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**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

**FILED**

07/11/25  
12:34 PM  
A2310009

July 11, 2025

**Agenda ID #23627**  
**Ratesetting**

TO PARTIES OF RECORD IN APPLICATION 23-10-009:

This is the proposed decision of Administrative Law Judge Nilgun Atamturk. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's **8/14/2025** 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](mailto:icompcoordinator@cpuc.ca.gov).

/s/ MICHELLE COOKE

Michelle Cooke  
Chief Administrative Law Judge

MLC: smt

Attachment

Decision **PROPOSED DECISION OF ALJ ATAMTURK** (Mailed 7/11/2025)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company for Approval of Modifications to the Diablo Canyon Power Plant Employee Retention Program. (U39E.)

Application 23-10-009  
(filed October 9, 2023)

**DECISION DENYING INTERVENOR COMPENSATION  
CLAIM OF COMMUNITY LEGAL SERVICES**

<b>Intervenor:</b> Community Legal Services	<b>For contribution to Decision (D.)</b> 24-09-002
<b>Claimed:</b> \$103,776.45	<b>Awarded:</b> \$0.00
<b>Assigned Commissioner:</b> Karen Douglas	<b>Assigned ALJ:</b> Nilgun Atamturk

**PART I: PROCEDURAL ISSUES**  
***(completed by Intervenor except where indicated)***

<b>A. Brief description of Decision:</b>	This decision approves an uncontested Settlement Agreement resolving all issues related to the Diablo Canyon Power Plant (DCPP) employee retention program. The Settlement reduced the requested budget for the program, saving ratepayers \$17 million. The parties to the Settlement Agreement are Pacific Gas and Electric Company (PG&E), Community Legal Services, and the Coalition of California Utility Employees.
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812<sup>1</sup>:**

	<b>Intervenor</b>	<b>CPUC Verification</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of prehearing conference:	12/11/2023	Verified
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	01/09/2024	Verified
4. Was the NOI timely filed?		Yes

<sup>1</sup> All statutory and “§” references are to California Public Utilities Code unless indicated otherwise.

Showing of eligible customer status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	A.23-05-010	See CPUC Discussion in section (C), below.
6. Date of ALJ ruling:	02/26/2024	The February 26, 2024 Ruling found that Community Legal Services' (CommLegal) bylaws, as amended, "contain the language required pursuant to Section 1802(b)(1)(C)." (Ruling at 3). See CPUC Discussion in section (C), below.
7. Based on another CPUC determination (specify):	N/A	
8. Has the Intervenor demonstrated customer status?		See CPUC Discussion in (C), below.
Showing of "significant financial hardship" (§1802(h) or §1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	N/A	
10. Date of ALJ ruling:	N/A	
11. Based on another CPUC determination (specify):	Please see below, Part I.C Comment 1	See CPUC Discussion in section (C), below.
12. Has the Intervenor demonstrated significant financial hardship?		No. See CPUC Discussion in section (C), below.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.24-09-002	Verified
14. Date of issuance of Final Order or Decision:	09/16/2024	Verified
15. File date of compensation request:	10/17/2024	Verified
16. Was the request for compensation timely?		Yes

**C. Additional Comments on Part I:**

#	Intervenor's Comment(s)
1	On 01/09/2024, CommLegal filed our NOI in this proceeding, with a request for Ruling on our showing of significant financial hardship. Satisfying the requirements of Cal Pub. Util. code section 1802(h) and conforming to the example provided in the CPUC IComp Guide, our NOI certified that the economic interest of the individual members of our organization is small in comparison to the cost of effective participation in the proceeding. The NOI also provided additional context and information demonstrating the fact that CommLegal has significant financial hardship, and cannot continue to operate without the opportunity to earn intervenor compensation. Therefore, our NOI fulfills all legal requirements, as well as the essence and purpose of the significant financial need determination, by showing that "participation or intervention without an award of fees or costs imposes a significant financial hardship". (Section 1803(b)).

