235.

Item	Reason
	SBUA and Chernick in the initial claim and waited until the Commission requested supplemental documentation which delays the processing of the claim.
[5] Strauss 2021, 2022 and 2023 Hourly Rates & Intervenor Compensation Claim Preparation Rate	<p>Upon further review, we note that SBUA failed to identify Strauss as a consultant, instead of a full-time staff member of SBUA.</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.²³ 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)).</p> <p>The Commission requested supplemental documentation be submitted by SBUA to confirm the rate charged by Strauss. SBUA confirms that per the terms of their contract, Strauss has been hired on a contingency basis, meaning that the consultant has agreed to defer its consulting fee contingent upon receipt of this Intervenor Compensation award. Given this contingency, we utilize the reasonable rates established by Resolution ALJ-393 based on Strauss' experience. Given the 2021 Legal – Attorney – III rate range is \$309.76 to \$519.48 with a median of \$413.88, we find the 2021 hourly rate of \$450 to be reasonable and we apply it here.</p> <p>Given the 2022 Legal – Attorney – III rate range is \$323.46 to \$533.18 with a median of \$427.58, we find the 2022 hourly rate of \$465.00 to be reasonable and we apply it here.</p> <p>Given the 2023 Legal – Attorney – III rate range is \$342.53 to \$552.25 with a median of \$446.65, we find the 2023 hourly rate of \$510.00 to be reasonable and we apply it here. We apply ½ of Strauss' 2023 rate of \$510.00 for an intervenor compensation claim preparation rate of \$255.00.</p> <p>The award made herein for the consultant's contribution in this proceeding shall be passed through 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 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 <u>the terms of the contract</u>, 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</p>

²³ D.07-01-009, D.08-04-010, and ALJ Resolution ALJ 235.

Item	Reason
	<p>need for the Commission to request supplemental documentation. In this instance, SBUA did not provide all the documentation pertaining to the contract terms between SBUA and Strauss in the initial claim and waited until the Commission requested supplemental documentation which delays the processing of the claim.</p>
<p>[6] Harvey 2021 Hourly Rate</p>	<p>Upon further review, we note that SBUA failed to identify Harvey as a consultant, instead of a full-time staff member of SBUA.</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.²⁴ 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)).</p> <p>The Commission requested supplemental documentation be submitted by SBUA to confirm the rate charged by Harvey. SBUA confirms that per the terms of their contract, Harvey has been hired on a contingency basis, meaning that the consultant has agreed to defer its consulting fee contingent upon receipt of this Intervenor Compensation award. Given this contingency, we utilize the reasonable rates established by Resolution ALJ-393 based on Harvey's experience. Given the 2021 Expert - Public Policy Analyst – II rate range is \$167.08 to \$310.50 with a median of \$234.04, we find the 2021 hourly rate of \$210.00 to be reasonable and we apply it here.</p> <p>The award made herein for the consultant's contribution in this proceeding shall be passed through 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 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 <u>the terms of the contract</u>, 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, SBUA did not provide all the documentation pertaining to the contract terms between SBUA and Harvey in the initial claim and waited until the Commission requested supplemental documentation which delays the processing of the claim.</p>

²⁴ D.07-01-009, D.08-04-010, and ALJ Resolution ALJ 235.

Item	Reason
[7] James Birkelund 2020, 2021, and 2022 Hourly Rates	<p>D.22-03-029 approved a 2020 hourly rate of \$510.00 for Birkelund.</p> <p>D.22-08-046 approved a 2021 hourly rate of \$705.00 for Birkelund.</p> <p>D.24-08-061 approved a 2022 hourly rate of \$770.00 for Birkelund.</p>
[8] Reasonableness of the Hours Claimed	<p>The reductions discussed in this section reflect the incompleteness, ambiguities, and other deficiencies found in many time record entries. Combined with the lack of substantial contribution (<i>see</i> our analysis in Parts II (A), (B)(d) and III (D)[9,10]) these deficiencies support our findings that SBUA’s participation was marked by excessive costs and inefficiencies.</p> <p>The Commission makes corrections and reductions to SBUA’s hours for the following reasons and in the following amounts:</p> <p><u>Vagueness</u></p> <p>SBUA’s timesheets were extremely vague, contained typographical errors, and appear to rely on the assumption that the Commission would be able to interpret ambiguous or miscellaneous entries. Both the timesheets and the claim contained numerous errors and inconsistencies. For example, the hours listed on the timesheets did not match those in the claim, calculations were often incorrect, and formatting varied across timesheets. Each timekeeper used different acronyms and abbreviations, further complicating the review. Additionally, there is inconsistency in how information is presented: some timesheets listed total hours in the first column, while others did not; some timesheets included a separate column for general work, while others lumped all the general work in the hearings category.²⁵ For these reasons, we reduce SBUA’s claim by 10% and strongly encourage SBUA to exercise greater care and attention to detail in any future claims. In future filings, if the timesheets are not submitted accurately and consistently, the Commission may deny those claimed hours.</p> <p>Chernick and Wilson’s timesheets do not even mention the task in many places, but merely the topic. For example, Wilson has three consecutive entries totaling 12.5 hours for “draft proposal,” followed by 8 hours for “party presentations.” However, SBUA does not specify which proposal is being referenced, which parties are involved, or what Wilson’s role was with respect to the party presentations. It is unclear whether Wilson was preparing, reviewing, or analyzing these materials.</p> <p>Chernick’s timesheets are equally vague with entries such as “issues for proposal,” “policy discussion,” “party positions,” “NEM presentations,” “payback requirement, alternative sources,” “additional payback data,” “rebuttal issues,” “PD Effects and Reaction.” These descriptions do not indicate whether Chernick was reviewing, analyzing, responding, advising,</p>

