



**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

**FILED**

12/22/25

10:31 AM

R2001007

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

Rulemaking 20-01-007  
(Filed January 27, 2020)

**COMMENTS OF ENVIRONMENTAL DEFENSE FUND  
ON DECISION GRANTING COMPENSATION TO  
ENVIRONMENTAL DEFENSE FUND FOR  
SUBSTANTIAL CONTRIBUTION TO DECISION 23-12-003**

Elizabeth M. Kelly  
LAW OFFICE OF ELIZABETH KELLY  
P.O. Box 225037  
San Francisco, CA 94122  
Telephone: (415) 535-9998  
Email: [beth@emk-law.com](mailto:beth@emk-law.com)

Counsel for:  
ENVIRONMENTAL DEFENSE FUND

December 22, 2025

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Pursuant to Rule 14.3 of the California Public Utilities Commission (Commission), Environmental Defense Fund (EDF) respectfully submits the following Comments on the *Proposed Decision Granting Compensation to Environmental Defense Fund for Substantial Contribution to Decision 23-12-003* (Proposed Decision). Pursuant to Rule 14.3, these Comments are timely filed.

**I. THE PROPOSED DECISION UNJUSTLY APPLIES EXCESSIVE REDUCTIONS TO EDF'S GOOD FAITH PARTICIPATION IN THE LONG-TERM GAS RULEMAKING**

The Proposed Decision proposes to disallow 58% of the hours worked by EDF in 2023. This Intervenor Compensation (IComp) reduction is excessive and fails to compensate an intervenor for work performed in good faith furtherance of the Commission's objectives.

<b>Item</b>	<b>Year</b>	<b>EDF Hours Requested</b>	<b>PD Hours Proposed</b>	<b>PD Reduction (hours)</b>	<b>PD Reduction (%)</b>
Elizabeth Kelly	2023	40.90	11.00	-29.90	-73%
Michael Colvin	2023	7.00	4.00	-3.00	-43%
Joon Hun Seong	2023	29.90	17.40	-12.50	-42%
<b>TOTAL</b>		<b>77.80</b>	<b>32.40</b>	<b>-45.40</b>	<b>-58%</b>

## II. DENIAL “WITHOUT PREJUDICE” OF WORK PERFORMED IN FURTHERANCE OF GENERAL ORDER 177

### A. The Venue the Proposed Decision Recommends for EDF IComp Closed Eight Days Before this PD Was Issued

On February 9, 2024, EDF and its co-petitioners<sup>1</sup> filed a petition for modification seeking modifications to General Order (G.O.) 177 and D.22-12-021 (Petition). On February 20, 2024, EDF timely filed the present Intervenor Compensation Claim which included hours worked in furtherance of G.O. 177, including participation and comments pertaining to the G.O. 177 Workshop process; filing a Motion on April 11, 2023 to improve the G.O. 177 process by requesting a technical workshop; and participating in the *En Banc on Current Gas Market Conditions and Impacts of Gas Prices on Electricity* in I.23-03-008 held on February 7, 2023 (En Banc).

However, here, the Proposed Decision—issued December 2, 2025—argues that EDF should not have sought compensation related to D.22-12-021 for this work, but instead *potentially* in D.24-09-034.<sup>2</sup> However, the Commission issued D.25-11-022 which granted in part EDF’s Intervenor Compensation Claim for D.24-09-034 on November 24, 2025. This means the present Proposed Decision was issued eight days after the issuance of D.25-11-022, providing EDF with no recourse to amend or otherwise address the issues raised in the present Proposed Decision.

In this case, it appears to EDF that the left hand is not talking to the right hand. EDF respectfully requests that the Commission to evaluate these hours on the merits as EDF’s opportunity to include these hours in its claim pertaining to D.24-09-034 is no longer available.

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<sup>1</sup> California Environmental Justice Alliance, Sierra Club, Southern California Generation Coalition, and The Utility Reform Network.

<sup>2</sup> Proposed Decision at 15.

### **III. DENIAL OF EDF HOURS WORKED RELATED TO GAS DISTRIBUTION DECOMMISSIONING**

#### **A. The Proposed Decision Disallows EDF Work Performed in Response to a Commission Staff Proposal Which Was Foundational to the Rulemaking**

On December 22, 2022, Administrative Law Judge (ALJ) Fogel issued the *Administrative Law Judge’s Ruling Directing Parties to File Comments on Staff Gas Infrastructure Decommissioning Proposal* (ALJ Ruling), which solicited party comments to the *Staff Proposal on Gas Distribution Infrastructure Decommissioning Framework in Support of Climate Goals* (Staff Proposal) attached to the ALJ Ruling. Specifically, the Staff Proposal addressed how the Commission should approach: (1) utilities requesting gas distribution funds such as in a GRC as described in Scoping Memo question 2.1(d); and (2) consideration of proactive decommissioning gas pipelines outside of a currently open proceeding as raised in Scoping Memo Question 2.1(e).

