

**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

FILED

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R2008020

July 11, 2025

Agenda ID #23621
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 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/ MICHELLE COOKE

Michelle Cooke

Chief Administrative Law Judge

MLC:hma

Attachment

Decision **PROPOSED DECISION OF ALJ CHANG** (Mailed 7/11/2025)**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
(Filed August 27, 2020)

**DECISION GRANTING COMPENSATION TO THE PROTECT OUR COMMUNITIES
FOUNDATION FOR SUBSTANTIAL CONTRIBUTION TO DECISION 22-12-056**

Intervenor: The Protect Our Communities Foundation (PCF)	For contribution to Decision (D.) 22-12-056
Claimed: \$412,133.85	Awarded: \$158,070.70
Assigned Commissioner: Alice Reynolds ¹	Assigned ALJ: Jack Chang ²

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	D.22-12-056 adopts a successor to the current net energy metering tariff. The successor tariff includes a retail export compensation rate based on Avoided Cost Calculator values and a retail import rate that encourages electrification and adoption of storage through high differentials between winter off-peak and summer on-peak rates.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812³:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	11/02/2020	Verified
2. Other specified date for NOI:	N/A	

¹ This proceeding was reassigned to Commissioner Alice Reynolds on January 11, 2022.

² This proceeding was reassigned to ALJ Jack Chang on December 3, 2024.

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

	Intervenor	CPUC Verification
3. Date NOI filed:	12/02/2020	Verified
4. Was the NOI timely filed?		Yes
Showing of eligible customer status (§ 1802(b)) or eligible local government entity status (§§ 1802(d), 1802.4):		
5. Based on ALJ ruling issued in proceeding number:	R.18-12-005	Please refer to Part I. B. 7. CPUC Verification.
6. Date of ALJ ruling:	04/27/2020	Please refer to Part I. B. 7. CPUC Verification.
7. Based on another CPUC determination (specify):	D.22-08-053 D.20-04-017	A party found eligible for an award of compensation in one phase of a proceeding remains eligible in later phases, including any rehearing, in the same proceeding. See Rule 17.2. D.22-08-053, an earlier decision in this proceeding, granted PCF eligibility for intervenor compensation.
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	R.18-12-005	Please refer to Part I. B. 11. CPUC Verification.
10. Date of ALJ ruling:	04/27/2020	Please refer to Part I. B. 11. CPUC Verification.
11. Based on another CPUC determination (specify):	D.22-08-053 D.20-04-017	A party found eligible for an award of compensation in one phase of a proceeding remains eligible in later phases, including any rehearing, in the same proceeding. See Rule 17.2. D.22-08-053, an earlier decision in this proceeding, granted PCF

	Intervenor	CPUC Verification
		eligibility for intervenor compensation.
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.22-12-056	Verified
14. Date of issuance of Final Order or Decision:	12/19/2022	Verified
15. File date of compensation request:	02/17/2023	Verified. On December 13, 2023, PCF filed a Supplement to the Request, and a Revised Supplement to the Request on January 4, 2024, with allocation of hours by issues.
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>1. Time-of-Use Rates. The Commission agreed with the Protect Our Communities Foundation ("PCF") that the Commission should revise time-of-use rates to increase differentials between peak and off-peak prices.</p> <p>In its Policy Proposal E, PCF proposed to align retail electricity pricing with wholesale electricity pricing, aligning the lowest rates with the times of greatest renewable energy production and the highest rates with the times of</p>	<p>"The net billing tariff shall contain the following adopted elements: ... c) Highly differentiated time-of-use rates" D.22-12-056 ["Decision"] at 238-39.</p> <p>"PCF puts forth five recommendations... Proposal E would revise the time-of-use rates to align with energy policy and wholesale electricity prices." <i>Id.</i> at 30-31.</p> <p>The Commission agreed with PCF's position to align retail electricity pricing</p>	<p>Noted. However, multiple other parties similarly supported new non-tiered, highly differentiated time-of-use rates. See the Commission's Comments in Part III.D[6, 7], below.</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>greatest fossil fuel generation and transmission/distribution congestion. PCF's proposal would have created enough of a price differential to incentivize behavior change. <i>See</i> R.20-08-020, The Protect Our Communities Foundation Net Energy Metering 3.0 Tariff Proposals A-E (March 15, 2021) ["PCF Proposals"].</p> <p>Further, in its opening brief, PCF argued that the current time-of-use rates "do not send a strong signal to customers to shift consumption to lower-priced hours . . . because the differences between on- and off-peak prices are relatively small." R.20-08-020, Opening Brief of The Protect Our Communities Foundation (August 31, 2021) ["PCF Opening Brief"] at 50. PCF further explained how the current time-of-use rates' low differentials weakened the signal to energy storage customers to charge during daylight hours and discharge during peak hours. <i>Id.</i> at 51.</p> <p>Thus, PCF explained that the time-of-use rates should include higher differentials: "rates should be lower during periods when solar is generating and higher during times of peak demand in which solar is no longer generating." <i>Id.</i></p>	<p>with wholesale electricity pricing variability: "Highly differentiated time-of-use rates are closer to the energy prices required to run the grid." <i>Id.</i> at 217 (Finding of Fact 112).</p> <p>"PCF asserts the current time-of-use rates, for PG&E and SDG&E, do not send a strong signal to customers to divert energy usage to lower-priced hours when the solar system is producing. To maximize benefits, PCF recommends revising time-of-use rates to have greater differentials between peak and off-peak pricing and be seasonally adjusted. PCF contends making these revisions would also decrease the cost shift." <i>Id.</i> at 108-09.</p> <p>"Requiring successor tariff customers to take service on highly differentiated time-of-use rates will incentivize customers to divert energy usage to lower-priced hours when the solar system is producing energy or to deploy storage." <i>Id.</i> at 217 (Finding of Fact 111).</p> <p>"The Commission should adopt a successor tariff that requires residential customers to take service on an existing highly differentiated time-of-use rate available to all customers." <i>Id.</i> at 234 (Conclusion of Law 23).</p>	

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>PCF recommended that the Commission adopt a seasonally adjusted time-of-use rate. <i>Id.</i> at 51. For example, PCF advocated that “pricing periods could . . . be seasonally adjusted to account for differences in solar production profiles at different times of the year.” <i>Id.</i> The Commission agreed and adopted seasonally adjusted time-of-use rates.</p> <p>PCF explained that the time-of-use incentives proposed would incentivize storage customers “to shift their consumption to daylight hours...[and] discharge their batteries during peak hours,” thereby increasing benefits to the grid. PCF Opening Brief at 51. The Decision agreed.</p>	<p>“The successor tariff applies electrification retail import rates, with high differentials between winter off-peak and summer.” <i>Id.</i> at 3.</p> <p>“Requiring successor tariff customers to take service on retail import rates with high differentials between winter off-peak and summer on-peak rates will improve the price signal to these customers.” <i>Id.</i> at 217 (Finding of Fact 110).</p> <p>“Requiring successor tariff customers to take service on highly differentiated time-of-use rates maximizes the value of the generation to all customers and to the electrical system and ensures equity among all customers.” <i>Id.</i> at 218 (Finding of Fact 113).</p>	
<p>2. Benefits of and Incentives for Storage.</p> <p>The Commission agreed with PCF that the tariff should increase incentives for solar plus storage and agreed with PCF’s explanation of the grid benefits of solar plus storage.</p> <p>PCF analyzed CAISO data to explain the benefits of paired storage. For example, PCF stated that “storage paired with renewable generation can help flatten the demand curve and reduce strain on the grid by shifting the time that renewable energy is consumed to later in the day.” PCF Opening Brief at 52. PCF based this assessment</p>	<p>“PCF recommends the Commission encourage customers to maximize the value of their behind-the-meter systems to the grid by increasing incentives to pair solar with storage. Noting the small differentials between peak- and off-peak pricing weaken the price signals to customers, PCF submits time-of-use rates should be revised to provide greater differentials between peak- and off-peak pricing. PCF contends paired storage would then be encouraged to discharge batteries during peak periods.” Decision at 98.</p> <p>“PCF points out that most parties also agree that ‘storage resources have the ability to increase the benefits of net</p>	<p>Part of PCF’s comments contributed to the decision. However, see the Commission’s Comments in Part III.D[6] below.</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>on its expert witness's analysis: "[I]nstallation of a battery [paired with NEM solar] will not only reduce NEM customers' costs, but it will also reduce all customers' costs because it will reduce the peak electricity demand, and that in turn reduces the need for more T&D infrastructure." R.20-08-020, Testimony of Tyson Siegele (June 18, 2021) at 12.</p> <p>PCF also raised the issue of high battery costs to justify solar plus storage incentives, noting that an E3 study "estimated that the addition of a battery increased the length of a NEM 2.0 customer's payback period by 14-25%, depending on the utility." <i>Id.</i> at 52. The Commission agreed.</p> <p>To address high storage costs and increase storage deployment, PCF proposed a community storage program.</p>	<p>energy metering solar to the grid.' To explain this assertion, PCF submits that storage paired with renewable generation can help flatten the demand curve and reduce strain on the grid by shifting the time renewable energy is consumed to later in the day." Decision at 97.</p> <p>"This decision agrees that the addition of storage provides greater benefits to both the customer and the grid." <i>Id.</i> at 98.</p> <p>"[I]t 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 98-99.</p> <p>"The addition of storage provides greater benefits to both the customer and the grid as compared to the benefits of a stand-alone solar system." <i>Id.</i> at 215 (Finding of Fact 87).</p> <p>"The current cost of storage also presents a barrier to widespread adoption in the near-term, as underscored by CALSSA⁴ and PCF. PCF references an analysis performed by E3, where E3 estimated that the addition of a battery increased the length of a NEM 2.0 customer's payback period by 14 to 25 percent, depending on the utility." <i>Id.</i> at 99.</p> <p>"The Commission recognizes that a community renewable energy program tariff has the potential to benefit the grid and ratepayers. Hence, a full</p>	

⁴ California Solar & Storage Association.