	<p>CommLegal further amends our initial showing of significant financial hardship with the following additional information:</p> <p>As CommLegal’s bylaws and NOI affirm, we represent residential customers and thus CommLegal has already been determined to be a category 3 customer, representing the interests of residential customers (2/26/2024 ALJ ruling in A.23-05-010).</p> <p>While no statute or Commission rule defines how a “member” of a category 3 customer is to be identified, the most reasonable and obvious interpretation of the plain language of the statute is that “members” are those whom the organization represents.</p> <p>Commission precedent has found that a variety of different intervenor organizational structures representing different types of “members” are sufficient to show that the economic interests of individual members is small compared to the cost of participation, but no definition of member has been adopted. Defining CommLegal’s “members” as the residential customers who we represent is consistent with prior commission findings. Additionally, no statute or rule holds that an organization already found to represent residential customers must make any further showing to more precisely identify their individual members. In contrast, the Commission specifically rejected arguments to add narrow requirements that seek to ensure the “proper representative capacity” of intervenors or to discourage “regulatory professionals, without clients” (D.98-04-059 at 26, 31.) The Commission stated that</p> <p>“The intervenor compensation program is intended to <u>encourage the participation of all customers</u> in Commission proceedings by helping them overcome the cost barriers to effective and efficient participation.” and that</p> <p>“The bottom line is that an intervenor’s motivation for participating in a Commission proceeding cannot be determined with precision, and an intervenor’s occupation, in and of itself, should not preclude that intervenor from requesting compensation. <u>Neither are relevant to the eligibility determination.</u>” (D.98-04-059 at 26, 28, <u>emphasis added</u>).</p> <p>It is therefore unlawful, unworkable, and against Commission policy to try to force intervenors to somehow “prove” who their “real” members are, beyond the showing required for customer status, which CommLegal has already met. Therefore, the Commission should find that the information provided in CommLegal’s NOI and as amended herein is sufficient to demonstrate significant financial hardship.</p>
	<b>CPUC Discussion</b>
	<p><b>(a) Procedural Background</b></p> <p>CommLegal is a new intervenor that filed its first NOI to Claim Intervenor Compensation on August 24, 2022 (amended January 5, 2024), in A.22-05-015 et al. This was followed by additional NOIs filed on June 26, 2023, in R.23-02-016; on August 8, 2023 (amended October 2, 2023, and March 27, 2024), in A.23-05-010; and on January 9, 2024, in A.23-10-009.<sup>2</sup></p>

<sup>2</sup> Relevant information was also provided on August 25, 2022 in CommLegal’s response to the ruling on party status (A.22-05-015, et al.).

	<p>Three rulings were issued in response to these NOIs. The first, issued on September 20, 2023 in A.23-05-010, found CommLegal ineligible for compensation. The ruling cited two reasons: (1) CommLegal’s bylaws did not authorize it to represent eligible interests as required by §1802(b)(1)(C); and (2) the organization failed to provide information about its constituents as required under §1804(h).<sup>3</sup> While CommLegal subsequently amended its bylaws to meet the requirement under §1802(b)(1)(C), the constituent information deficiency was never addressed.</p> <p>Two additional rulings, issued on February 26, 2024, and August 8, 2024, in A.23-05-010, continued to find CommLegal ineligible. This instant intervenor compensation claim challenges those rulings.</p> <p style="text-align: center;"><b>(b) CommLegal Misinterprets the Statute</b></p> <p>In its claim, CommLegal asserts eligibility under §1802(b)(1)(C) as an organization authorized by its bylaws to represent residential ratepayers (as a Category 3 customer).<sup>4</sup> CommLegal further contends that this bylaw amendment eliminates the need to demonstrate the existence of actual constituents. However, CommLegal’s failure to confirm that it has individual members, as required under §1802(h), precludes our ability to assess and determine its eligibility.</p> <p>Section 1802(h) requires that a group or organization authorized to represent residential ratepayers must demonstrate significant financial hardship by showing that the economic interests of its <i>individual members</i> are small in comparison to the cost of effective participation. The statute expressly includes “individual members” as part of this determination and provides no discretion to waive this requirement.</p> <p>As noted in D.98-04-059, the statute presumes that a qualifying group has a membership—though not necessarily with voting rights.<sup>5</sup></p> <p>CommLegal rejects this statutory requirement, claiming that a Category 3 customer may define its constituents as those it unilaterally chooses to represent, regardless of whether any actual relationship or affiliation exists. CommLegal describes this as “the most reasonable and obvious interpretation” of the statute but fails to demonstrate how §1802(h) is ambiguous, unreasonable, inconsistent with legislative intent, or impractical.</p>
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<sup>3</sup> Administrative Law Judges’ Ruling Rejecting Community Legal Services’ Notice of Intent to Claim Intervenor Compensation issued on September 20, 2023, at 7-9.