The Staff Proposal was based upon earlier “extensive stakeholder comments” on “important policy and technical questions to inform the [Commission’s] consideration of each scenario.”<sup>3</sup> These stakeholder comments included those of EDF on these “increasingly timely” issues.<sup>4</sup> EDF worked to offer strategic recommendations, not simply by preparing comments in a vacuum, but by engaging with one of the utilities to ensure EDF’s recommendations were actionable while achieving the environmental advances needed in California. The time meeting with the utility is proposed to be denied because of “internal duplication” as the Proposed Decision considers participation by the Director of EDF’s California Energy Program (Mr. Colvin), his analyst (Mr. Seong), and his attorney (Ms. Kelly), excessive for a key half hour meeting.<sup>5</sup>

EDF expected the Commission to issue a Decision on these matters, however, Commission ultimately did not address Scoping Memo questions 2.1(d)-(e) in R.20-01-007.

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<sup>3</sup> Staff Proposal at 4.

<sup>4</sup> Staff Proposal at 4-5, footnote 10.

<sup>5</sup> Proposed Decision at 13.

**B. Postponing an Evaluation of EDF's Substantial Contribution to the Record Indefinitely Does Not Conserve Resources, Promote Administrative Efficiency, or Serve the Public Interest**

The Proposed Decision would deny EDF's compensation on gas distribution decommissioning "without prejudice."<sup>6</sup> The Commission uses denial or dismissal of issues or Applications "without prejudice to: "conserve both the parties' and the Commission's resources,"<sup>7</sup> "serve... the public interest,"<sup>8</sup> and "promote administrative efficiency,"<sup>9</sup> among others. In the case of Intervenor Compensation specifically, the Commission has identified venues in which the Commission may consider the compensation claim:

Although we are denying this request in light of the fact that Res. T-17235 was vacated by D.10-05-021, we clarify that TURN may choose to file a compensation request in I.09-12-016 if it intends to claim substantial contribution leading to either the opening of I.09-12-016 or to the issuance of the final decision in this matter.<sup>10</sup>

Here, the Commission simply denies the request without prejudice without a potential path for receiving contribution. The current Gas Planning Rulemaking solicited party comments on the Order Instituting Rulemaking, and EDF's Comments specifically addressed this matter.

EDF believes there are important regulatory actions that the CPUC can take in the short- and medium-term; and the most important steps is for the Commission to decide and authorize these concrete steps, including but not limited to: [a]uthorizing decarbonization and gas infrastructure decommissioning options [...]."<sup>11</sup>

However, since that time, the Commission has suspended consideration of *any* Interim Actions (Phase 1) until "no earlier than Q3 of 2026) *or* Long-Term Gas Transition Planning (Phase 2) until Q3 of 2026 with no projected date for a Final Decision. Optimistically, if the Commission

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<sup>6</sup> Proposed Decision at 15.

<sup>7</sup> D.99-12-009; 1999 Cal. PUC LEXIS 780, \*2 (Cal. P.U.C. December 2, 1999).

<sup>8</sup> D.12-05-029; 2012 Cal. PUC LEXIS 244, \*4 (Cal. P.U.C. May 24, 2012).

<sup>9</sup> D.03-05-064; 2000 Cal. PUC LEXIS 1119, \*4 (Cal. P.U.C. January 14, 2000)

<sup>10</sup> D.10-08-016; 2010 Cal. PUC LEXIS 271, \*3 (Cal. P.U.C. August 12, 2010)

<sup>11</sup> R.24-09-012, *Comments of Environmental Defense Fund on the Order Instituting Rulemaking and the Assigned Commissioner's Ruling* dated December 16, 2024 at 7.

issues a final decision, it would occur in late 2027, with issuance of Intervenor Compensation Decisions in 2028. At that time, the Commission would then return to EDF's pleadings to evaluate whether EDF's contributions half a decade prior made a substantial contribution to the Decision.

#### IV. CONCLUSION

EDF respectfully requests that the Commission evaluate EDF's substantial contributions to the record on the merits. Without this review, EDF will not have a pathway to receive compensation for its substantial contributions.

EDF thanks Commissioner Douglas and Assigned ALJs Van Dyken and Purchia for their consideration of these Comments.

Respectfully submitted,

/s/ Elizabeth Kelly

Elizabeth M. Kelly  
LAW OFFICE OF ELIZABETH KELLY  
P.O. Box 225037  
San Francisco, CA 94122  
Telephone: (415) 535-9998  
Email: beth@emk-law.com

Counsel for:  
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