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>Specifically, PCF proposed a community storage model that would require “each owner of a new [behind the meter (“BTM”)] system to pay a modest fee that would be used to purchase community storage. The fee, to be assessed by the solar installer and paid to the utility as part of the interconnection cost, would be approximately 20% of the total BTM system cost, and would go into a Community Storage fund.... The Community Storage system would increase benefits to all customers and the electric system as a whole. Specifically, it would harness clean, renewable energy generated during daylight hours and allow it to be discharged during the evening hours.” PCF Opening Brief at 55. Although the Decision did not adopt the proposal because community programs were deemed premature, PCF’s advocacy of the program contributed to the Commission’s decision that the issue deserved full attention in a later proceeding.</p> <p>PCF also proposed using time-of-use rates to incentivize deployment of storage. PCF observed that current time-of-use rates “do not send a strong signal to customers to shift consumption to lower-priced hours.” PCF Opening Brief at 50. Therefore, PCF argued that “time-of-use rates applicable to</p>	<p>examination in a narrower context is warranted through A.22-05-022 et al., which allows the Commission to compare the costs and benefits of proposals for new community renewable energy programs directly with existing community solar programs.” <i>Id.</i> at 188-89.</p> <p>“The Commission declines to adopt a successor tariff specifically for community distributed energy resources in this decision, as the Commission deems it premature.” <i>Id.</i> at 188.</p> <p>“Requiring successor tariff customers to take service on highly differentiated time-of-use rates will incentivize customers to . . . deploy storage.” <i>Id.</i> at 217 (Finding of Fact 111).</p>	

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>NEM customers should be revised to include greater differentials between peak and off-peak pricing.... Solar + storage customers would have a greater incentive to discharge their batteries during peak periods.” PCF Opening Brief at 51. The Commission agreed with PCF that highly differentiated time-of-use rates would incentivize storage deployment.</p>		
<p>3. Community Solar. PCF proposed a community solar program to expand access to NEM 2.0 to low-income customers, renters, and multi-unit residents. The Commission considered PCF's proposal and deferred adoption of such a program to study the costs and benefits of proposals like PCF's in another proceeding. Although PCF's community solar proposal was not adopted by the Commission in this proceeding, PCF added useful context regarding equity issues into the record and provided an example of a community solar program to which the parties could react. PCF's advocacy of the community solar program contributed to the Commission's decision that the issue deserved full attention in a later proceeding.</p> <p>Referencing its Proposal D, PCF stated that the Commission should “advance</p>	<p>“The Commission recognizes that a community renewable energy program tariff has the potential to benefit the grid and ratepayers. Hence, a full examination in a narrower context is warranted through A.22-05-022 et al., which allows the Commission to compare the costs and benefits of proposals for new community renewable energy programs directly with existing community solar programs.” Decision at 188-89.</p> <p>“The Commission declines to adopt a successor tariff specifically for community distributed energy resources in this decision, as the Commission deems it premature.” <i>Id.</i> at 188.</p> <p>“PCF proposes to create a community solar program based on the NEM 2.0 tariff structure to serve CARE and</p>	<p>Noted. However, the Commission found that PCF's comments did not contribute to the decision and instead were dismissive. “PCF's arguments disputing the validity of the equity concern are dismissive and glib.” D.22-12-056 at 54. See the Commission's Comments in Part III.D[6], below.</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>equity by expanding access to the successor tariff to renters and multi-unit building residents through a community solar program.” PCF Opening Brief at 53; see also R.20-08-020, Opening Comments of the Protect Our Communities Foundation on the Proposed Decision of ALJ Kelly A. Hymes Revising Net Energy Metering Tariff and Subtariffs (Jan. 7, 2022) [“PCF Opening Comments on PD”] at 19 (“NEM-based community solar programs . . . provide a meaningful opportunity to expand access to NEM to customers who would otherwise be unable to participate—especially renters.”).</p>	<p>residential customers, with solar arrays owned and operated by a community choice aggregator or other program administrator, sized 50 kilowatts to five megawatts, located on rooftops and parking lots within a five-mile radius. . . . Once low-income and renter’s annual loads have been offset by these community solar arrays, the program administrator must use the funds to provide additional discounts to renter and low-income customer bills.” Decision at 31.</p> <p>“As previously described . . . , CCSA,⁵ CESA,⁶ and PCF put forward proposals for community distributed energy resources.” <i>Id.</i> at 187.</p>	
<p>4. Barriers Facing Low-Income Customers and Proposals to Advance Equity.</p> <p>PCF advocated for expanding NEM access to low-income customers and renters and explained barriers those customers face. The Decision recognized the barriers PCF highlighted and agreed that affirmative measures to expand access to NEM were needed. PCF also proposed various solutions for expanding access to NEM residents. The Commission adopted one of</p>	<p>“PCF states the Commission should address equity concerns by expanding access to net energy metering to more low-income customers, renters, and multi-unit building residents.” Decision at 89.</p> <p>“[A] successor will strive to both ensure equity among all ratepayers and expand net energy metering to disadvantaged communities.... Disadvantaged communities should not continue to be left behind with respect to clean energy</p>	<p>PCF excluded “[f]irst, this decision declines any proposal to maintain the status quo, i.e., NEM 2.0,” D.22-12-056 at 174, from their specific reference to claimed contribution “<i>Id.</i> at 174-75.” Arguing for the status quo does not substantially contribute to the decision. See the Commission’s Comments in Part III.D[6], below.</p>

⁵ Coalition for Community Solar Access.

⁶ California Energy Storage Association.

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>PCF's proposals; the others informed the Commission's decision and enriched the discussion of how the Commission could meet the statutory mandate to include alternatives designed for growth in disadvantaged communities.</p> <p>The Commission agreed with PCF's advocacy regarding the barriers facing low-income customers. PCF emphasized low-income customers', renters', and multi-unit residents' historically low NEM participation, and related it to their lower rates of homeownership. PCF Opening Brief at 18, 22. PCF also argued that high upfront costs and challenges related to obtaining financing prevented lower-income customers from accessing NEM. <i>Id.</i> at 45.</p> <p>PCF also identified additional barriers facing lower-income customers. For example, PCF described disproportionately low NEM compensation for CARE customers' exports under the NEM 2.0 tariff as a result of that tariff applying the CARE discount to export compensation. PCF Opening Brief at 46. The Commission agreed that these factors represented barriers to adoption.</p> <p>PCF proposed several options for expanding access to lower-</p>	<p>options, including electrification and storage. The successor tariff will address the equity issue by working to ensure increased participation by disadvantaged communities. Accordingly, the successor tariff will include elements to ... increase participation by households in low-income ... and disadvantaged communities." <i>Id.</i> at 91-92.</p> <p>"Low-income households have financial challenges and barriers to adoption of behind-the-meter resources." <i>Id.</i> at 225 (Finding of Fact 192).</p> <p>"Applying the CARE and FERA discount led to low-income NEM 2.0 tariff customers receiving lower compensation for exporting electricity back to the grid, which resulted in lower monthly savings and longer payback periods." <i>Id.</i> at 226 (Finding of Fact 202).</p> <p>"The Commission should not decrease retail export compensation rate credits</p>	<p>PCF does not provide a citation where the Commission explicitly agreed "with PCF's advocacy regarding the barriers facing low-income customers" or "factors represent[ing] barriers to adoption" by lower-income customers for entering the NEM program.</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>income residents. The Commission agreed with PCF's first recommendation to eliminate the application of the CARE discount to export compensation, <i>id.</i> at 6 ("the successor tariff should compensate CARE customers participating in NEM at the same rates received by non-CARE customers").</p> <p>PCF's second proposal enriched the record and the Commission's deliberation. PCF proposed a carve-out from the successor tariff that would continue offering the NEM 2.0 tariff to serve customers who have been historically underrepresented, including low-income customers, renters, and multi-unit residents, until those customers reach 10,000 MW of installed BTM capacity. PCF Opening Brief at 56. The Commission agreed with the goals of PCF's carve-out proposal. Although the Commission did not adopt PCF's proposal, the proposal enriched the Commission's discussion of options for expanding access to NEM to promote equity.</p> <p>PCF also proposed a community solar program to expand access to lower-income customers and renters. PCF Opening Comments on PD at 20-21 (promoting community solar as a means of advancing equity). Although the</p>	<p>by applying the CARE and FERA discounts received by low-income households." <i>Id.</i> at 235 (Conclusion of Law 41).</p> <p>"PCF proposes a carve-out for low-income customers to retain access to the NEM 2.0 tariff until low-income customers reach 10,000 megawatts of installed behind-the-meter capacity. PCF contends this would contribute to ensuring the customer-sited distributed generation continues to grow sustainably and advance equity between customer classes. . . . While the Commission recognizes the barriers to adoption of behind-the-meter resources by low-income households as well as the financial challenges for low-income customers, other objectives for this tariff must be met, including ensuring the tariff is based on the costs and benefits. This decision found that NEM 2.0 does not meet this standard." <i>Id.</i> at 174-75.</p> <p>"The Commission recognizes that a community renewable energy program tariff has the potential to benefit the grid and ratepayers. Hence, a full examination in a narrower context is warranted through A.22-05-022 et al., which allows the Commission to compare the costs and benefits of</p>	

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
Commission did not adopt PCF's proposal, the Commission acknowledged that the issue deserved full and more specific examination in a future proceeding.	proposals for new community renewable energy programs directly with existing community solar programs." <i>Id.</i> at 188-89.	
<p>5. Reasonable Payback Periods.</p> <p>PCF advocated for the use of reasonable payback periods as a measure of the attractiveness of distributed generation to new customers, and the Commission agreed that a reasonable payback period should inform the design of the successor tariff. In its opening brief, PCF argued that "[t]he Commission should adopt a successor tariff with a reasonable payback period to ensure that NEM solar continues to grow sustainably." PCF Opening Brief at 5. PCF asserted that "[a] reasonable payback period remains a key determinant of whether distributed generation presents a viable economic value proposition and will continue to grow." <i>Id.</i> at 35.</p> <p>PCF further argued against several parties' payback period</p>	<p>"PCF asserts the Commission should evaluate the successor tariff based on whether customers receive an attractive economic value proposition. PCF explains that while some customers may adopt solar to combat climate change, most will only invest if they recover their costs." Decision at 72.</p> <p>"PCF also supports the use of payback periods, asserting that a reasonable payback period remains a key determinant of whether distributed generation presents a viable economic value proposition." <i>Id.</i> at 72.</p> <p>"With respect to the payback period, this decision agrees with most parties that the Commission should consider the length of time for a customer's payback period when determining the reasonableness of the successor tariff.... [I]t is reasonable – from a consumer protection perspective – that the successor tariff targets a nine-year simple payback..." <i>Id.</i> at 76-77.</p> <p>"It is reasonable to consider the length of time for a customer's payback period when determining the reasonableness of the successor tariff." <i>Id.</i> at 212 (Finding of Fact 54).</p> <p>"Joint Utilities maintain the payback period is far less than the NEM 2.0 20-</p>	<p>Noted. Other parties had similar arguments "[m]ost, if not all, parties support this proposition, including SEIA/Vote Solar, who state sustainable growth requires reasonable economics for participants" D.22-12-056 at 72. See the Commission's Comments in Part III.D[6,7], below.</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>proposals, stating that “successor tariffs proposed by the Joint Utilities, TURN, and Cal Advocates would not present customers with an attractive economic value proposition. Instead, they would result in the longest payback periods in the country. Overnight, rooftop solar would go from an attractive investment to an unattractive economic burden. As the results from other states have shown, such abrupt disruptions have not allowed for continued sustainable growth.” PCF Opening Brief at 5. In adopting a payback period shorter than these parties’ proposed, the Commission implicitly agreed with PCF’s arguments that these parties’ proposed payback periods were too long.</p> <p>PCF also argued that, to address equity goals of expanding access to NEM to lower- and middle-income customers, the Commission should consider a more complex calculation of payback periods that factored in interest payments. For example, PCF stated: “to gauge what lower- and middle-income customers would face in installing new solar systems, payback period calculations must take into account interest and other payments.” PCF Opening Brief at 44. While the Commission ultimately determined that a simple</p>	<p>year legacy period and the estimated 35-year ... useful life represented by a major solar manufacturer.” <i>Id.</i> at 75.</p> <p>“[I]t is reasonable—from a consumer protection perspective—that the successor tariff targets a nine-year simple payback for a stand-alone solar system.” <i>Id.</i> at 77.</p> <p>“A target of a nine-year simple payback period for a stand-alone solar system presents a balanced approach to promoting the adoption of solar systems paired with storage.” <i>Id.</i> at 212 (Finding of Fact 56).</p> <p>“[P]arties . . . discuss the differing analyses to determine the number of years to payback.” <i>Id.</i> at 78.</p> <p>“This decision adopts a simple payback metric as the most transparent and consumer-friendly metric.” <i>Id.</i> at 79.</p> <p>“A simple payback metric is the most transparent and consumer-friendly metric to determine the number of years to payback.” <i>Id.</i> at 212 (Finding of Fact 55).</p>	