²⁵ The ICOMP instructions and rules require that the claimant specify how much time was allocated to each issue, and it allows for a general category, but the extra column that SBUA added for hearings, workshops and discovery does not comply with the ICOMP instructions. If that time cannot be allocated to a particular issue, it should be listed under the “General Time” category. However, we have repeated on numerous occasions that “[m]ost of the professional work on the proceeding can and must be associated with the proceeding’s substantive issues,” and that “[t]ime records must not excessively label work as of a “General” issue type.” (*See, for example, D.20-02-059 at 12.*)

Item	Reason					
	developing testimony or assisting with comments. Without a clear understanding of the specific tasks performed, it is hard to assess the reasonableness of the time claimed or the value of the contribution made on these issues.					
	In addition to a 10% reduction to all timekeepers' hours, noted above, we make adjustments to the following entries pursuant to D.10.02.010 for vagueness:					
	Date	Person	Entry	Reason for disallowance	Time Listed	Time Disallowed
	7/16/21	Itzel Hayward (IH)	Rebuttal testimony	Unable to decipher activity.	2.20 hours	2.20 hours
	7/16/21	IH	Errata to direct testimony	Assume corrections.	1.30 hours	0.70 hours
	8/10/21	IH	Hearing	Assume attendance.	4.00 hours	2 hours
	2/4/21	James Birkelund (JB)	Attn to SBUA cmmts on Verdant study	Unable to decipher activity.	0.50 hours	0.50 hours
	2/16/21	JB	Attn and comments on SBUA reply comments on Lookback Study	Unable to decipher activity.	0.20 hours	0.20 hours
	3/15/21	JB	Attn to SBUA's NEM proposal	Unable to decipher activity.	0.50 hours	0.50 hours
	6/22/21	JB	Attn to SBUA data responses to SDG&E-SBUA-01	Unable to decipher activity.	0.10 hours	0.10 hours
	6/30/21	JB	Attn to data requests to TURN, PAO, IOUs	Unable to decipher activity.	0.20 hours	0.20 hours
	7/21/21	JB	As above.	Unable to decipher activity.	0.10 hours	0.10 hours
	7/23/21	JB	As above.	Unable to decipher activity.	0.50 hours	0.50 hours
	9/14/21	JB	As above.	Unable to decipher activity.	2.90 hours	2.90 hours
12/9/21	JB	Emails to A. Strauss re the same.	Unable to decipher activity. It's	0.20 hours	0.20 hours	

Item	Reason					
				noted this entry was for a date almost a week after the previous entry. It might make sense if the entries were for the same day and relating to a previous task.		
	12/16/21	JB	As above.	Unable to decipher activity.	0.40 hours	0.40 hours
	1/20/22	JB	Attn to parties' ex parte notices and ltrs to Commission; notes re the same.	Unable to decipher activity.	0.75 hours	0.75 hours
	2/24/22	JB	As above.	Unable to decipher activity.	0.25 hours	0.25 hours
	2/28/22	JB	Attn to SBUA ex parte adv notice w Cmmns Reynolds' office.	Unable to decipher activity.	0.25 hours	0.25 hours
	5/17/22	JB	Rev recent motions for party status.	Unable to decipher activity.	0.25 hours	0.25 hours
	5/18/22	JB	Read CARE's email re the same.	Unable to decipher activity.	0.25 hours	0.25 hours
	6/10/22	JB	Attn to op cmmts.	Unable to decipher activity.	0.50 hours	0.50 hours
	11/22/22	JB	Rev many emails including mts for party status.	Unable to decipher activity.	0.25 hours	0.25 hours
	11/30/22	JB	Attn to SBUA op cmmts on PD #2.	Unable to decipher activity.	0.50 hours	0.50 hours
	7/26/21	Luke May (LM)	strategy crrspnd w I. Hayward re the same.	Unable to decipher activity. Note that the entry before this one	0.30 hours	0.30 hours