<sup>4</sup> The Claim states that CommLegal “has already been determined” in the Ruling of February 26, 2024 (A.23-05-010) to be “a category 3 customer, representing the interests of residential customers.” More precisely, that ruling found that CommLegal’s bylaws, as amended, have the language required pursuant to §1802(b)(1)(C), but points at CommLegal’s failure to provide clear information as to its constituents (February 26, 2024 Ruling at 3).

<sup>5</sup> D.98-04-059, 1998 Cal. PUC LEXIS 429, \*50-51.

<p>We disagree. When interpreting a statute, the plain meaning of the text must guide our understanding. Section 1802(h) is clear: a Category 3 intervenor must have “individual members.” CommLegal’s interpretation would strip the concept of membership of its fundamental meaning—the voluntary act of affiliation by an individual with the organization. This approach is inconsistent with both the text and the intent of the statute.<sup>6</sup></p> <p>CommLegal also argues that its interpretation aligns with prior Commission decisions, referencing other organizations deemed eligible.<sup>7</sup> However, as explained in the February 26, 2024 ruling, those organizations all had actual constituents who voluntarily affiliated with them.<sup>8</sup></p> <p>CommLegal further claims that the individual membership requirement is “unlawful, unworkable, and against Commission policy,” but offers no supporting evidence or valid legal reasoning. On the contrary, the requirement is stated in statute and is consistent with Commission precedent. Moreover, the existence of numerous eligible intervenors with constituents directly contradicts the assertion that the requirement is unworkable.</p> <p style="text-align: center;"><b>(c) CommLegal’s Argument Regarding Regulatory Professionals Is Misplaced</b></p> <p>CommLegal argues that the Commission has not discouraged regulatory professionals without clients from participating in proceedings. While D.98-04-059 does address the role of regulatory professionals, it clarifies that their occupation alone should not disqualify them from seeking compensation.<sup>9</sup> The decision also notes that remuneration from such occupations is a factor in evaluating financial hardship.<sup>10</sup></p> <p>However, it is unclear why CommLegal raises this point, as it has consistently represented itself as a nonprofit organization—not as a regulatory professional without clients. Accordingly, the rulings on CommLegal’s NOIs did not reference this issue. As previously stated, we are required by law to understand the nature of CommLegal’s constituents in order to assess financial hardship under §1802(h).</p> <p style="text-align: center;"><b>(d) The Claim Does Not Constitute an Amendment to Prior NOIs</b></p> <p>CommLegal states that this claim “further amends” its prior showing of significant financial hardship. However, under Rule 1.12 of the Commission’s Rules of Practice and Procedure, an amendment must make a <i>substantive change</i> to a previously filed document. Upon careful review, we find that CommLegal’s current claim largely</p>
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<sup>6</sup> See also §1801.3(f) directing to avoid “unnecessary participation that duplicates the participation of similar interests otherwise adequately represented.”

<sup>7</sup> See CommLegal’s Amendment to the NOI filed on October 2, 2023 (A.23-05-010) at 12.

<sup>8</sup> Ruling at 5-6 and 8-9.

<sup>9</sup> D.98-04-059, 1998 Cal. PUC LEXIS 429, \*44-45.