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<p>payback period would be more “transparent” and “consumer-friendly,” PCF’s argument on this issue enriched the record and the Commission’s deliberations and ensured that the Commission’s decision was fully informed by the proper context.</p>		
<p>6. Continued Sustainable Growth. PCF provided a detailed legal analysis of the statutory language of Public Utilities Code section 2827.1(b)(1), explaining that the statute requires continuity in rates of deployment of distributed generation. PCF also argued—and the Commission agreed—that the statute was intended to encompass the growth of the solar industry.</p> <p>PCF argued that “[t]he plain language of sub-section 2827.1(b)(1) suggests that the successor tariff must allow for adoption of customer-sited renewable generation at similar rates to those under the current tariffs.” PCF Opening Brief at 27. PCF further stated that section 2827.1(b)(1)’s use of the word “continues” “emphasizes continuity.” <i>Id.</i>; PCF Opening Comments on PD at 11. The Commission agreed in part, determining that section 2827.1(b)(1) called for continued growth of distributed renewable generation, albeit not at certain rates. The</p>	<p>The Commission discussed CALSSA’s similar statutory interpretation argument, stating: “CALSSA asserts the plain meaning of ‘grow sustainably’ is ‘continued increase of customer-sited distributed generation in the State in a manner that can continue over a period of time.’ CALSSA maintains the phrase ‘grow sustainably’ included in AB 327 reflects the Legislature’s desire for net energy metering ‘to avoid the fits and starts that the previous capped program placed on the industry’s growth.’” Decision at 55-56.</p> <p>“A target of a nine-year simple payback period for a stand-alone solar system presents a balanced approach to promoting the adoption of solar systems</p>	<p>Many of PCF’s comments regarding growth were not considered. See the Commission’s Comments in Part III.D[6], below.</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>Commission also determined that this requirement had to be balanced against other statutory directives.</p> <p>PCF also argued that the Legislature's directive in subsection (b)(1) "encompasses the growth of the distributed solar industry." PCF Opening Brief at 28 (citing legislative history of AB 327 showing concerns about the "sustained growth of the industry."). The Commission agreed that subsection (b)(1) concerned the growth of the solar industry.</p>	<p>paired with storage." <i>Id.</i> at 212 (Finding of Fact 56).</p> <p>"[A]ny proposed change to the tariff should consider the impact on the growth of the net energy metering market. This decision clarifies that because most customer-sited renewable distributed generation in California is from solar systems, the sustainable growth of the solar industry must also be considered to ensure the sustainable growth of customer-sited renewable distributed generation." <i>Id.</i> at 57-58.</p> <p>"Any proposed change to the net energy metering tariff should consider the impact on the growth of the net energy metering market and, therefore, the solar industry." <i>Id.</i> at 210 (Finding of Fact 31).</p>	
<p>7. Societal Cost Test.</p> <p>The Decision agreed with PCF that the Societal Cost Test should be considered by the Commission and decided to evaluate that test in a later successor proceeding to R.14-10-003. PCF's advocacy also ensured that the Commission's evaluation of costs and benefits in this proceeding was fully informed.</p> <p>PCF explained that the statutory requirements of Public Utilities Code sections 2827.1(b)(3) and (4) directed the Commission to consider the "total benefits" and "total costs" of distributed</p>	<p>"[A]pplication of this test is premature because the evaluation to determine the final details of the test has not been completed.... Accordingly, the evaluation of the Societal Cost Test will be considered by the Commission in a successor proceeding to R.14-10-003." <i>Id.</i> at 66; <i>see also id.</i> at 211 (Finding of Fact 39).</p> <p>"PCF recommends the Commission use the Societal Cost Test to analyze the cost-effectiveness of the successor tariff. PCF asserts the Commission must consider societal benefits to ensure the costs and benefits of any net energy metering tariff are approximately equal.</p>	<p>Noted. However, we disagreed with PCF's assertions as we stated, "[t]he request to use the Societal Cost Test in the analysis of the successor tariff is denied. As Joint Utilities note, application of this test is premature because the evaluation to determine the final details of the test has not been completed." D.22-12-056 at 66.</p> <p>While the Commission</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>generation. PCF stated that the Commission should use the Societal Cost Test in order to account for the "total benefits" of distributed generation and the NEM tariffs. PCF's promotion of the Societal Cost Test ensured that the Decision considered all of the tools available to measure the "total benefits" of distributed generation to comply with section 2827.1(b)'s mandate.</p> <p>PCF asserted that, "to comply with its statutory obligation to ensure that the costs and benefits of any NEM tariff are approximately equal, the Commission must consider the societal benefits of distributed energy resources." PCF Opening Brief at 21. Further, PCF stated: "Although the Commission has not yet approved all elements of the Societal Cost Test for use in other proceedings, this delay does not mean that societal benefits do not exist. Nor does it mean that the Commission may ignore those benefits. The Legislature has required the Commission to take into account the "total" benefits of customer-sited generation: the Societal Cost Test offers the Commission the means to comply with this requirement." PCF Opening Brief at 22.</p>	<p>Acknowledging the Societal Cost Test has not been approved for use in other proceedings, PCF contends the Commission cannot ignore these benefits since the Societal Cost Test offers the Commission the means to comply with the requirement to take into account the total benefits of customer-sited generation." Decision at 66.</p>	<p>compensates intervenors even when their recommendations or positions are not adopted in the final decision, PCF's comments contributed only minimally to the decision-making process. See the Commission's Comments in Part III.D[6], below.</p>
<p>8. Benefits Excluded from Avoided Cost Calculator.</p>		<p>Noted. PCF requests were addressed in an</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>PCF challenged the exclusive use of the Avoided Cost Calculator as the sole means of determining the benefits of BTM systems. Although the Decision declined to consider additional benefits that are not captured by the Avoided Cost Calculator—reasoning that prior decisions required use of the Avoided Cost Calculator and some of the benefits were not specific to net energy metering—PCF's proposals ensured that the Decision assessed a more complete range of potential benefits of NEM solar. Further, PCF's analysis and evidence contributed to the Commission's decision-making in this proceeding by causing it to consider the flaws and issues arising from the current configuration of the Avoided Cost Calculator.</p> <p>PCF argued that the use of the Avoided Cost Calculator as the only determinant of NEM benefits was problematic because the calculator did not adequately quantify resiliency benefits, climate benefits, or avoided transmission costs. PCF Opening Comments on PD at 3-5, 12-13.</p>	<p>“PCF is essentially asking the Commission to upend three prior decisions requiring use of the Avoided Cost Calculator as the determinant of the inputs for the standard practice manual cost-effectiveness tests.... Accordingly, the request ... is denied.” <i>Id.</i> at 61.</p> <p>“[T]his decision reviews party recommendations to consider proposed additional benefits that are specific to those distributed energy resources used by net energy metering participating customers.” <i>Id.</i> at 67-68.</p> <p>“This decision . . . declines to adopt the proposed societal benefits of an update social cost of carbon metric, a reduced methane leakage multiplier, and avoided future transmission costs.... [S]ome of these benefits ... can be attributable to resources other than net energy metering, thus, it is not appropriate to determine values only for net energy metering resources.” <i>Id.</i> at 70.</p> <p>“The proposed societal benefits of ... future transmission costs are not solely applicable to net energy metering.” <i>Id.</i> at 211 (Finding of Fact 45).</p> <p>“PCF contends the Avoided Cost Calculator underestimates the benefits of behind-the-meter generation such as reduced transmission and distribution costs, reduced greenhouse gases, and system resiliency and reliability.” Decision at 60.</p> <p>“PCF also recommends . . . the Commission consider the societal benefits of resiliency and avoided out-of-state methane leakage. Other parties</p>	<p>earlier decision.</p> <p>“Hence, PCF is essentially asking the Commission to upend three prior decisions requiring use of the Avoided Cost Calculator as the determinant of the inputs for the standard practice manual cost-effectiveness tests and instead use the Lookback Study's cost-of-service analysis.” D.22-12-056 at 61. See the Commission's Comments in Part III.D[6], below.</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>Further, PCF argued that the Avoided Cost Calculator does not adequately account for full air quality benefits. For example, PCF stated that “renewable generation that replaces fossil-fuel generation avoids the emissions of air pollutants that are damaging to health. The Avoided Cost Calculator does not include any means of calculating avoided health costs related to customer-sited renewable generation.” PCF Opening Brief at 19.</p>	<p>also recommend the consideration of benefits they state are not included in the Avoided Calculator.” <i>Id.</i> at 67.</p> <p>“PCF asserts the Lookback Study underestimates the benefits of behind-the-meter generation because the [Avoided Cost] calculator does not adequately quantify avoided transmission costs or the resiliency benefits of net energy metering solar, or account for the air quality and climate benefits.” <i>Id.</i> at 41.</p>	
<p>9. High Transmission Costs as Drivers of Rate Increases. PCF argued and submitted evidence demonstrating that soaring transmission spending, rather than any cost shift resulting from the NEM 2.0 tariff, is responsible for increasing customers’ bills. PCF expert witness T. Siegele testified that “[t]he majority of electricity rate[s are] transmission and distribution (“T&D”) charges.” R.20-08-020, Testimony of Tyson Siegele (June 18, 2021) at 14. Additionally, PCF expert witness B. Powers testified that “the annualized IOU transmission charges to ratepayers have risen by approximately \$2.3 billion per year since 2007.” R.20-08-020,</p>	<p>“PCF disagrees that the cost shift is responsible for high electricity prices, stating that transmission and distribution charges remain by far the largest contributors to electricity prices, as well as the restructuring of residential tariffs. Pointing to the transmission charges, PCF contends these charges have risen by \$2.3 billion a year since 2007.” Decision at 93.</p>	<p>The Commission agreed that transmission and distribution costs were one of the factors leading to an increase in high electricity rates. However, as PCF acknowledges, “the one driver [of high electricity prices] that is relevant to this proceeding[is] the significant cost shift from solar customers to customers without solar.” D.22-12-056 at 208 (Finding of Fact 12). Thus, PCF’s analysis here related to the drivers of rate increases is outside the scope of the</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>Rebuttal Testimony of Bill Powers, P.E. (Errata Jul. 22, 2021) at 15.</p> <p>The Commission agreed with PCF's analysis and expert testimony in part, acknowledging that high transmission spending contributed to customer bill increases, and disagreed in part, concluding that a cost shift is also responsible and attributable to net energy metering. PCF's advocacy on this issue ensured that the Commission's discussion of rate increases was fully informed, and the Commission incorporated the context and evidence PCF provided into its Decision.</p>	<p>"The Commission agrees that the net energy metering cost shift alone is not responsible for the entirety of high rates in California." <i>Id.</i> at 93.</p> <p>"The Affordability Report indicates high electricity rates are driven by a combination of transmission and distribution costs, wildfire mitigation, and the shifted costs from solar customers to customers without solar." <i>Id.</i> at 208 (Finding of Fact 11).</p> <p>"The cost shift discussion in this proceeding does not ignore the other drivers of high electricity rates but, rather, focuses on the one driver that is relevant to this proceeding: the significant cost shift from solar customers to customers without solar." <i>Id.</i> at 208 (Finding of Fact 12).</p>	<p>proceeding. <i>See</i> the Commission's Comments in Part III.D[6], below.</p>
<p>10. Resiliency Benefits.</p> <p>PCF argued that the Decision should credit the resiliency benefits of NEM solar paired with storage. PCF argued for greater consideration of resiliency benefits, noting that "the Avoided Cost Calculator does not include a value for the resiliency benefits of customer-sited renewable generation paired with storage." PCF Opening Brief at 16. PCF further argued that "BTM systems with solar and paired storage generate resiliency-related benefits that accrue to society as a whole,"</p>	<p>"PCF also recommends, in lieu of the Societal Cost Test, the Commission consider the societal benefits of resiliency.... While not proposing a particular value, PCF also supports the adoption of resiliency benefits for solar systems paired with energy storage. PCF submits paired storage offers 'resiliency-related benefits that accrue to society as a whole,' such as the ability to generate onsite power during a heat wave, the ability to prevent increased emergency room visits during heat waves; the ability to prevent food spoilage and waste due to loss of refrigeration; and the ability to continue</p>	<p>"The Commission declines to adopt resiliency adders. Neither SEIA/Vote Solar nor PCF have provided convincing evidence that the examples of resiliency benefits offered are more than individual benefits. The examples given by PCF and SEIA/Vote Solar are either private benefits or highly speculative and limited to unique circumstances; none</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>such as “the ability to generate onsite power during a heat wave..., [preventing] increased emergency room visits..., avoiding food spoilage and waste due to loss of refrigeration, as well as continuity of education during times of remote schooling or otherwise.” <i>Id.</i> at 17-18.</p> <p>PCF explained that “[b]ecause society as a whole benefits from decreased emergency room visits, deaths, food waste, and educational disruptions, these benefits should be weighed in the evaluation of customer-sited generation’s costs and benefits.” <i>Id.</i> at 18.</p> <p>The Commission considered the examples of resiliency benefits proposed by PCF but declined to credit them, concluding that they were solely private benefits. PCF’s proposal enriched the record and allowed the Decision to assess a more complete range of potential benefits of NEM solar. Further, while the Decision declined to account for resiliency benefits in this proceeding, the Commission acknowledged that crediting resiliency benefits may be appropriate in future decisions.</p>	<p>educational classes during remote learning.” Decision at 67-69.</p> <p>“The examples given by PCF and SEIA⁷/Vote Solar are either private benefits or highly speculative and limited to unique circumstances; none of which would lead the Commission to ascribe a resiliency adder for all net energy metering customers. While declining to quantify resiliency benefits here, the Commission recognizes that evolving analysis and changing grid conditions may result in more persuasive arguments in favor of quantifying resiliency benefits in the future, especially locational ones; the Commission may consider this issue at a future time.” <i>Id.</i> at 67-69.</p>	<p>of which would lead the Commission to ascribe a resiliency adder for all net energy metering customers.” D.22.12-056 at 69. PCF’s comments contributed only minimally to the decision.</p> <p>See the Commission’s Comments in Part III.D[6], below.</p>