Item	Reason					
				was 11 days earlier making it difficult to determine what “re the same” meant.		
	8/3/21	James Harvey (JH)	Testimony transcript	Unable to decipher activity.	1.00 hour	1.00 hour
	2/1/21	John Wilson (JW)	Comments on Lookback study	Given the time, we assume that he drafted comments.	2.00 hours	1.00 hours
	2/2/21	JW	Comments on Lookback study	Given the time, we assume that he drafted comments.	5.00 hours	2.50 hours
	2/3/21	JW	Comments on Lookback study	Assume drafting comments.	1.00 hour	0.50 hours
	3/14/21	JW	Draft proposal	Assume drafting SBUA’s NEM proposal.	6.00 hours	3.00 hours
	3/15/21	JW	Draft proposal	Assume drafting SBUA’s NEM proposal.	5.50 hours	3.00 hours
	3/18/21	JW	Draft proposal	Assume drafting SBUA’s NEM proposal.	1.00 hour	0.50 hours
	3/23/21	JW	Party presentations	Unable to decipher activity.	5.00 hours	5.00 hours
	3/24/21	JW	Party presentations	Unable to decipher activity.	3.00 hours	3.00 hours
	4/19/21	JW	NEM Proposal Model	Unable to decipher activity.	0.50 hours	0.50 hours
	4/20/21	JW	NEM template	Unable to decipher activity.	0.50 hours	0.50 hours
	4/21/21	JW	NEM Proposal Model	Unable to decipher activity.	0.50 hours	0.50 hours

Item	Reason					
	4/22/21	JW	NEM template	Unable to decipher activity.	2.00 hours	2.00 hours
	4/23/21	JW	NEM Proposal Model	Unable to decipher activity.	1.00 hour	1.00 hour
	6/22/21	JW	Workpapers - respond to DR	Unable to decipher activity.	1.00 hour	1.00 hour
	7/13/21	JW	Reply testimony	Assume this was drafting reply testimony.	10.00 hours	5.00 hours
	7/14/21	JW	Reply testimony	Assume this was drafting reply testimony.	2.00 hours	1.00 hour
	7/15/21	JW	Reply testimony	Assume this was drafting reply testimony.	3.00 hours	1.50 hours
	1/8/22	JW	Ex parte	Unable to decipher activity.	1.00 hour	1.00 hour
	2/8/21	Paul Chernick (PC)	White Paper presentation	Unable to decipher activity.	3.00 hours	3.00 hours
	2/9/21	PC	proposal planning	Assume this was internal planning on SBUA's NEM proposal.	2.00 hours	1.00 hour
	2/15/21	PC	NEM reply	Unable to decipher activity.	1.00 hour	1.00 hour
	3/8/21	PC	NEM and performance on peak with wildfires	Unable to decipher activity.	1.00 hour	1.00 hour
	3/10/21	PC	issues for proposal	Unable to decipher activity.	3.00 hours	3.00 hours
	3/12/21	PC	policy discussion	Unable to decipher activity.	1.00 hour	1.00 hour

Item	Reason					
	3/19/21	PC	Presentation slides	Assume preparation of slides.	3.00 hours	1.50 hours
	3/23/21	PC	NEM presentations	Unable to decipher activity.	5.50 hours	5.50 hours
	3/26/21	PC	effect of longer payback periods, for various models	Assume this was revising the model.	2.50 hours	1.50 hours
	3/28/21	PC	payback data	Unable to decipher activity.	6.00 hours	6.00 hours
	3/30/21	PC	estimates of solar payback to match	Unable to decipher activity.	4.00 hours	4.00 hours
	3/31/21	PC	payback requirement	Unable to decipher activity.	4.00 hours	4.00 hours
	4/5/21	PC	effect of storage on marginal cost	Unable to decipher activity.	1.00 hour	1.00 hour
	4/13/21	PC	Payback requirement; alternative sources	Unable to decipher activity.	4.00 hours	4.00 hours
	4/14/21	PC	historical payback data	Unable to decipher activity.	2.00 hours	2.00 hours
	4/15/21	PC	penetration data and regressions	Unable to decipher activity.	2.00 hours	2.00 hours
	4/17/21	PC	cost-benefit data and acceptability	Unable to decipher activity.	2.00 hours	2.00 hours
	4/24/21	PC	additional payback data	Unable to decipher activity.	2.00 hours	2.00 hours
	5/17/21	PC	cost-effectiveness test comments	Unable to decipher activity.	1.00 hour	1.00 hour
	6/8/21	PC	NEM modeling issues	Assume this was fixing issues with the model.	1.00 hour	0.50 hours

Item	Reason					
	6/21/21	PC	workpapers	Unable to decipher activity.	2.00 hours	2.00 hours
	6/22/21	PC	alternative data and regressions; 2019 prelim and final; exponential fit; workpapers	Unable to decipher activity.	3.00 hours	3 hours
	6/29/21	PC	discovery on us	Unable to decipher activity.	1.00 hour	1 hour
	8/21/21	PC	Joint recommendation; communications with SBUA	The first part of this compound entry is undecipherable.	0.50 hours	.3 hours
	12/14/21	PC	PD effects and reaction	Unable to decipher activity.	1.50 hours	1.5 hours
	1/19/22	PC	party reply comments on PD	Unable to decipher activity.	2.00 hours	2.00 hours
	5/12/22	PC	more on issues for replies	Unable to decipher activity.	1.00 hour	1.00 hour
	12/15/22	PC	summary of PD	Unable to decipher activity.	1.00 hour	1.00 hour
	TOTAL				130.40 hours	106.10 hours
	<p><u>Multiple Tasks Included in Single Timesheet Entry</u></p> <p>In addition to the vague entries discussed above, SBUA's timesheets are inconsistent in how tasks are recorded. In some instances, multiple tasks are combined in a single entry, and in others, time is appropriately divided in accordance with the instructions provided in the ICOMP Program Guide, at 25. <i>See</i> Rule 17.4(b)(2). Time records must include descriptions of each specific task in order to evaluate the reasonableness of the time spent on each task. <i>See</i>, for example, D. 22-06-042 at 30 or D. 23-02-015 at 16, 17. Accordingly, the following entries are reduced by 10% as it was not possible to determine how much time was spent on each task. We remind SBUA that time records must not combine multiple tasks into a single entry. In future filings, the Commission may deny those claimed time entries in their entirety.</p>					