<sup>10</sup> D.98-04-059, 1998 Cal. PUC LEXIS 429, \*45.

	repeats, rephrases, or elaborates upon arguments made in prior filings. It introduces no new facts or legal theories that would constitute a substantive amendment. Therefore, we do not consider this claim an “amendment” to CommLegal’s prior NOIs and affirm the conclusions reached in the previous rulings.
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**PART II: SUBSTANTIAL CONTRIBUTION**  
**(completed by Intervenor except where indicated)**

**A. Did the Intervenor substantially contribute to the final decision (see § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059):**

<b>Intervenor’s Claimed Contribution(s)</b>	<b>Specific References to Intervenor’s Claimed Contribution(s)</b>	<b>CPUC Discussion</b>
<p><b><i>Effective Participation (EP)</i></b>  <b><i>Procedural Matters (PROC)</i></b>  <b><i>Coordination (COOR)</i></b>  <b><i>Discovery (DISC)</i></b>  <b><i>Research (RSCH)</i></b></p> <p>Community Legal Services (CommLegal) has actively participated in the proceeding, which required considerable efforts that cannot be attributed to isolated specific issues. CommLegal reviewed the application and supporting testimony, Commission rulings, filings from other parties, conducted research, issued discovery and analyzed responses, drafted pleadings, testimony, and motions, and prepared for the scheduled evidentiary hearings.</p> <p>Residential ratepayers benefited from CommLegal’s advocacy in this proceeding because these customers lack the resources and expertise to engage in Commission proceedings to present their concerns. Therefore, it is essential that CommLegal</p>	<p><i>Protest of Community Legal Services</i> (11/10/2023) (“Protest”)</p> <p><i>Prepared Testimony Of Tadashi Gondai On The Application Of Pacific Gas And Electric Company For Approval Of Modifications To The Diablo Canyon Power Plant Employee Retention Program (U39E)</i> (03/22/2024) (“CommLegal Testimony”)</p> <p><i>Motion Of Community Legal Services To Strike References To An Issue Outside The Scope Of The Proceeding</i> (04/19/2024) (“MTS”)</p> <p><i>Joint Motion Of Pacific Gas And Electric Company (U39E), Coalition Of California Utility Employees, And Community Legal Services For Adoption Of Settlement Agreement</i> (05/17/2024) (“Settlement”)</p> <p>D.24-09-002, <i>Decision Approving Settlement Agreement On The Diablo Canyon Power Plant Employee Retention Program</i> (09/16/2024) (“Decision” or “Final Decision”)</p>	<p>The decision does not evaluate CommLegal’s assertions of substantial contribution, as the intervenor has not established eligibility to claim intervenor compensation. See CPUC Discussion, Part I(C).</p>

<p>highlights the perspectives of residential ratepayers on issues such as utility budgets, program design, and accountability. In fact, no other ratepayer advocate intervenors participated in this proceeding to analyze PGE's proposed budget or recommend reasonable reductions.</p> <p>As in every case, CommLegal's participation entailed a certain amount of work to review and research issues related to substantive and procedural matters that did not result in outcomes which are directly evident in the final decision, but were nonetheless essential for effective participation in the overall case. CommLegal has voluntarily discounted for time that was spent on issues which did not ultimately contribute substantially to the final decision or took longer time than is typical for experienced intervenors. CommLegal's advocacy efforts are further detailed below.</p>		
<p><b>2. Settlement (SETL)</b></p> <p>CommLegal engaged in numerous settlement discussions with PGE and other parties, in order to arrive at an agreement that represents a balance of positions and issues. Although settlement discussions are confidential, CommLegal's filings and the</p>	<p>"The parties in the proceeding held a Rule 13.9 meet and confer on April 18, 2024, via teleconference to discuss the issues identified in Rule 13.9, the Scoping Memo, and April 2, 2024 <i>Administrative Law Judge's Ruling to Notice Evidentiary Hearings and Other Procedural Matters</i>, as well as the preparation of a joint meet and confer report. Parties in attendance included: PG&amp;E, CUE, CommLegal, ESC, Cal Advocates, and SCE. At the</p>	<p>The decision does not evaluate CommLegal's assertions of substantial contribution, as the intervenor has not established eligibility to claim intervenor compensation. <i>See</i></p>