⁷ Solar Energy Industries Association.

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>11. Critique of Grid Benefits Charges. PCF opposed various parties' proposals to include a Grid Benefits Charge or Grid Participation Charge—a charge intended to recoup costs purportedly shifted to non-participants when NEM customers consume generation produced on-site—because, among other reasons, such charges unfairly penalized NEM customers for decreasing energy used from the grid, while other customers who decrease energy used from the grid are not penalized. PCF Opening Brief at 54. PCF also explained that the December 2021 Proposed Decision's inclusion of a Grid Participation Charge repeated these flaws. PCF Opening Comments on PD at 15 (“The PD’s stated justification for the GPC also reveals that the charge unfairly penalizes NEM customers compared to other customers who reduce use of energy from the grid.”).</p> <p>As PCF urged, the Commission changed its position and ultimately declined to adopt a Grid Participation Charge. Although the Commission disagreed with PCF’s specific comparison between self-generation and energy conservation, the Commission determined that the current rate structure does not allow for an accurate</p>	<p>“Contending grid benefits charges are largely designed to recover lost utility revenues due to net energy metering customers’ self-generation, PCF asserts the grid benefits charge results in the assessment of ‘charges to net energy metering customers for services the utility provides to non-net energy metering customers.’ PCF surmises these charges penalize net energy metering customers for decreasing their use of energy from the grid, comparing it to charging non-net energy metering customers for hanging clothes instead of using an electric dryer.” Decision at 112.</p> <p>“The current design of the retail rates no longer provides the ability to accurately calculate all of a customer’s energy and grid usage, with respect to net energy metering customers. As noted by Joint Utilities, retail rates were created before the emergence of the two-way street of imports and exports. Further, the Commission agrees the net energy metering customers cause costs even when not directly importing energy from the grid. As NRDC described, net</p>	<p>Noted, however many other parties advocated for the removal of the Grid Participation Charge. See the Commission’s Comments in Part III.D[6], below.</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>calculation of NEM customers' grid usage and that reform of fixed charges should be considered for all customers, and not only targeted against NEM customers. Thus, the Decision declines to adopt a Grid Participation Charge specific to NEM customers (in keeping with PCF's arguments that such a charge targeted at NEM customers should be rejected) and instead defers consideration of fixed charges for all customers and for "the totality of rates" to a new proceeding.</p>	<p>energy metering customers intermittently reduce usage depending upon the performance of the solar system. Thus, the grid must be always prepared for the intermittent decrease and increase of usage. Subsequent to the filing of briefs in this proceeding, the Commission initiated R.22-07-005, the Rulemaking to Advance Demand Flexibility Through Electric Rates. . . . The Commission considers this new rulemaking to be a more appropriate venue to consider the issue of accurately 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." <i>Id.</i> at 114-15.</p>	
<p>12. Criticism of Cost Shift Analysis. PCF criticized the estimates of the cost shift purportedly caused by the NEM 2.0 tariff, challenging one of the core premises underlying the Decision and requiring other parties and the Commission to defend and justify their analyses. Relying on the cost-of-service analysis in the Lookback Study as a measure of NEM's costs and taking into account societal benefits excluded from the Avoided Cost Calculator, PCF argued that the cost shift is overstated or non-existent. PCF Opening Brief 10 ("[T]he Lookback</p>	<p>"Portraying the cost shift as insubstantial, PCF contends the Lookback Study shows that the cost shift is only \$501.1 million — 'far less than the \$3.4 billion' estimated by various parties. PCF submits the Lookback Study results show that, in 2019, nonresidential NEM 2.0 customers paid \$117.5 million more than the cost to serve them while residential NEM 2.0 customers paid \$618.6 million less than the cost to serve them. Further, PCF argues the Lookback Study underestimates the benefits of behind-the-meter generation by relying only on the Avoided Cost Calculator, which PCF claims nullifies any existing cost shift." Decision at 45.</p>	<p>Noted. See the Commission's Comments in Part III.D[6], below.</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>Study [cost-of-service analysis] demonstrates that, in the 2019 study year, non-residential NEM customers were paying approximately \$117.5 million more than the cost to serve them. On the other hand, the Lookback Study calculates that residential NEM customers were paying \$618.6 million less than the cost to serve them that year. Thus, when non-residential and residential customers are considered together, the Lookback Study shows that the costs shifted by NEM customers equal \$501.1 million—far less than the \$3.4 billion proposed by various parties.”); <i>see also id.</i> at 2-3, 20; PCF Opening Comments on PD at 8.</p> <p>PCF’s participation on this topic enriched the Commission’s deliberations and the record. While ultimately disagreeing with PCF’s cost shift analysis, in responding to PCF’s arguments, other parties and the Commission clearly articulated the rationale and basis for the cost shift, making explicit one of the key drivers of the Decision. Thus, PCF’s efforts increased the proceeding’s and the Decision’s transparency.</p> <p>PCF’s advocacy for an alternative measure of the costs of NEM solar—i.e., the Lookback Study’s cost-of-</p>	<p>“In reply briefs, Joint Utilities dispute PCF’s claims of no cost shift.... Joint Utilities state that the cost shift from participating to non-participating customers is the result of non-participating customers overcompensating net energy metering customers for exports and non-participants paying for the infrastructure and public policy costs that net energy metering customers avoid. Joint Utilities explain that residential net energy metering customers can bypass payment of infrastructure and other costs incurred to serve them because such costs are embedded in volumetric rates and, thus, avoided by net energy metering customers; this results in other customers paying the difference.” <i>Id.</i> at 45-46.</p> <p>"This decision finds that NEM 2.0 has negatively impacted non-participant ratepayers through this cost shift. While the precise impact depends upon the Avoided Cost Calculator version used, the Commission disagrees with PCF’s method of calculating the impact and finds PCF’s cost shift estimate of \$501 million to be incorrect. As Joint Utilities point out, the impact is caused by more than the simple bill savings from net energy metering customers energy consumption. Rather, the negative impact on non-participant ratepayers is caused by the bypassing of infrastructure and other service costs embedded in volumetric rates from each one of the net energy metering customers in NEM 1.0 and NEM 2.0 over the course of the 20-year length of the customer’s tariff.” <i>Id.</i> at 47.</p>	

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
service analysis—also enriched the record and deliberations by ensuring that the Commission considered an alternative measure of assessing the NEM 2.0 tariff and fully evaluated the contents of the Lookback Study. PCF's advocacy of an alternative approach also made the consequences of the Commission's preferred approach—i.e., the calculation of a significantly greater cost shift—clearer and more transparent.	"The estimated cost shift from the NEM 2.0 tariff ranges between \$1 billion and \$3.4 billion annually." <i>Id.</i> at 229 (Finding of Fact 232).	

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

	Intervenor's Assertion	CPUC Discussion
a. Was the Public Advocates 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: CALSSA, SEIA/Vote Solar, CESA, CCSA, CBD ⁸		Noted. Sierra Club and Small Business Utility Advocates also had similar positions on some of the issues.
d. Intervenor's claim of non-duplication: To the extent PCF's arguments were similar to other parties' arguments, they supplemented, complemented, and contributed to the presentations by other parties; and they were neither unproductive nor unnecessary. Additionally, while the ideas, recommendations, and factual analysis that PCF		See the Commission's Comments in Part III.D[7], below.

⁸ Center for Biological Diversity.

introduced and supported within this proceeding contained *minor* overlap with each of the parties noted above, they supplemented, complemented, and contributed to the presentations by other parties. PCF provided unique facts and analyses not raised by the other parties, including an alternative financial analysis of the NEM 2.0 tariff. Additionally, PCF defended the merits of the NEM 2.0 tariff and asked the Commission to consider underestimated benefits, including resiliency, avoided transmission costs, and climate-related benefits. PCF also proposed unique ideas and programs for expanding access to NEM systems to lower- and middle-income customers and renters, including by continuing to make the NEM 2.0 tariff available to low-income customers, and by adopting specific community solar and community storage programs. PCF was the only party that argued for an alternate means of measuring the costs of NEM systems other than customer bill savings.

PCF's participation cannot be characterized as either unproductive or unnecessary because the interests PCF represents are not otherwise adequately represented at the Commission. No other party has the same perspective, background, and experience as PCF on issues relevant to the determination of this Decision; and no other party focused on the San Diego region from the ratepayer and environmental perspective.

For example, although both PCF and SEIA/Vote Solar argued that section 2827.1(b)(1)'s directive to ensure the continued sustainable growth of renewable distributed generation encompassed concern for the growth of the solar industry, SEIA/Vote Solar represents the solar industry. In contrast, PCF does not have a financial interest in this statutory interpretation question. Similarly, although both PCF and CALSSA offered similar interpretations of that statutory sub-section's continued sustainable growth provision, CALSSA also represents solar and storage businesses, while PCF lacks a financial stake in the issue because PCF represents the interests of residential ratepayers, and PCF's unique perspective thus brings additional value.