Item	Reason					
	Date	Person	Entry	Reason for Disallowance	Time Listed	Time Disallowed
	2/11/2021	IH (Itzel Hayward)	Review comments + share with expert	Unable to differentiate allocation of time for each activity	0.90 hours	0.09 hours
	4/16/2021	IH	Review ALJ ruling; talk to experts about upcoming hearing	Unable to differentiate allocation of time for each activity	0.20 hours	0.02 hours
	4/22/2021	IH	Prep for and attend workshop	Unable to differentiate allocation of time for each activity	2.20 hours	0.22 hours
	4/26/2021	IH	Review proposal from expert / email correspondence with expert	Unable to differentiate allocation of time for each activity	0.20 hours	0.02 hours
	6/3/2021	IH	Review Commn email + email RII	Unable to differentiate allocation of time for each activity	0.20 hours	0.02 hours
	6/10/2021	IH	Review SDG&E Data Request, email RII	Unable to differentiate allocation of time for each activity	0.80 hours	0.08 hours
	6/21/2021	IH	Review testimony; share with RII	Unable to differentiate allocation of time for each activity	1.80 hours	0.18 hours
	6/22/2021	IH	Email JB, prep response to SDG&E Data Request	Unable to differentiate allocation of time for each activity	1.70 hours	0.17 hours
	6/25/2021	IH	Review + email RII re CALSSA amended testimony	Unable to differentiate allocation of time for each activity	0.30 hours	0.03 hours

Item	Reason					
	6/28/2021	IH	Review IOU data request; email RII	Unable to differentiate allocation of time for each activity	0.20 hours	0.02 hours
	6/29/2021	IH	Review and email Litigation Team letter to Cal Advocates	Unable to differentiate allocation of time for each activity	1.10 hours	0.11 hours
	6/30/2021	IH	Email RII, JB re + finalize data requests to parties	Unable to differentiate allocation of time for each activity	0.80 hours	0.08 hours
	7/5/2021	IH	review responses to SBUA data requests / discuss with experts	Unable to differentiate allocation of time for each activity	0.60 hours	0.06 hours
	7/22/2021	IH	review ALJ 7/16 correspondence and attachments / correspond with experts	Unable to differentiate allocation of time for each activity	0.90 hours	0.09 hours
	7/26/2021	IH	prep for and attendance at evidentiary hearing	Unable to differentiate allocation of time for each activity	6.20 hours	0.62 hours
	7/27/2021	IH	prep for and attendance at evidentiary hearing	Unable to differentiate allocation of time for each activity	2.50 hours	0.25 hours
	7/29/2021	IH	correspond with ALJ, update exhibit cover pages	Unable to differentiate allocation of time for each activity	0.20 hours	0.02 hours
	7/30/2021	IH	review emails / notes re evidentiary hearings; prep for evidentiary hearings	Unable to differentiate allocation of time for each activity	2.00 hours	0.20 hours

Item	Reason					
	8/3/2021	IH	Prep for and attend hearings (inc corrected exhibit coverages)	Unable to differentiate allocation of time for each activity	3.10 hours	0.31 hours
	9/1/2021	IH	NEM Opening Brief / legal research and motion to accept late-filed	Unable to differentiate allocation of time for each activity	2.10 hours	0.21 hours
	10/12/2021	Ariel Straus (AS)	Provide draft outline of meeting topics to J. Wilson and revise per J. Wilson feedback	Unable to differentiate allocation of time for each activity	0.20 hours	0.02 hours
	10/14/2021	AS	Draft post-meeting summary and notice and provide to J. Wilson for comment	Unable to differentiate allocation of time for each activity	1.50 hours	0.15 hours
	10/26/2021	AS	Analysis and summary of call, and provide draft post-meeting notice to J. Wilson	Unable to differentiate allocation of time for each activity	0.50 hours	0.05 hours
	10/26/2021	AS	Receive inquiry regarding collaboration with Walmart and confer with SBUA expert regarding same and respond to schedule call	Unable to differentiate allocation of time for each activity	0.30 hours	0.03 hours
	11/8/2021	AS	Post-meeting follow-up with J. Wilson and draft post-meeting summary for J. Wilson review	Unable to differentiate allocation of time for each activity	0.70 hours	0.07 hours
	11/19/2021	AS	Review ex parte communication reports from CESA and tribes and respond to J. Birkelund regarding same	Unable to differentiate allocation of time for each activity	0.50 hours	0.05 hours