<p>terms of the settlement reflect the significant compromise and negotiation that was involved in achieving agreement, highlighting the value of our efforts spent analyzing PGE's application and testimony, conducting research, issuing discovery, and preparing testimony.</p> <p>CommLegal also supported the Settlement Agreement as being reasonable in light of the entire record, consistent with the law, in the public interest, and recommended that it should be adopted without modification.</p>	<p>meet and confer, parties discussed disputed facts and issues, stipulated facts and issues, the need for hearings, and the possibility of a settlement.</p> <p>During the meet and confer, parties agreed that hearings were needed. The joint meet and confer report was filed on April 23, 2024. Following the meet and confer, PG&amp;E and CommLegal reached a stipulation regarding 2023 costs in lieu of cross examination on the issue, which has now been subsumed by the Settlement Agreement.” – Settlement at 2.</p> <p>“On May 7, 2024, pursuant to Rule 12.1(b), PG&amp;E notified the service list of a settlement conference available to all parties for the purpose of discussing settlement in this proceeding. On May 14, 2024, Settling Parties convened the settlement conference.” – Settlement at 2.</p> <p>“As described in this motion and the Settlement Agreement, the Settlement Agreement meets the Rule 12.1 legal standard and as a whole produces a just and reasonable outcome.” – Settlement at 4.</p> <p>“The Commission should adopt the Settlement Agreement as reasonable in light of the entire record.” – Settlement at 5.</p> <p>“The prepared testimony submitted in this proceeding, this motion, and the attached Settlement Agreement contains sufficient information for the Commission to judge the reasonableness of the Settlement Agreement.” – Settlement at 6.</p>	<p>CPUC Discussion, Part I(C).</p>
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<p>The Final Decision reviews and acknowledges some of the many meetings that took place to discuss and determine reasonable settlement terms. The Decision finds that the settlement is reasonable, consistent with law, and in the public interest, as required by Rule 12.1(d). The Decision approves and adopts the settlement agreement in full without modification.</p>	<p>“The Settlement Agreement is a reasonable compromise of the Settling Parties’ respective positions and is in the public interest. The Settlement Agreement is in the public interest primarily because it reflects an adequate balance of PG&amp;E’s and customer interests, as well as DCPD employee interests in ensuring adequate funding for the DCPD employee retention program.” – Settlement at 7.</p> <p>--</p> <p>“CUE and CommLegal served prepared testimony on March 22, 2024. PG&amp;E and CUE served rebuttal testimony on April 12, 2024, and amended reply testimony on April 29, 2024. Pursuant to Rule 13.9 of the Commission’s Rules of Practice and Procedure (Rules), the parties in the proceeding held a meet and confer on April 18, 2024, to discuss the issues identified in Rule 13.9, the Scoping Memo, and April 2, 2024, Administrative Law Judge’s Ruling to Notice Evidentiary Hearings and Other Procedural Matters. According to the Joint Meet and Confer Report filed on April 23, 2024, PG&amp;E, CUE, CommLegal, ESC, Cal Advocates, and SCE attended the meet and confer. On April 26, 2024, the Settling Parties notified the assigned ALJ of the settlement in principle in an email copied to the service list and requested removing from the procedural calendar hearings set for May 1-2, 2024, and briefing set for May 17 and May 30. On April 29, 2024, ALJ Atamturk issued a ruling cancelling evidentiary hearings and briefing dates.</p> <p>On May 7, 2024, pursuant to Rule 12.1(b), PG&amp;E notified the service list</p>	