PCF, CESA, and CCSA all presented community renewable energy resource proposals. The proposals, however, were significantly different (e.g., CCSA proposed that renewable energy projects receive credits; CESA proposed "virtual pairing of separate solar and offsite energy storage resources," Decision at 188; and PCF proposed funding community storage through a fee charged to new NEM customers). Once again, however, PCF represents the interests of residential ratepayers, and not energy storage businesses nor businesses working to expand access to community solar, and PCF had no financial interest in its proposal.

While PCF's arguments have overlapped with CBD's arguments in the later stages of the proceedings (CBD became a party in 2022), PCF and CBD have coordinated their efforts to supplement one another and avoid duplication.

PCF's participation, including its comments, testimony, and briefing, was necessary for a fair determination of D.22-12-056 because it addressed the issues in the proceeding and the arguments made by other parties.	
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C. Additional Comments on Part II:

#	Intervenor's Comment	CPUC Discussion
II(A)	<p>Substantial Contribution.</p> <p>Pursuant to Pub. Util. Code, § 1802(j), “‘Substantial contribution’ means that, in the judgment of the commission, the customer’s presentation has substantially assisted the commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer.”</p>	<p>To support PCF’s claim of substantial contribution, PCF often refers to parts of the decision in which the Commission summarizes PCF’s and other parties’ comments. A summary of the parties’ comments does not necessarily mean that they have met the standard of section 1802(j). See D.04-05-004 at 8. This is particularly true in the areas of the Societal Cost Test, the benefits of the Avoided Cost Calculator, Drivers of Rate Increases, Resilience Benefits and Grid Benefits Charges (primarily issues 3, 4, and 5). See Commission’s Comments in Part III.D[6], below.</p>
II(A)	<p>Substantial Contribution Includes Enriching Deliberations and the Record.</p> <p>The Commission’s past decisions recognize that the Commission does not need to adopt an intervenor’s position on a particular issue for that intervenor to make a substantial contribution. D.08-04-004, p. 4-5; D.19-10-019, p. 3; D.03-03-031, p. 6 (“substantial contribution includes evidence or argument that supports part of the decision even if the Commission does not adopt a party’s position in total”). Rather, intervenors substantially contribute when they have “provided a unique perspective that enriched the Commission’s</p>	<p>See Commission’s Comments in Part III.D[6], below.</p>

#	Intervenor's Comment	CPUC Discussion
	<p>deliberations and the record.” D.05-06-027, p. 5. Intervenor also substantially contribute when they provide a full discussion of the matters at issue so as to allow the Commission “to fully consider the consequences of adopting or rejecting” the parties’ proposals, and when they “assist[] the Commission in the decision-making process.” D.08-04-004, p. 5-6; D.19-10-019, p. 4.</p>	
II(B)(d)	<p>No Duplication.</p> <p>No reduction to PCF’s compensation due to duplication is warranted given the standard adopted by the Commission in D.03-03-031 and consistent with Pub. Util. Code §§ 1801.3(b) & (f), 1802(j), 1802.5, and 1803.</p> <p>Pub. Util. Code § 1803 sets forth the requirements for awarding intervenor compensation. An award of compensation for reasonable fees for participation in a proceeding is required when an intervenor (1) complies with § 1804 and (2) “satisfies both of the following requirements: (a) The customer’s presentation makes a substantial contribution to the adoption, in whole or in part, of the Commission’s order or decision. (b) Participation or intervention without an award of fees or costs imposes a significant financial hardship.” Pub. Util. Code. § 1803.</p> <p>Pub. Util. Code § 1803; D.03-03-031, p. 12-14. Section 1801.3(f)</p>	<p>See Commission’s Comments in Part III.D[7], below.</p>

#	Intervenor's Comment	CPUC Discussion
	<p>seeks to avoid only (1) “unproductive or unnecessary participation that duplicates the participation of similar interests otherwise adequately represented” or (2) “participation that is not necessary for a fair determination of the proceeding.” Pub. Util. Code § 1801.3(f); D.03-03-031, p. 15-18. The “duplication language contained in the first dependent clause requires the compensation opponent to establish three elements – duplication, similar interests, and adequate representation.” D.03-03-031, p. 18.</p> <p>Pub. Util. Code § 1802.5 provides for full compensation where participation “materially supplements, complements, or contributes to the presentation of another party.” Pub. Util. Code. § 1802.5; <i>see also</i> D.03-03-031, p. 14. Additionally, the intervenor compensation statutory scheme is intended to “be administered in a manner that encourages the effective and efficient participation of all groups that have a stake in the public utility regulation process.” Pub. Util. Code § 1801.3(b).</p>	

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
a. Intervenor's claim of cost reasonableness:	With the reductions and adjustments made in this

<p>PCF's advocacy, analysis and expert testimony reflected in this request for compensation substantially contributed to the development of the successor to the net energy metering tariff adopted in D.22-12-056 that will impact San Diego and Southern California residential ratepayers. PCF's comments provided meaningful insight that enriched the Commission's decision making and informed the language adopted in the final Decision. PCF's arguments led to increased transparency. Even where the Commission did not agree with PCF's proposals and arguments, PCF's analysis resulted in the Commission evaluating a broader range of issues and considering additional evidence to respond to the points raised by PCF. PCF provided legal and technical citations in its recommendations that made a substantial contribution and informed the Commission's decision-making. As demonstrated in the substantial contribution section, PCF's participation had a significant impact on the outcome of the issues in this Decision.</p>	<p>Decision, the requested costs are reasonable.</p>
<p>b. Reasonableness of hours claimed:</p> <p>PCF engaged both in-house staff, technical experts, and outside counsel to address the complex and controversial issues raised in this proceeding. A single attorney or advocate took the lead on each major filing, and other attorneys or staff provided support as needed. This allowed PCF to leverage many years of experience and expertise, while limiting costs. PCF's outside counsel delegated work to a more junior attorney where possible to reduce costs.</p> <p>PCF is not claiming any time spent on administrative matters, such as time spent filing, citation checking, and serving comments. All of the hours claimed in this request were reasonably necessary to achieve PCF's substantial contributions, and no unnecessary duplication of effort is reflected in the attached timesheets. PCF has carefully reviewed its time entries and substantially reduced the time for which it is requesting intervenor compensation to account for potential duplication of effort.</p> <p>All of the hours claimed in this request were reasonably necessary to PCF's participation towards the Decision.</p>	<p>With the reductions and adjustments made to this Decision, the requested costs are reasonable.</p>
<p>c. Allocation of hours by issue:</p> <p>PCF provides the following allocation of its total hours to three issue areas and to general participation in the proceeding. The breakdown below shows how each category of substantial contribution claimed above fits within the three issue areas.</p> <p>Issue "PST": Proposals for the Successor Tariff: 30% Includes Time-of-Use Rates, Benefits of and Incentives for Storage, Community Solar, and Barriers Facing Low-Income Customers and Proposals to Advance Equity</p>	<p>Rule 17.4(b) of the Rules of Practice and Procedure (CCR, Title 20, Division 1, Chapter 1, Article 17) requires that the request for compensation include the time worked, by whom, "the specific task performed; the issue that the task addresses as identified by the intervenor; <u>and</u> the issue that the task addresses as identified by the scoping</p>

<p>Issue “PPG”: Payback Periods/Growth of Distributed Resources: 19% Includes Reasonable Payback Periods and Continued Sustainable Growth</p> <p>Issue “CBA”: Costs and Benefits Assessment: 44% Includes Societal Cost Test, Benefits Excluded from Avoided Cost Calculator, High Transmission Costs as Drivers of Rate Increases, Resiliency Benefits, Critique of Grid Benefits Charges, and Criticism of Cost Shift Analysis</p> <p>General Participation: 7% (The hours in this category primarily related to discussion of fuel cells. These hours were categorized as “General Participation” in the breakdown by substantive issues as identified by PCF above.)</p>	<p>memo...” PCF’s three categories do not comply with Rule 17.4(b). After several Commission requests, PCF revised their timesheets accordingly.⁹</p>
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B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
E. Folk	2021	238.70	\$695	ALJ-393; See Comment #1	\$165,896.50	88.42 [6,7,9]	\$695.00 [1] [10]	\$61,451.90
E. Folk	2022	39.50	\$710	ALJ-393; See Comment #1	\$28,045.00	20.62 [6,7,9]	\$710.00 [1] [10]	\$14,640.20
A. Stanton	2021	120	\$305	ALJ-393; See Comment #1	\$36,600.00	44.15 [6,7,9]	\$305.00 [2] [10]	\$13,465.75
A. Stanton	2022	35.8	\$400	ALJ-393; See Comment #1	\$14,320.00	18.41 [6,7,9]	\$325.00 [2] [10]	\$5,983.25
T. Siegele	2021	247.4	\$305	ALJ-393; See Comment #1	\$75,457.00	136.20 [6,7,9]	\$305.00 [3]	\$41,541.00
T. Siegele	2022	15.5	\$315	ALJ-393; See Comment #1	\$4,882.50	6.41 [6,7,9]	\$315.00 [3]	\$2,019.15
B. Powers	2021	150.5	\$356.50	ALJ-393; See Comment #1	\$53,653.25	41.17 [6,7,9]	\$355.00 [4] [10]	\$14,615.35
B. Powers	2022	12.00	\$370	ALJ-393; See Comment #1	\$4,440.00	4.84 [6,7,9]	\$365.00 [4] [10]	\$1,766.60
L. Lynch	2021	37.64	\$690	ALJ-393; See Comment #1	\$25,971.60	0.00 [8]	N/A [8]	\$0.00

⁹ See PCF’s supplements to the claim filed on December 13, 2023, and January 4, 2024.

L. Lynch	2022	0.20	\$715	ALJ-393; See Comment #1	\$143.00	0.00 [8]	N/A [8]	\$0.00
Subtotal: \$409,408.85						Subtotal: \$155,483.20		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
A. Stanton	2023	5	\$200	½ of hourly rate pursuant to ALJ-393; See Comment #1	\$1,000.00	5.00	\$172.50 [2] [10]	\$862.50
S. Lee	2023	15	\$115.00	½ of hourly rate pursuant to ALJ-393; See Comment #1	\$1,725.00	15.00	\$115.00 [5] [10]	\$1,725.00
Subtotal: \$2,725.00						Subtotal: \$2,587.50		
TOTAL REQUEST: \$412,133.85						TOTAL AWARD: \$158,070.70		

*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

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

ATTORNEY INFORMATION

Attorney	Date Admitted to CA BAR¹⁰	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes," attach explanation
Ellison Folk	1990	149232	No
Aaron M. Stanton	2016	312530	No
Loretta Lynch	1990	151206	No
Stacy Lee	2021	336150	No