Item	Reason					
	11/19/2021	AS	Call to representative for tribe and follow up email re same	Unable to differentiate allocation of time for each activity	0.30 hours	0.03 hours
	1/7/2022	AS	Continue drafting comments on PD and circulate to J. Wilson and I. Hawyard for review	Unable to differentiate allocation of time for each activity	4.50 hours	0.45 hours
	1/14/2022	AS	Review party opening comments and draft reply comments on PD	Unable to differentiate allocation of time for each activity	4.00 hours	0.40 hours
	3/3/2022	AS	Follow up with J. Wilson regarding meeting, draft post-meeting notice and circulate to J. Wilson	Unable to differentiate allocation of time for each activity	0.30 hours	0.03 hours
	11/14/2022	AS	Review PD and email communication with J. Wilson regarding review of new PD	Unable to differentiate allocation of time for each activity	0.30 hours	0.03 hours
	12/5/2022	AS	Review reply comments and confer with J. Wilson re same	Unable to differentiate allocation of time for each activity	0.20 hours	0.02 hours
	10/2/2020	JB (James Birkelund)	Rsrch and crrspnd w experts re SBUA positions across numerous issues.	Unable to differentiate allocation of time for each activity	1.40 hours	0.14 hours
	6/18/2021	JB	Rev SBUA testimony; confer w I. Hawyard.	Unable to differentiate allocation of time for each activity	0.50 hours	0.05 hours

Item	Reason					
	9/13/2021	JB	Read opening briefs and edits SBUA reply brief.	Unable to differentiate allocation of time for each activity	3.00 hours	0.30 hours
	9/17/2021	JB	Strategy w experts re Ex Parte mtgs; read other parties' Ex Parte notices to date.	Unable to differentiate allocation of time for each activity	0.60 hours	0.06 hours
	10/29/2021	JB	Read Ex Parte Notices of other parties (CalAdv, NRDC, Sierra Club); strategy emails w litigation team on the same.	Unable to differentiate allocation of time for each activity	0.50 hours	0.05 hours
	12/2/2021	JB	Strategy w Litigation Team re ex parte notices and potential collaboration w Tribes and solar groups; rev these groups ex parte notices.	Unable to differentiate allocation of time for each activity	1.00 hours	0.10 hours
	1/12/2022	JB	Strategy emails w Litigation Team re ex parte mtgs; review other parties' ex parte notices.	Unable to differentiate allocation of time for each activity	0.50 hours	0.05 hours
	1/14/2022	JB	Confer w Litigation Team re SBUA reply cmmts; rev other parties' reply cmmts on PD.	Unable to differentiate allocation of time for each activity	0.75 hours	0.075 hours
	2/8/2021	JW (John Wilson)	Review E3 NEM study, E3 webinar, review revised principles PD	Unable to differentiate allocation of time for each activity	3.50 hours	0.35 hours

Item	Reason					
	2/9/2021	JW	Review E3 NEM study, E3 webinar, review revised principles PD	Unable to differentiate allocation of time for each activity	1.00 hours	0.10 hours
	2/10/2021	JW	Review E3 NEM study, E3 webinar, review revised principles PD	Unable to differentiate allocation of time for each activity	0.50 hours	0.05 hours
	2/14/2021	JW	Review Lookback Study comments, review guiding principles, prep/call w/CalPA	Unable to differentiate allocation of time for each activity	0.50 hours	0.05 hours
	2/16/2021	JW	Review Lookback Study comments, review guiding principles, prep/call w/CalPA	Unable to differentiate allocation of time for each activity	0.50 hours	0.05 hours
	2/18/2021	JW	Review Lookback Study comments, review guiding principles, prep/call w/CalPA	Unable to differentiate allocation of time for each activity	0.50 hours	0.05 hours
	3/1/2021	JW	Review lookback data, NEM rate model, NEM rate concept research	Unable to differentiate allocation of time for each activity	0.50 hours	0.05 hours
	3/2/2021	JW	Review lookback data, NEM rate model, NEM rate concept research	Unable to differentiate allocation of time for each activity	1.50 hours	0.15 hours
	3/3/2021	JW	Review lookback data, NEM rate model, NEM rate concept research	Unable to differentiate allocation of time for each activity	4.00 hours	0.40 hours
	3/4/2021	JW	Review lookback data, NEM rate model, NEM rate concept research	Unable to differentiate allocation of time for each activity	4.00 hours	0.40 hours
	3/8/2021	JW	Model development, legal	Unable to differentiate	5.00 hours	0.50 hours

Item	Reason					
			research, draft proposal	allocation of time for each activity		
	3/9/2021	JW	Model development, legal research, draft proposal	Unable to differentiate allocation of time for each activity	3.00 hours	0.30 hours
	3/10/2021	JW	Model development, legal research, draft proposal	Unable to differentiate allocation of time for each activity	5.00 hours	0.50 hours
	3/12/2021	JW	Model development, legal research, draft proposal	Unable to differentiate allocation of time for each activity	3.00 hours	0.30 hours
	3/13/2021	JW	Model development, legal research, draft proposal	Unable to differentiate allocation of time for each activity	6.00 hours	0.60 hours
	5/17/2021	JW	Review ACC-related motions and draft potential response	Unable to differentiate allocation of time for each activity	2.00 hours	0.20 hours
	6/28/2021	JW	Review party testimony and draft rebuttal outline, related DRs	Unable to differentiate allocation of time for each activity	4.00 hours	0.40 hours
	6/30/2021	JW	Review party testimony and draft rebuttal outline, related DRs	Unable to differentiate allocation of time for each activity	1.50 hours	0.15 hours
	7/27/2021	JW	NEM hearing prep/listen	Unable to differentiate allocation of time for each activity	1.50 hours	0.15 hours
	7/28/2021	JW	NEM hearing prep/listen	Unable to differentiate allocation of	1.50 hours	0.15 hours