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	<p>of a settlement conference available to all parties for the purpose of discussing settlement in this proceeding. On May 14, 2024, Settling Parties convened the settlement conference.” – Decision at 5.</p> <p>“As discussed below, we find that the record supports a finding that the Settlement Agreement before the Commission is reasonable, consistent with law, and in the public interest. Hence it meets the criteria set forth in Rule 12.1(d).” – Decision at 10.</p> <p>“Based on the record of the proceeding, we find that the Settlement Agreement is supported by the record of the proceeding. Following discovery and settlement negotiations, the Settling Parties reached a reasonable compromise on the contested issues.</p> <p>The Settlement Agreement reflects a reasonable balance of the various interests in this proceeding and resolves all issues identified in the scope of this proceeding.” – Decision at 11.</p> <p>“In this instance, the Settling Parties fairly represent the affected interests: PG&amp;E represents the interest of its customers and shareholders. CUE represents the International Brotherhood of Electrical Workers Local Union 1245, of which approximately 450 employees work at DCP. They are both familiar with workforce issues. CommLegal represents the interest of ratepayers. We are convinced that the Settling Parties have a sound and thorough understanding of the Application.” – Decision at 14.</p> <p>“Upon review of the Settlement Agreement, the Commission approves the uncontested Settlement Agreement</p>	
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	that resolves this Application and approves the proposed modifications to the DCPD Employee Retention Program.” – Decision at 14.	
<p><b>4. Costs (COST)</b></p> <p>CommLegal performed extensive analysis and conducted considerable research and discovery on the issue of reasonable cost estimates for the proposed employee retention plan. We developed forecast and calculation models that challenged PGE’s assumed headcounts, costs, and program designs, which were presented in our intervenor testimony. Our efforts on this issue were crucial in securing the \$17 million reduction to the initial proposed budget that was ultimately incorporated into the settlement agreement.</p> <p>--</p> <p>The Final Decision adopts the Settlement in full, with the agreed upon \$17 million budget reduction.</p>	<p>“PG&amp;E’s position is that the cost of the modified DCPD employee retention program is \$407.1 million.” – Settlement at 3.</p> <p>“CommLegal’s position is that the DCPD headcount should be reduced compared to PG&amp;E’s forecast, that total costs of the program should be between \$261.8 million to \$371.5 million, and that the employee retention program should cease payments two years prior to cessation of operations.” – Settlement at 3.</p> <p><b>“Reasonable Cost Estimate for Employee Retention Program.</b> Settling Parties agree that a reasonable total cost estimate for the employee retention program for September 1, 2023, through November 1, 2030, is \$390 million. Agreement on the total reasonable cost of the employee retention program does not reflect any specific annual headcount numbers.” – Settlement at 4.</p> <p>--</p> <p>“The result of the Settlement Agreement is the continuation of the DCPD Employee Retention Program with the elements proposed by PG&amp;E at a lower cost estimate of \$390 million before adjusting for payroll tax and RF&amp;U.” – Decision at 11.</p> <p>“10. Under the Settlement Agreement, the Settling Parties agree that a reasonable total cost estimate for the employee retention program for September 1, 2023, through November 1, 2030, is \$390 million.” – Decision at 18, Finding of Fact 10.</p>	<p>The decision does not evaluate CommLegal’s assertions of substantial contribution, as the intervenor has not established eligibility to claim intervenor compensation. See CPUC Discussion, Part I(C).</p>