¹⁰ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

C. Attachments Documenting Specific Claim and Comments on Part III:¹¹

Attachment or Comment #	Intervenor's Description/Comment
Attachment #1	Certificate of Service
Attachment #2	Intervenor Compensation Request Timesheets
Attachment #3	Attorneys and Experts Resumes
Comment #1	<p>Hourly Rates of Attorneys and Experts</p> <p>Ellison Folk basis for 2021 rate of \$695/hour and 2022 rate of \$710/hour</p> <p>D.22-12-016 awarded Ms. Folk a 2021 hourly rate of \$695. (D.22-12-016, p. 28; D.22-12-016, p. 29 [Finding of Fact #2].) PCF applied the annual escalation methodology adopted in Resolution ALJ-393 using the Commission determined escalation rate of 3.31% to calculate Ms. Folk's 2022 rate (based on her \$695 awarded rate for 2021) and requests a 2022 hourly rate of \$710/hour. <i>See</i> CPUC Resolution ALJ-393 (December 17, 2020), p. 4.</p> <p>Aaron Stanton basis for 2021 rate: \$305/hour, 2022 rate of \$400/hour, and 2023 rate of \$400/hour (2023 half rate of \$200/hour for claim preparation)</p> <p>Aaron Stanton has been practicing law since 2016 and is currently an associate at Shute, Mihaly, & Weinberger LLP. His resume is attached. Mr. Stanton focuses his work on environmental law and has participated in multiple proceedings before the Commission, including R.14-08-013 (representing IREC) and A.15-09-010 (representing PCF after the application for rehearing stage of the proceeding, during subsequent litigation).</p> <p>Per Resolution ALJ-393, Level II Attorneys with five years of experience are eligible for 2021 rates ranging from \$215.07 to \$404.23, with a of \$305.99. Level III Attorneys, with six to ten years of experience, are eligible for 2022 and 2023 rates ranging from \$323.46 to \$533.18, with a median rate of \$427.58.</p> <p>PCF requests a 2021 hourly rate of \$305/hour for Mr. Stanton's work in 2021, based on his experience of 5 years in 2021, a 2022 hourly rate of \$400 for his work in 2022, based on his experience of six years in 2022, and a 2023 hourly rate of \$400 (2023 half hourly rate of \$200), based on his experience of seven years in 2023. PCF requests that the Commission apply the annual escalation rate to Mr. Stanton's 2023 rate once it has been published. Mr. Stanton's five years of experience in 2021 would place him among the most experienced of attorneys at Level II, and the requested rate is almost exactly the median rate for attorneys at that level. Mr. Stanton's six and seven years of experience in 2022 and 2023 would place him at the lower end of</p>

¹¹ Attachments are not included in the final decision.

Attachment or Comment #	Intervenor's Description/Comment
	<p>Level III, and the requested rates are lower than the median rate for attorneys at that level. Considering his experience, these hourly rates are reasonable.</p> <p>Tyson Siegele basis for 2021 rate of \$305/hour and 2022 rate of \$315/hour</p> <p>D.22-01-017 awarded Mr. Siegele a 2021 hourly rate of \$305. (D.22-01-017, p. 17; D.22-01-017, p. 18 [Finding of Fact #2].) PCF applied the annual escalation methodology adopted in Resolution ALJ-393 using the Commission determined escalation rate of 3.31% to calculate Mr. Siegele's 2022 rate (based on his \$305 awarded rate for 2021), which equals \$315/hour (\$315.10 rounded to the nearest \$5). <i>See</i> CPUC Resolution ALJ-393 (December 17, 2020), p. 4.</p> <p>Bill Powers basis for 2021 rate of \$356.50/hour and 2022 rate of \$370/hour</p> <p>D.22-08-022 awarded Mr. Powers a 2021 hourly rate of \$356.50. (D.22-08-022, p. 6; D.22-08-022, p. 8 [Finding of Fact #3].) PCF applied the annual escalation methodology adopted in Resolution ALJ-393 using the Commission determined escalation rate of 3.31% to calculate Mr. Powers' 2022 rate (based on his \$356.50 awarded rate for 2021), which equals \$370/hour (\$368.30 rounded to the nearest \$5). <i>See</i> CPUC Resolution ALJ-393 (December 17, 2020), p. 4.</p> <p>Loretta Lynch basis for 2021 rate of \$690/hour and 2022 rate of \$715/hour</p> <p>D.22-08-022 approved Ms. Lynch's 2021 hourly rate of \$690/hour. (D.22-08-022, p. 6; D.22-08-022, p. 8 [Finding of Fact #3].) PCF applied the annual escalation methodology adopted in Resolution ALJ-393 using the Commission determined escalation rate of 3.31% to calculate Ms. Lynch's 2022 rate (based on her \$690 awarded rate for 2021), which equals \$715/hour (\$712.84 rounded to the nearest \$5). <i>See</i> CPUC Resolution ALJ-393 (December 17, 2020), p. 4.</p> <p>Stacy Lee basis for 2023 rate of \$ \$230.00/hour (2023 half rate of \$115.00/hour for claim preparation)</p> <p>Stacy Lee has been practicing law since 2021 and is currently a fellow at Shute, Mihaly, & Weinberger LLP. Her resume is attached. Ms. Lee focuses on environmental law and utility regulation and has participated in several proceedings before the Commission. Prior to her current fellowship, Ms. Lee completed a fellowship in 2020-2021 and summer internship in 2018 at the California Public Utilities Commission Administrative Law Judge Division.</p> <p>Per Resolution ALJ-393, Level II Attorneys, with two years of experience are eligible for 2023 rates ranging from \$225.20 to \$414.36, with a median of \$316.12.</p>

Attachment or Comment #	Intervenor's Description/Comment
	PCF requests a 2023 hourly rate of \$230.00/hour (2023 half hourly rate of \$115.00) for Ms. Lee's claim preparation, based on her experience of two years in 2023. The requested rate is at the low end for attorneys at that level. Considering her experience, this hourly rate is reasonable.

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] 2021 and 2022 Hourly Rates for Ellison Folk (Folk)	<p>PCF requested a 2021 hourly rate of \$695.00 and a 2022 hourly rate of \$710.00 for Folk.</p> <p>A supplement filed by PCF on 7/26/24 confirmed that Folk is a consultant. 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.¹² 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>Supplemental documentation submitted by PCF confirmed that they were billed \$250.00 hourly, but state that this rate was a discounted rate, and per the terms of their contract, Folk has agreed to defer payment of his full fee, contingent upon receipt of this Intervenor Compensation award. Given this contingency, we utilize the reasonable rates established by Resolution ALJ-393 based on Folk's experience as a Legal - Attorney – Level V.</p> <p>Given the 2021 rate range is \$486.31 to \$699.03, we find the 2021 requested hourly rate of \$695.00 to be reasonable and we adopt it here.</p> <p>Given the 2022 rate range is \$506.38 to \$719.10, we find the 2021 requested hourly rate of \$710.00 to be reasonable and we adopt it here.</p> <p>The award determined herein for the consultant's contribution in this proceeding shall be paid in full to the consultant, and no portion of this part of the award shall be kept by the intervenor.</p> <p>We reiterate that it is the responsibility of the intervenor to be forthcoming about engaging consultants and the terms of the contract, to adhere to the Commission's policy on compensation for consultant fees, and to provide the appropriate documentation with the initial claim to ensure efficient processing, and thus avoid the</p>

¹² 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, PCF did not provide all the documentation pertaining to the contract terms between PCF and Folk in the initial claim and waited until the Commission requested supplemental documentation.</p>
<p>[2] Stanton's 2021, 2022 Hourly, and 2023 Intervenor Compensation Claim Preparation Rates</p>	<p>PCF requested a 2021 rate of \$305.00 for Stanton and a rate of \$400.00 for Stanton for 2022 and 2023.</p> <p>A supplement filed by PCF on 7/26/24 indicated Aaron Stanton is a consultant. Supplemental documentation submitted by PCF confirmed that they were billed \$225.00 hourly, but state that this rate was a discounted rate, and per the terms of their contract, Stanton has agreed to defer payment of his full fee, contingent upon receipt of this Intervenor Compensation award.</p> <p>Given this contingency, we utilize the reasonable rates established by Resolution ALJ-393 based on Stanton's experience as a Legal - Attorney – Level II for 2021 and experience as Legal - Attorney – Level III in 2022 and 2023.</p> <p>Given the 2021 rate range is \$215.07 to \$404.23, we find the 2021 requested hourly rate of \$305.00 to be reasonable and we adopt it here.</p> <p>Given the 2022 rate range is \$323.46 to \$533.18, we find the 2022 requested hourly rate of \$325.00 to be reasonable and we adopt it here.</p> <p>Given the 2023 rate range is \$342.53 to \$552.25, we find the 2023 requested hourly rate of \$345.00 to be reasonable and we adopt it here. We take half the approved 2023 hourly rate to approve a 2023 intervenor compensation claim preparation rate of \$172.50.</p> <p>The award determined herein for the consultant's contribution in this proceeding shall be paid in full to the consultant, and no portion of this part of the award shall be kept by the intervenor.</p> <p>We reiterate that it is the responsibility of the intervenor to be forthcoming about engaging consultants and the terms of the contract, to adhere to the Commission's policy on compensation for consultant fees, and to provide the appropriate documentation with the initial claim to ensure efficient processing, and thus avoid the need for the Commission to request supplemental documentation. In this instance, PCF did not provide all the documentation pertaining to the contract terms between PCF and Stanton in the initial claim and waited until the Commission requested supplemental documentation.</p>
<p>[3] Siegle's 2021 and 2022 Hourly Rates</p>	<p>PCF requested a 2021 hourly rate of \$305.00 and a 2022 hourly rate of \$315.00 for Siegle.</p>

Item	Reason
	<p>Attachment 3 to this Intervenor Compensation claim showed that Siegle stopped working at PCF sometime in 2022 to begin working as a consultant. However, the exact date of this transition was not included in the attachment. The Commission contacted PCF for clarification on 6/27/24. A supplement filed by PCF on 7/26/24 stated that: “At all times relevant to this claim, Tyson Siegle was an employee of PCF, and not an external consultant.” Given PCF’s statement about Siegle’s employment status, we utilize the reasonable rates established in Resolution ALJ-393 to determine Siegle’s hourly rate for their work in this proceeding.</p> <p>D.22-04-051 approved a 2021 hourly rate of \$305.00 for Siegle.</p> <p>D.23-10-024 approved a 2022 hourly rate of \$315.00 for Siegle.</p>
[4] Powers’ 2021 and 2022 Hourly Rates	<p>After review, a supplement filed by PCF on 7/26/24 confirmed that Powers is a consultant.</p> <p>PCF states that “PCF and Consultant entered into this agreement based on the mutual agreement that Consultant’s hourly market rate equals \$355 (rounded) for work performed in 2021. For future years, Consultant’s 2021 market rate will be adjusted annually effective January 1 by the escalation methodology adopted by the Commission in Resolution ALJ-393, which is based on the annual percentage change in the Bureau of Labor Statistics Employment Cost Index. For 2022, PCF Consultant’s hourly market rate equals \$365.” See PCF supplement filed on 7/26/24 at 76.</p> <p>We apply the hourly rates of \$355.00 for 2021 and \$365.00 for 2022 for Powers.</p>
[5] Lee’s 2023 Intervenor Compensation Claim Preparation Rates	<p>Lee’s only involvement in this proceeding was preparing the intervenor compensation claim. PCF requested a rate of \$230.00 per hour for 2023.</p> <p>A supplement filed by PCF on 7/26/24 confirmed that Stacy Lee is a consultant. Supplemental documentation submitted by PCF confirmed that they were billed \$185.00 hourly, but state that this rate was a discounted rate, and per the terms of their contract, Lee has agreed to defer its payment of her full fee, contingent upon receipt of this Intervenor Compensation award.</p> <p>Given this contingency, we utilize the reasonable rates established by Resolution ALJ-393 based on Lee’s experience as a Legal - Attorney – Level I for 2023.</p> <p>Given the 2023 rate range is \$193.45 to \$317.95, we find the 2023 requested hourly rate of \$230.00 to be reasonable and we adopt it here. We take half the approved 2023 hourly rate to approve a 2023 intervenor compensation claim preparation rate of \$115.00.</p> <p>The award determined herein for the consultant’s contribution in this proceeding shall be paid in full to the consultant, and no portion of this part of the award shall be kept by the intervenor.</p>