Item	Reason					
				time for each activity		
	8/2/2021	JW	NEM hearing prep/listen	Unable to differentiate allocation of time for each activity	1.00 hours	0.10 hours
	8/3/2021	JW	NEM hearing prep/listen	Unable to differentiate allocation of time for each activity	1.00 hours	0.10 hours
	8/4/2021	JW	NEM hearing prep/listen	Unable to differentiate allocation of time for each activity	3.00 hours	0.30 hours
	8/5/2021	JW	NEM hearing prep/listen	Unable to differentiate allocation of time for each activity	3.00 hours	0.30 hours
	8/6/2021	JW	NEM hearing prep/listen	Unable to differentiate allocation of time for each activity	6.00 hours	0.60 hours
	10/11/2021	JW	Prep for ex parte, attend ex parte	Unable to differentiate allocation of time for each activity	1.50 hours	0.15 hours
	10/12/2021	JW	Prep for ex parte, attend ex parte	Unable to differentiate allocation of time for each activity	1.00 hours	0.10 hours
	1/18/2022	JW	ex parte meetings (including prep time)	Unable to differentiate allocation of time for each activity	1.00 hours	0.10 hours
	2/2/2021	PC (Paul Chernick)	review white paper and email ruling	Unable to differentiate allocation of time for each activity	4.00 hours	0.40 hours

Item	Reason					
	2/18/2021	PC	call with CalPA re E3 white paper; edit SBUA proposal	Unable to differentiate allocation of time for each activity	2.00 hours	0.20 hours
	3/18/2021	PC	confer with JDW; presentation slides	Unable to differentiate allocation of time for each activity	6.00 hours	0.60 hours
	3/24/2021	PC	NEM presentations, day 2; payback research	Unable to differentiate allocation of time for each activity	5.00 hours	0.50 hours
	3/25/2021	PC	payback and uptake research; convo with TURN	Unable to differentiate allocation of time for each activity	2.50 hours	0.25 hours
	4/4/2021	PC	review party proposals; review PGE AL 6134-E	Unable to differentiate allocation of time for each activity	2.00 hours	0.20 hours
	4/7/2021	PC	review and edit workpapers for discovery response; payback analysis	Unable to differentiate allocation of time for each activity	5.00 hours	0.50 hours
	4/27/2021	PC	review party proposals; update payback graph	Unable to differentiate allocation of time for each activity	2.00 hours	0.20 hours
	6/27/2021	PC	review discovery on us; outreach to CalPA; draft discovery on multiple parties	Unable to differentiate allocation of time for each activity	3.00 hours	0.30 hours
	7/1/2021	PC	discovery and coordination with other parties	Unable to differentiate allocation of time for each activity	1.00 hours	0.10 hours

Item	Reason					
	8/6/2021	PC	technical preparation, appear in hearing, monitor other witnesses; identify talking points	Unable to differentiate allocation of time for each activity	4.00 hours	0.40 hours
	8/21/2021	PC	Joint recommendation; communications with SBUA	Unable to differentiate allocation of time for each activity	0.50 hours	0.05 hours
	TOTAL				153.05 hours	15.305 hours
	<u>Administrative and Clerical Work</u> The Commission does not compensate attorneys for clerical and administrative tasks, as these are considered subsumed within professional fees. Administrative tasks generally include scheduling, communications with the Commission’s docket office regarding filing procedures, directing administrative staff, photocopying, scanning and similar clerical tasks. <i>See</i> , D.11-07-024 at pp. 18. Consistent with this practice, we reduce compensation for time spent on the following entries:					
	Date	Person	Entry	Reason for Disallowance	Time listed	Time Disallowed
	1/6/2021	IH	Schedule NEM conversation to coordinate positions w Public Advocates	Clerical task completed by attorney (fees are subsumed in the fees paid to attorneys)	0.40 hours	0.40 hours
	1/8/2021	IH	Schedule NEM conversation with John and Public Advocates	Clerical task completed by attorney (fees are subsumed in the fees paid to attorneys)	0.10 hours	0.10 hours
	2/11/2021	IH	Schedule call with PAO + experts re NEM	Clerical task completed by attorney (fees are subsumed in the fees paid to attorneys)	0.10 hours	0.10 hours