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

	<b>Intervenor's Assertion</b>	<b>CPUC Discussion</b>
<b>a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?</b>	Yes	Verified
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	No	This decision does not assess the information provided in the "Duplication of Effort" section, as the intervenor has not established eligibility to claim intervenor compensation. See CPUC Discussion, Part I(C).
<b>c. If so, provide name of other parties:</b> N/A		
<b>d. Intervenor's claim of non-duplication:</b> CommLegal was the only intervenor in this proceeding that actively advocated for program modifications in the interest of residential customers. We worked to hold the utility to its legal burden to provide sufficient evidence justifying its requested budget, and to reduce costs to ratepayer while ensuring safe operation of the DCP.		This decision does not assess the information provided in the "Duplication of Effort" section, as the intervenor has not established eligibility to claim intervenor compensation. See CPUC Discussion, Part I(C).

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**  
**(completed by Intervenor except where indicated)**

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

	<b>CPUC Discussion</b>
<b>a. Intervenor's claim of cost reasonableness:</b>  CommLegal is seeking \$103,776.45 as the reasonable cost of our participation in this proceeding. CommLegal worked to ensure that the Diablo Canyon Power Plant would be safely operated at reasonable cost to ratepayers. Our analysis of PGE's proposal included examining headcount assumptions, scrutinizing cost calculation methodology, investigating claims of safety needs, and evaluating assertions regarding past and anticipated effectiveness.  Ultimately, CommLegal achieved a reasonable settlement with opposing parties PGE and CUE that saved ratepayers \$17 million, conserved commission resources, avoided potential outcomes less favorable to customers, and reduced intervenor fees. As such, our requested compensation is a small fraction of the benefits directly attributable to our	This decision does not assess the reasonableness of the claim, as the intervenor has not established eligibility to seek intervenor compensation. See CPUC Discussion, Part I(C).

<p>advocacy, entirely appropriate given the scope of our efforts and contributions, and should be found reasonable.</p>	
<p><b>b. Reasonableness of hours claimed:</b></p> <p>This claim for compensation includes 206.99 total hours for CommLegal attorneys and experts. CommLegal submits that this is a reasonable amount of time, given the breadth and scope of the issues that needed to be examined to develop the settlement. The hours claimed were devoted to research and analysis, review of proposals and filings, drafting testimony, motions, and other filings, effectively engaging in conferences and meetings, and addressing other procedural requirements.</p> <p>General Counsel Tadashi Gondai handled case strategy development, issue identification, and the bulk of settlement negotiations. In order to reduce duplication of efforts and increase efficiency, Mr. Gondai provided supervisory responsibility for the less intricate aspects of the case, but still contributed with drafting and developing complex arguments.</p> <p>Staff Attorney Brycie Loepp provided case support by assisting with drafting and research. Coordinating efforts on this case with Mr. Gondai allowed for efficient use of time, effective exploration of issues, and incorporation of additional insight and experience.</p> <p>CommLegal has made voluntary reductions for time spent investigating issues and developing recommendations that were ultimately not pursued, were not addressed in our filings, or did not impact the settlement. We reduced for time spent on internal discussions of issues and concerns that were only generally related to this proceeding but not tied to specific issues. We have also omitted hours spent on matters that did not substantially contribute to the final decision.</p> <p>CommLegal submits that the requested hours are reasonable, both for each attorney and expert, and in the aggregate. Therefore, CommLegal seeks compensation for all hours submitted in this claim.</p> <p><u>Compensation Request Preparation Time:</u></p> <p>CommLegal is requesting compensation for 10.25 hours devoted to the preparation of the compensation request, and 1.00 additional hour for the preparation of the initial Notice of Intent to Claim Compensation. This number of hours is reasonable in light of the amount of material which needed to be reviewed in preparing this claim.</p>	<p>This decision does not assess the reasonableness of the hours, as the intervenor has not established eligibility to seek intervenor compensation. <i>See</i> CPUC Discussion, Part I(C).</p>

<p>Mr. Gondai reviewed timesheets, filings, rulings, comments, emails and decisions in order to properly allocate time by issue. He also reviewed I-Comp claim procedures and prior I-Comp decisions.</p> <p>The Commission should find that the hours claimed are reasonable.</p>	
<p><b>c. Allocation of hours by issue:</b></p> <p><b>Effective Participation (EP) – 11.8%:</b> time and effort not tied to single specific issues but which was nonetheless essential for effective participation, such as reviewing testimony and other party filings, developing positions and strategy, and preparing for evidentiary hearings.</p> <p><b>Procedural Matters (PROC) – 19.7%:</b> time and effort spent preparing for and engaging in conferences, drafting motions, researching and advocating for legal standards, or addressing other procedural matters.</p> <p><b>Coordination (COOR) – 6.1%:</b> time and effort spent coordinating internally and with other parties, discussing proposals and recommendations, planning strategy, reducing duplication of efforts, or supplementing common positions.</p> <p><b>Discovery (DISC) – 18.9%:</b> time and effort spent on drafting and reviewing data requests and responses.</p> <p><b>Research (RSCH) – 11.3%:</b> time and effort spent obtaining and analyzing relevant information, such as similar or related programs and proceedings, applicable statutes, prior Commission decisions, and evaluating claims made in testimony and data responses.</p> <p><b>Settlement (SETL) – 8.0%:</b> time and effort spent negotiating, analyzing, revising, and finalizing the settlement, as well as supporting adoption of the settlement.</p> <p><b>Costs (COST) – 24.4%:</b> time and effort spent analyzing cost estimates, assumptions, and calculations, and developing alternative recommendations that would ensure safe operation at reasonable expense to ratepayers.</p> <p><b>EP – 11.8%</b>  <b>PROC – 19.7%</b>  <b>COOR – 6.1%</b>  <b>DISC – 18.9%</b>  <b>RSCH – 11.3%</b>  <b>SETL – 8.0%</b>  <b>COST – <u>24.4%</u></b>  <b>Total: 100% (+/- due to rounding)</b></p>	<p>This decision does not assess the allocation of hours of the claim, as the intervenor has not established eligibility to seek intervenor compensation. <i>See</i> CPUC Discussion, Part I(C).</p>