Item	Reason
	<p>We reiterate that it is the responsibility of the intervenor to be forthcoming about engaging consultants and the terms of the contract, to adhere to the Commission’s policy on compensation for consultant fees, and to provide the appropriate documentation with the initial claim to ensure efficient processing, and thus avoid the need for the Commission to request supplemental documentation. In this instance, PCF did not provide all the documentation pertaining to the contract terms between PCF and Lee in the initial claim and waited until the Commission requested supplemental documentation.</p>
<p>[6] Failure to Make a Substantial Contribution</p>	<p>“[T]he Commission initiated Rulemaking 20-08-020 to develop a successor to the existing net energy metering tariff” commonly referred to as NEM 2.0. In PCF’s briefs and arguments, it addressed issues two through five in the Scoping Memo.¹³ Additional issues were raised during the proceeding and for the purpose of this Intervenor Claim are referred to as issues six and seven. Throughout the proceeding, PCF argued in favor of retaining the NEM 2.0 tariff, in whole or in part, for some or all customer classes. The repeated arguments in favor of retaining the NEM 2.0 tariff was contrary to the purpose of the rulemaking, did not advance the discussion of the successor tariff, and did not substantially contribute to D.22-12-056. A detailed analysis of PCF’s arguments and the Commission’s responses show that although PCF litigated the case tenaciously, with the exception of specific contributions, on the whole, its efforts did not enrich the Commission’s deliberations and the record as discussed, below. Moreover, in certain areas in which the Commission adopted recommendations similar to those PCF supported, such as time-of-use rates and the benefits of battery storage, its arguments were duplicative, but seldomly additive, of other parties’ arguments.</p> <p>Issue 2: <i>What information from the Net Energy Metering 2.0 Lookback Study should inform the successor and how should the Commission apply those findings in its consideration?</i></p> <p>PCF argued that the “Lookback study was flawed because it underestimated the benefits of the behind the meter generation.”¹⁴ The Commission found “the Lookback Study to be a sound analysis of the NEM 2.0 tariff.”¹⁵</p> <p>PCF further argued that the Lookback Study shows a lower cost shift than other parties contended, and that the behind the meter benefits nullify any cost shift.¹⁶ The</p>

¹³ See Scoping Memo and Ruling, dated November 19, 2020, at 2-3.

¹⁴ D.22-12-056 at 41.

¹⁵ *Id* at 42.

¹⁶ *Id* at 45.

Item	Reason
	<p>Commission rejected PCF's contention finding "NEM2.0 has negatively impacted non-participant ratepayers through this cost shift."¹⁷</p> <p>With respect to the non-residential sector, PCF made the same argument. The Commission responded "[f]or the same reasons presented... above, this decision disagrees with PCF. No other party disputes the PCT, RIM and TRC cost-effectiveness results..."¹⁸</p> <p>With respect to the Lookback's analysis of the impact to low-income ratepayers from NEM 2.0, PCF argued that no disproportionated harm to low-income ratepayers exist.¹⁹ The Commission found that "the Lookback Study indicates that NEM 2.0 disproportionately harms low-income customers not participating in the net energy metering tariff." Further evidencing PCF's lack of substantial contribution to this discussion, the Commission stated, "PCF's arguments disputing the validity of the equity concern are dismissive and glib."²⁰</p> <p>PCF's claim of substantial contribution is not supported by the record except for a minor contribution in the discussion of resiliency benefits when solar is paired with storage. Although several parties extolled the virtue of solar plus storage, PCF is entitled to credit for these comments.</p> <p>PCF allocated 8.9% of its time to Issue 2. We reduce the number of hours PCF allocated to Issue 2 by 90% reflecting the lack of substantial contribution to Issue 2, while granting limited compensation for their input relating to resiliency.</p> <p>Issue 3: <i>What method should the Commission use to analyze the program elements identified in Issue 4 and the resulting proposals, while ensuring the proposals comply with the guiding principles?</i></p> <p>PCF argued that instead of using the Avoided Cost Calculator, the Commission should rely on the Lookback Study's cost-of-service analysis to identify the actual cost to serve net energy metering customers. PCF argued that the Avoided Cost Calculator underestimates transmission and distribution costs. However, the Commission addressed these issues in D.20-04-010. In denying PCF's request to use the Lookback Study cost-of-service analysis the Commission stated, "PCF is essentially asking the Commission to upend three prior decisions requiring use of the Avoided Costs Calculator as the determinant of the inputs for the standard practice manual cost-</p>

¹⁷ *Id* at 47.

¹⁸ *Id* at 49.

¹⁹ *Id* at 53.

²⁰ *Id* at 54.

Item	Reason
	<p>effectiveness tests and instead use the Lookback Study’s cost-of-service analysis.”²¹ PCF failed to make a substantial contribution on this point.</p> <p>Likewise, PCF argued in favor of applying the Societal Cost Test and for resilience adders for solar systems coupling solar with storage. The Commission declined to adopt either proposal.²²</p> <p>PCF argued that the Commission should evaluate the successor tariff based on whether customers receive an attractive economic value proposition. “Most, if not all, parties supported this proposition.”²³ PCF’s input on this issue was helpful, but similar, if not duplicative of other parties’ positions.</p> <p>PCF did not substantially contribute to the discussion or the Commission’s deliberation on Issue 3 except for minor contributions to the discussion of the economic value proposition under the tariff.</p> <p>PCF allocated 37.7% of its time to these issues and we reduce the number of hours allocated to Issue 3 by 75% for lack of substantial contribution, while still granting compensation for minor contributions.</p> <p>Issue 4: <i>What program elements or specific features should the Commission include in a successor to the current net energy metering tariff?</i></p> <p>PCF was one of two parties that disagreed with the use of net billing as the compensation structure for a successor tariff. PCF continued to argue for retention of the existing NEM 2.0 tariff.</p> <p>The Commission evaluated several factors including:</p> <ul style="list-style-type: none"> • Import rates: “With a few exceptions, many parties agree that moving toward highly differentiated time-of-use rates will address several objectives.”²⁴ PCF supported this position. • Grid benefits charges: PCF argued that grid benefits charges “penalize net energy metering customers for decreasing their use of energy from the grid”.²⁵ Several parties disagreed, but the Commission agreed to take up the issue in a future proceeding.

²¹ *Id.* at 61.

²² *Id.* at 67-69.

²³ *Id.* at 72.

²⁴ *Id.* at 108.

²⁵ *Id.* at 112.

Item	Reason
	<ul style="list-style-type: none"> • The glide path: The Commission sought comment on two approaches to the glide path, namely the ACC Plus or the Market Credit approach. PCF was the only party that opposed both options, calling instead for retail rate decreases. The Commission adopted the ACC Plus option with specific design elements for the glide path. <p>The Commission agrees that PCF contributed to the discussion on Issue 4 with the exception of PCF’s steadfast arguments for retaining the existing NEM 2.0 tariff. As discussed throughout this decision, arguments in favor of the status quo detracted from the efforts to design a new net billing tariff. PCF allocated 30.8% of its time to Issue 4 and the Commission reduces the number of hours allocated to this issue by 20%.</p> <p>Issue 5: <i>Which of the analyzed proposals should the Commission adopt as a successor to the current net energy metering tariff and why? What should the timeline be for implementation?</i></p> <p>PCF proposed that the Commission adopt its recommendations for community storage, carve out low income customers and renters from any future tariff and instead hold them under the NEM 2.0 tariff until those customers reach 10,000 MW of installed behind the meter capacity. PCF argued for Community Choice Aggregators to own community solar and for extension of the NEM 2.0 tariff to apply to these community solar arrays. PCF further argued for an on-bill financing program for renters and lower income customers under the existing NEM 2.0 tariff.</p> <p>PCF’s proposal for program elements or specific features of a successor tariff advocated maintaining NEM 2.0 to encourage additional solar and focused primarily on maximizing the benefits for residential customers to encourage the addition of new solar coupled with storage. D.22-12-056 repeatedly rejects PCF’s arguments calling for the status quo under the NEM 2.0 tariff. “[T]his decision declines any proposal to maintain the status quo, <i>i.e.</i>, NEM 2.0.”²⁶</p> <p>PCF advocating for the continuation of the NEM 2.0 tariff did not enrich the deliberations or make a substantial contribution to shaping a successor tariff. Although the Commission chose not to adopt the community solar proposal or the on-bill financing recommendations, those proposals contributed in a meaningful way to our deliberations. PCF allocated 16.2% of its time to this issue. The Commission reduces the hours allocated to Issue 5 by 80% because arguing for the status quo did not enrich the deliberations and was outside the scope of this proceeding.</p>

²⁶ D.22-12-056 at 174.

Item	Reason
	<p>Issue 6: <i>Other issues that may arise related to current net energy metering tariffs and subtariffs.</i>²⁷</p> <p>PCF allocated 3.1% of its time to Issue 6 and primarily responded to a request from the assigned ALJ for information relating to fuel cells. The Commission agrees that PCF's efforts contributed and that the time spent was reasonable.</p> <p>Issue 7: <i>What additional or enhanced consumer protections for customers taking service under net energy metering and/or the successor to the 4 current net energy metering tariff should be adopted by the Commission?</i></p> <p>PCF did not allocate any time to Issue 7.</p> <p><i>General Participation: 3.3%</i></p> <p>The Commission finds that PCF's general participation hours are reasonable.</p> <p>PCF participated in the proceeding, but PCF's repeated arguments in favor of retaining the NEM 2.0 tariff, against the avoided cost calculator, and against the findings in the Lookback Study cannot be deemed substantial contributions to a proceeding where PCF's proposals had either already been resolved in prior proceedings or went against the stated goals of the proceeding. PCF's contributions were largely in areas duplicated by other parties, such as advocating for varying time of use rates and incentivizing solar plus storage. While the Commission compensates intervenors even when their recommendations or positions are not adopted in the final decision, PCF's comments contributed only minimally to the decision-making process.</p>
[7] Duplication of Effort	<p>PCF cites several sections of the Public Utilities Code and Commission decisions for the premise that there should be "[n]o reduction to PCF's compensation due to duplication" of effort. PCF argues that it materially supplemented, complimented, or contributed to other parties' presentations. However, PCF did not identify where it supplemented or complimented other parties' presentations. Instead, PCF contends that although its comments were similar, if not fully duplicative of other parties such as SEIA/Vote Solar, PCF's comments were more important to the proceeding because it is an eligible intervenor representing ratepayers.</p> <p>For example, PCF asserts that it substantially contributed to the Commission's deliberative process and to D.22-12-056 regarding time-of-use rates. See Part II.A.1. above. In Section 8.4.3 of the decision discussing highly differentiated time of use rates the Commission notes that "many parties agree that moving towards highly differentiated time-of-use rates will address several objectives." The Commission acknowledges that PCF, SBUA, CalWEA, CUE, IEPA, NRDC, CalAdvocates, Sierra Club, SEIA/Vote Solar and The Utility Reform Network all supported highly</p>

²⁷ Issue 6 was added by PCF in the Revised Supplement, filed on January 4, 2024, at 4-5.