Item	Reason					
	3/17/2021	IH	Review NEM workshop schedule + send to expert	Clerical task completed by attorney (fees are subsumed in the fees paid to attorneys)	0.10 hours	0.10 hours
	6/21/2021	IH	Email corresp with Docket office re filing	Clerical task completed by attorney (fees are subsumed in the fees paid to attorneys)	0.60 hours	0.60 hours
	6/21/2021	IH	Email corresp with Commn IT re filing	Clerical task completed by attorney (fees are subsumed in the fees paid to attorneys)	0.90 hours	0.90 hours
	7/2/2021	IH	coordinate with experts re status conference, RSVP to status conference	Clerical task completed by attorney (fees are subsumed in the fees paid to attorneys)	0.30 hours	0.30 hours
	7/2/2021	IH	coordinate with experts and Dimension counsel to meet	Clerical task completed by attorney (fees are subsumed in the fees paid to attorneys)	0.30 hours	0.30 hours
	7/16/2021	IH	review emails re hearing and cross-x schedules	Clerical task completed by attorney (fees are subsumed in the fees paid to attorneys)	0.20 hours	0.20 hours
	7/21/2021	IH	review cross-ex schedule / correspond with experts	Clerical task completed by attorney (fees are subsumed in the fees paid to attorneys)	0.70 hours	0.70 hours
	10/5/2021	AS	Contact staff to arrange ex parte meetings	Clerical task completed by attorney (fees are subsumed	0.30 hours	0.30 hours

Item	Reason					
				in the fees paid to attorneys)		
	10/5/2021	AS	Contact docket office regarding opening brief	Clerical task completed by attorney (fees are subsumed in the fees paid to attorneys)	0.50 hours	0.50 hours
	10/15/2021	AS	Coordinate meeting with Comm'r Houck	Clerical task completed by attorney (fees are subsumed in the fees paid to attorneys)	0.10 hours	0.10 hours
	10/15/2021	AS	Finalize meeting with staff of Comm'r Houck and provide notice regarding same	Clerical task completed by attorney (fees are subsumed in the fees paid to attorneys)	0.30 hours	0.30 hours
	10/21/2021	AS	Correct and refile post-meeting notice per direction of Docket Office	Clerical task completed by attorney (fees are subsumed in the fees paid to attorneys)	0.20 hours	0.20 hours
	11/2/2021	AS	Scheduling ex parte with Comm'r Rechtschaffen	Clerical task completed by attorney (fees are subsumed in the fees paid to attorneys)	0.20 hours	0.20 hours
	11/8/2021	AS	Receive feedback form J. Wilson, revise post-meeting summary and file and serve	Clerical task completed by attorney (fees are subsumed in the fees paid to attorneys)	0.20 hours	0.20 hours
	1/11/2022	AS	Revise opening comments on PD per Docket office direction to add reference to ALJ ruling extending deadline	Clerical task completed by attorney (fees are subsumed in the fees paid to attorneys)	0.30 hours	0.30 hours

Item	Reason					
	1/11/2022	AS	Request meeting with Comm'r Reynolds	Clerical task completed by attorney (fees are subsumed in the fees paid to attorneys)	0.30 hours	0.30 hours
	1/31/2022	AS	Draft and send meeting request to Comm'r Shiroma and Houck	Clerical task completed by attorney (fees are subsumed in the fees paid to attorneys)	0.30 hours	0.30 hours
	2/4/2022	AS	Confirm meeting with Comm'r Shiroma's office	Clerical task completed by attorney (fees are subsumed in the fees paid to attorneys)	0.10 hours	0.10 hours
	2/28/2022	AS	Email to J. Wilson and CPUC staff re schedule for ex parte meeting	Clerical task completed by attorney (fees are subsumed in the fees paid to attorneys)	0.20 hours	0.20 hours
	11/4/2022	AS	Submit request to speak at oral argument	Clerical task completed by attorney (fees are subsumed in the fees paid to attorneys)	0.10 hours	0.10 hours
	TOTAL				6.80 hours	6.80 hours
[9] SBUA's claim of cost reasonableness	<p><u>Merely Following the Proceeding Does Not Equate to Substantial Contribution</u></p> <p>SBUA's claim of reasonableness is based on the various opportunities intervenors had to participate in the proceeding- such as submitting testimony, ex parte meetings with Commissioners and their staff, and participating in hearings and workshops. However, mere participation does not equate to a substantial contribution. The Commission evaluates whether an intervenor's involvement had a discernible impact on the record and whether that impact is reflected in the final decision. Simply attending hearings and workshops is not, by itself, evidence of substantial contribution. In this case, SBUA allocated 10% of its claimed time —amounting to 100.1 hours (though this calculation appears inaccurate)—to attending such events. SBUA's timesheets indicate attendance at over 13 workshops and hearings, often by multiple attorneys and experts.</p>					