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total
Tadashi Gondai	2023	30.55	\$615.00	D.24-05-027	\$18,788.25	0.00 [1]	N/A [2]	\$0.00
Tadashi Gondai	2024	59.06	\$640.00	D.24-05-027	\$37,798.40	0.00 [1]	N/A [2]	\$0.00
Brycie Loepp	2023	19.68	\$360.00	D.24-05-027	\$7,084.80	0.00 [1]	N/A [2]	\$0.00
Brycie Loepp	2024	97.70	\$375.00	D.24-05-027	\$36,637.50	0.00 [1]	N/A [2]	\$0.00
Subtotal: \$100,308.95						Subtotal: \$0.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Brycie Loepp	2024	1.0	\$187.50	\$375.00/2	\$187.50	0.00 [1]	N/A [2]	\$0.00
Tadashi Gondai	2024	10.25	\$320.00	\$640.00/2	\$3,280.00	0.00 [1]	N/A [2]	\$0.00
Subtotal: \$3,467.50						Subtotal: \$0.00		
TOTAL REQUEST: \$103,776.45						TOTAL AWARD: \$0.00		
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors’ records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer’s normal hourly rate</p>								
ATTORNEY INFORMATION								
Attorney	Date Admitted to CA BAR <sup>11</sup>			Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation			
Tadashi Gondai	Dec 3, 2010			CA Bar No. 273186	No			
Brycie Loepp	Admitted to Oklahoma State Bar in 2009			OK Bar No. 22632	No			

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

<sup>11</sup> This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch> .



**(Intervenor completes; attachments not attached to final Decision)**

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	Timesheets of Attorneys

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

Item	Reason
[1] Eligibility	The compensation claim filed by Community Legal Services is denied, as the intervenor has not demonstrated eligibility to claim compensation, as discussed in Part I(C), "CPUC Discussion."
[2] Hourly Rates	Because the compensation claim filed by Community Legal Services is denied in full for reasons noted in Part I(C), we do not evaluate the reasonableness of the requested hourly rates.

**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))

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

Party	Comment	CPUC Discussion

**FINDINGS OF FACT**

- Community Legal Services has not demonstrated significant financial hardship as set forth in Part I (C), above.

**CONCLUSION OF LAW**

- Community Legal Services is not eligible to claim intervenor compensation pursuant to §§ 1802(h) and 1804(c), as set forth in Part I (C), above.

**ORDER**

- The Intervenor Compensation Claim filed by Community Legal Services is denied due to its failure to demonstrate eligibility for intervenor compensation.

2. The comment period for today's decision is not waived.

3. Application 23-10-009 is closed.

This decision is effective today.

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

**APPENDIX**

## Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D2409002		
Proceeding(s):	A2310009		
Author:	ALJ Atamturk		
Payer(s):	N/A		

## Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Community Legal Services	10/17/2024	\$103,776.45	\$0.00	N/A	Failure to establish eligibility to claim intervenor compensation

## Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Tadashi	Gondai	Attorney	\$615.00	2023	N/A
Tadashi	Gondai	Attorney	\$640.00	2024	N/A
Brycie	Loepp	Attorney	\$360.00	2023	N/A
Brycie	Loepp	Attorney	\$375.00	2024	N/A

**(END OF APPENDIX)**