Item	Reason
	<p>differentiated time of use rates. Some of the parties mentioned also represent ratepayers.</p> <p>PCF also takes credit for raising basic issues in which most, if not all, parties were in agreement such as the grid benefits of solar plus storage. PCF does not discuss how it materially supplemented, complimented or contributed to other parties' presentations or in what way the views of its constituents were unique in the context of this proceeding.²⁸</p> <p>PCF allocated 30.8% of its time to the Issue 4 and 16.9% of its time to Issue 5 in the Scoping Memo. PCF indicates that its time-of use-rates arguments applied both to Issues 4 and 5. Accordingly, PCF's work on time-of-use rates has not met its burden under Sections 1802.5 and 1801.3(f): "This article shall be administered in a manner that avoids unproductive or unnecessary participation that duplicates the participation of similar interests otherwise adequately represented or participation that is not necessary for a fair determination of the proceeding." In addition to the disallowances for lack of substantial contribution, we reduce PCF's hours for Issues 4 and 5 by 5% for duplication.</p> <p>We reiterate that, while the Commission compensates intervenors even when their recommendations or positions are not adopted in the final decision, PCF's comments contributed only minimally to the decision-making process. The award granted herein is commensurate with that level of contribution.</p>
[8] Lynch, Engaging and Advising Attorney	<p>Loretta Lynch, per biography attached by PCF in conjunction with this intervenor compensation claim, served on PCF's Board from 2015 to 2021 but was not employed by PCF as a staff attorney. Instead, Lynch was engaged by PCF as an advising attorney in this proceeding. Lynch did not participate in any of the hearings, did not draft portions of the briefs, and did not cross examine witnesses. From PCF's submitted timesheets, it appears that Lynch merely advised the experts and attorneys. No explanation was provided to substantiate the need for an advising attorney as Folk and Stanton are also attorneys with many years of experience advocating before the Commission.</p> <p>PCF failed to show how Lynch's involvement was necessary given Lynch's duplicative efforts with the lead attorneys based on the time records. The hours that are not duplicative, such as the entry on 7/29/21 for "Moot T. Siegele cross with B. Powers," would not be compensable in any case. Additionally, Siegele and Powers are experienced experts and have testified in several proceedings before the Commission eliminating the need of Lynch's assistance for moot cross examination. Therefore, we reduce all of Lynch's hours, and we do not adopt an hourly rate at this time.</p>

²⁸ See D.00-02-044, 2000 Cal. PUC LEXIS 197 *14.

Item	Reason
[9] Hours Correction & Summary of Reductions to PCF's IComp Claim	<p>In summary, PCF's hours are reduced as follows:</p> <p><u>Issue 2 (70.53 hours):</u> We reduce the number of hours for Issue 2 by 90% for failure to make a substantial contribution, but award PCF for 10% of the hours claimed for contributions to the resiliency discussion, resulting in the following reductions:</p> <p>2021 (70.53 hours):</p> <ul style="list-style-type: none"> • Folk: A reduction of 13.09 hours from 14.54 to 1.45 hours. • Stanton: A reduction of 9.87 hours from 10.97 to 1.10 hours. • Siegele: A reduction of 20.34 hours from 22.60 to 2.26 hours. • Powers: A reduction of 27.23 hours from 30.25 to 3.03 hours. <p><u>Issue 3 (245.11 hours):</u> We reduce the number of hours for Issue 3 by 75% for failure to make a substantial contribution, but award PCF 25% of the hours claimed for minor contributions including discussion of the economic value proposition, resulting in the following reductions:</p> <p>2021 (213.79 hours):</p> <ul style="list-style-type: none"> • Folk: A reduction of 68.05 hours from 90.73 to 22.68 hours. • Stanton: A reduction of 35.93 hours from 47.91 to 11.98 hours. • Siegele: A reduction of 42.62 hours from 56.83 to 14.21 hours. • Powers: A reduction of 67.19 hours from 89.58 to 22.39 hours. <p>2022 (31.32 hours):</p> <ul style="list-style-type: none"> • Folk: A reduction of 13.82 hours from 18.43 to 4.61 hours. • Stanton: A reduction of 9.88 hours from 13.17 to 3.29 hours. • Siegele: A reduction of 4.37 hours from 5.83 to 1.46 hours. • Powers: A reduction of 3.25 hours from 4.33 to 1.08 hours. <p><u>Issue 4 (66.42 hours):</u> We reduce the hours claimed by 20% for failure make a substantial contribution, as well as the reductions for duplication, as discussed above, for a total reduction of 25%:</p> <p>2021 (55.98 hours):</p> <ul style="list-style-type: none"> • Folk: A reduction of 17.32 hours from 69.27 to 51.95 hours. • Stanton: A reduction of 7.96 hours from 31.83 to 23.87 hours. • Siegele: A reduction of 27.12 hours from 108.48 to 81.36 hours. • Powers: A reduction of 3.58 hours from 14.33 to 10.75 hours. <p>2022 (10.44 hours):</p> <ul style="list-style-type: none"> • Folk: A reduction of 4.61 hours from 18.43 hours 13.82 hours. • Stanton: A reduction of 3.29 hours from 13.17 to 9.88 hours. • Siegele: A reduction of 1.46 hours from 5.83 to 4.37 hours.

Item	Reason
	<ul style="list-style-type: none"> • Powers: A reduction of 1.08 hours from 4.33 to 3.25 hours. <p><u>Issue 5 (117.12 hours):</u> We reduce the number of hours for Issue 5 by 80% for failure to make a substantial contribution, as well as the reductions for duplication, as discussed above, for a total reduction of 85%. We note that credit was given to PCF for its proposal for community solar and on-bill financing, resulting in the following reductions:</p> <p>2021 (106.36 hours):</p> <ul style="list-style-type: none"> • Folk: A reduction of 51.82 hours from 60.97 to 9.15 hours. • Stanton: A reduction of 22.09 hours from 25.99 to 3.90 hours. • Siegele: A reduction of 21.12 hours from 24.85 to 3.73 hours. • Powers: A reduction of 11.33 hours from 13.33 to 2.00 hours <p>2022 (10.76 hours):</p> <ul style="list-style-type: none"> • Folk: A reduction of 0.45 hours from 0.53 hours to 0.08 hours. • Stanton: A reduction of 4.22 hours from 4.97 hours to 0.75 hours. • Siegele: A reduction of 3.26 hours from 3.83 to 0.57 hours. • Powers: A reduction of 2.83 hours from 3.33 to 0.50 hours.
[10] Consultant Rates	<p>In considering the intervenor's request for compensation, the Commission reminds the intervenor of its ethical obligation of honesty in Rule 1.1: "Any person who signs a pleading or brief, enters an appearance, offers testimony at a hearing, or transacts business with the Commission, by such act represents that he or she is authorized to do so and agrees to comply with the laws of this State; to maintain the respect due to the Commission, members of the Commission and its Administrative Law Judges; and never to mislead the Commission or its staff by an artifice or false statement of fact or law."</p> <p>The Commission's standard for evaluating Rule 1.1 violations is well established: "A Rule 1.1 violation occurs when there has been a 'lack of candor, withholding of information, or failure to correct information or respond fully....'"²⁹ The Commission will deny any intervenor request founded in dishonesty. Further, the Commission possesses the statutory authority to impose fines for violations of Rule 1.1.³⁰ "In determining the amount of such penalty, ... the appropriateness of such penalty to the size of the business charged, the gravity of the violation, and the good faith of the person charged ... shall be considered."³¹</p> <p>Under Rule 1.1, the intent to mislead is not required. Rather, "there is ... a line of Commission decisions which holds that situations involving a failure to correctly cite a</p>

²⁹ D.19-12-041, at *6.

³⁰ Pub. Util. Code, §§ 2107,2108.

³¹ *Id.*, § 2104.5.

Item	Reason
	<p>proposition of law, a lack of candor or withholding of information, and a failure to correctly inform and to correct the mistaken information, are actionable Rule 1 violations. (See D.93-05-020, D.92-07-084, D.92-07-078, D.90-12-038.)”³² Such reckless or grossly negligent acts “can cause the Commission to expend additional staff resources in trying to resolve the misleading statement.”³³ “[T]he question of intent to deceive merely goes to the question of how much weight to assign to any penalty that may be assessed.”³⁴</p> <p>This is especially true in the context of intervenor compensation, where intervenor awards are drawn from ratepayers. To root out any inaccurate assertions in requests for compensation, the Commission has the statutory authority to examine intervenor's records: "The commission may audit the records and books of the customer or eligible local government entity to the extent necessary to verify the basis for the award."³⁵ Intervenors therefore must be truthful in all their representations to the Commission, including, but not limited to, their contingency fee arrangements, the amounts billed by outside consultants, the amounts actually paid by the intervenors to outside consultants, that the intervenors will not derive any profit or retain any portion of an award given for outside consultants' work, and that the intervenors have made their best efforts to work efficiently and minimize ratepayer costs.</p>

PART IV: OPPOSITIONS AND COMMENTS

**Within 30 days after service of this Claim, Commission Staff
or any other party may file a response to the Claim (*see* § 1804(c))**

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

Party	Comment	CPUC Discussion

³² D.15-04-021, at *180-182.

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ Pub. Util. Code, § 1804(d).

FINDINGS OF FACT

1. The Protect Our Communities Foundation has made a substantial contribution to D.22-12-056.
2. The requested hourly rates for The Protect Our Communities Foundation's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services and/or reflect the actual rates billed to, and paid by the intervenor, for 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 \$158,070.70.

CONCLUSION OF LAW

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

ORDER

1. The Protect Our Communities Foundation is awarded \$158,070.70.
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 The Protect Our Communities Foundation 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 Protect Our Communities Foundation's request, and continuing until full payment is made.
3. The comment period for today's decision is not waived.

This decision is effective today.

Dated _____, at Sacramento, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D2212056		
Proceeding(s):	R2008020		
Author:	ALJ 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
The Protect Our Communities Foundation	02/17/2023	\$412,133.85	\$158,070.70	N/A	See Part III. D, CPUC Comments, Disallowances and Adjustments.

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Ellison	Folk	Attorney ³⁶	\$695	2021	\$695.00
Ellison	Folk	Attorney ³⁶	\$710	2022	\$710.00
Aaron	Stanton	Attorney ³⁷	\$305	2021	\$305.00
Aaron	Stanton	Attorney ³⁷	\$400	2022	\$325.00
Aaron	Stanton	Attorney ³⁷	\$200 (1/2 rate)	2023	\$345.00
Tyson	Siegele	Expert – Not Otherwise Classified ³⁸	\$305	2021	\$305.00

³⁶ Ellison Folk was classified as an outside consultant for 2021 and 2022.

³⁷ Aaron Stanton was classified as an outside consultant from 2021 to 2023.

³⁸ Tyson Siegle was classified as an Expert – Not Otherwise Classified – Level V for 2021 and 2022.

Tyson	Siegele	Expert – Not Otherwise Classified ³⁸	\$315	2022	\$315.00
Bill	Powers	Expert – Not Otherwise Classified ³⁹	\$356.50	2021	\$355.00
Bill	Powers	Expert – Not Otherwise Classified ³⁹	\$370	2022	\$365.00
Loretta	Lynch	Attorney	\$690	2021	N/A ⁴⁰
Loretta	Lynch	Attorney	\$715	2022	N/A ⁴⁰
Stacy	Lee	Attorney ⁴¹	\$115.00 (1/2 rate)	2023	\$230.00

(END OF APPENDIX)

³⁹ Bill Powers was classified as an outside consultant for 2021 and 2022.

⁴⁰ See Part III. D. CPUC Comments, Disallowances, and Adjustments Comment [8] for details.

⁴¹ Stacy Lee was classified as an outside consultant for 2023.