Item	Reason
	<p>However, SBUA's experts testified at only one evidentiary hearing and its attorneys did not engage in cross examination of other witnesses. Given the limited active participation, we find it unreasonable to compensate for multiple representatives attending hearings or workshops solely to observe or take notes. Accordingly, we reduce the claimed hours to compensate for only one participant per evidentiary hearing where SBUA did not actively participate as follows:</p> <ul style="list-style-type: none"> • PC: reduction of 17.00 hours • LM: reduction of 13.90 hours • JW: reduction of 5.50 hours • IH: reduction of 2.30 hours. The evidentiary hearing on August 6, 2021, lasted for 6.00 hours, but Ms. Hayward listed 8.30 hours for attendance at the hearing. <p><u>Lack of Substantial Contribution on Residential Modeling</u> SBUA engaged in modeling residential payback periods, however, the results of that modeling were not cited or relied upon in SBUA's briefing and did not inform the record in a meaningful way. Given the lack of substantial contribution and the apparent disconnect between the modeling and the final decision, we find this work to have limited value. Additionally, SBUA's timesheets do not distinguish between time spent on residential versus commercial modeling, making it difficult to assess the relevance of the hours claimed. Accordingly, we reduce 139.38 hours of James Harvey's time, representing approximately 50% of the total modeling hours, due to the lack of contribution this work provided to the proceeding.</p>
[10] Intervenor Compensation Claim Preparation	<p>SBUA requests \$7,577.25 in compensation for preparing its Intervenor Compensation Claim but does not state the hours spent by each of the two attorneys. <i>See</i> footnotes 6-9.</p> <p>SBUA's submitted timesheet indicates Strauss dedicated 28.90 hours and Hayward dedicated 2.60 hours to intervenor compensation claim preparation. However, we find this excessive and reduce the hours by 50%.</p> <p>We remind SBUA to fully complete their Intervenor Compensation claim documentation, ensure all calculations are accurate, avoid compound entries, and clearly identify each task in future filings. Additionally, when timesheets contain abbreviations or acronyms, it would be helpful to include glossary of terms for clarity.</p>

[11] Summary of Hours Reductions (other than ICOMP Claim Preparation)	Personnel	IH	AS	JB	JH	JW	LM	PC
	Reduction for vagueness			(2020) 0.14 hours				
		(2021) 19.34 hours	(2021) 1.83 hours	(2021) 9.47 hours	(2021) 29.92 hours	(2021) 51.15 hours	(2021) 2.11 hours	(2021) 74.82 hours
		(2022) 0.25 hours	(2022) 3.25 hours	(2022) 5.38 hours		(2022) 2.15 hours		(2022) 5.00 hours
	Reduction for compound timesheet entries			(2020) 0.14 hours				
		(2021) 2.80 hours	(2021) 0.40 hours	(2021) 0.56 hours		(2021) 6.55 hours		(2021) 3.70 hours
			(2022) 0.93 hours	(2022) 0.13 hours		(2022) 0.10 hours		
	Reduction for administrative work	(2021) 3.70 hours	(2021) 1.80 hours					
			(2022) 1.30 hours					
	Reduction for reasonableness of hours	(2021) 2.30 hours				(2021) 5.50 hours	(2021) 13.90 hours	(2021) 17.00 hours
	Reduction for work outside SBUA Scope				(2021) 139.38 hours			
	Totals By Year							
	2020			0.28 hours				
	2021	28.14 hours	4.03 hours	10.03 hours	169.30 hours	57.70 hours	16.01 hours	95.52 hours
	2022	0.25 hours	5.48 hours	5.51 hours		2.25 hours		5.00 hours

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 (<i>see</i> Rule 14.6(c)(6))?	No
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If not:

Party	Comment	CPUC Discussion

FINDINGS OF FACT

1. Small Business Utility Advocates has made a substantial contribution to D.22-12-056.
2. The requested hourly rates for Small Business Utility Advocates' representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services, and/or reflect the actual rates billed to, and paid by the intervenor, for consultant services rendered.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$257,537.00.

CONCLUSION OF LAW

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

ORDER

1. Small Business Utility Advocates shall be awarded \$257,537.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison shall pay Small Business Utility Advocates their respective shares of the award, based on their California-jurisdictional electric revenues for the 2021 calendar year, to reflect the year in which the

proceeding was primarily litigated. If such data is unavailable, the most recent electric 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 May 3, 2023, the 75th day after the filing of Small Business Utility Advocates' request, and continuing until full payment is made.

3. The comment period for today's decision is not waived.
4. This decision is effective today.

Dated _____, at Sacramento, California

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D2212056		
Proceeding(s):	R2008020		
Author:	ALJ Jack Chang		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier ?	Reason Change/Disallowance
Small Business Utility Advocates	February 17, 2023	\$407,242.75 ¹	\$257,537.00	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
James	Birkelund	General Counsel	\$510	2020	\$510.00
James	Birkelund	General Counsel	\$650	2021	\$650.00
James	Birkelund	General Counsel	\$705	2022	\$705.00
Paul	Chernick	Expert ²⁶	\$465	2021	\$465.00
Paul	Chernick	Expert ²⁶	\$505	2022	\$505.00
James	Harvey	Expert ²⁶	\$210	2021	\$210.00
Itzel	Hayward	Attorney ²⁶	\$610	2021	\$610.00
Itzel	Hayward	Attorney ²⁶	\$660	2022	\$660.00
Luke	May	Attorney ²⁶	\$425	2021	\$425.00
Ariel	Strauss	Attorney ²⁶	\$450	2021	\$450.00
Ariel	Strauss	Attorney ²⁶	\$465	2022	\$465.00
John	Wilson	Expert ²⁶	\$380	2021	\$380.00
John	Wilson	Expert ²⁶	\$410	2022	\$410.00

(END OF APPENDIX)

²⁶ Chernick, Wilson, Harvey, Strauss, May and Hayward served as consultants to SBUA for work performed in this proceeding.