



PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

FILED

06/02/26

03:34 PM

A2205022

June 2, 2026

Agenda ID #24270
Ratesetting

TO PARTIES OF RECORD IN APPLICATION 22-05-022, et al.:

This is the proposed decision of Administrative Law Valarie Kao. 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 July 16, 2026, 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: asf
Attachment

Decision **PROPOSED DECISION OF ALJ VALARIE KAO (mailed 6/2/2026)****BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of PACIFIC GAS AND ELECTRIC COMPANY (U39E) for Review of the Disadvantaged Communities – Green Tariff, Community Solar Green Tariff and Green Tariff Shared Renewables Programs.	Application 22-05-022
And Other Matters	Application 22-05-023 Application 22-05-024

DECISION GRANTING COMPENSATION TO CENTER FOR BIOLOGICAL DIVERSITY FOR SUBSTANTIAL CONTRIBUTION TO DECISION 24-05-065

Intervenor: Center for Biological Diversity	For contribution to Decision (D.) 24-05-065
Claimed: \$37,095.18	Awarded: \$23,403.55
Assigned Commissioner: John Reynolds ¹	Assigned ALJ: Valerie Kao

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	The Center for Biological Diversity (“Center”) submits this request for intervenor compensation for substantial contribution to D.24-05-065, the Commission’s Decision modifying Green Access Program Tariffs and adopting a community renewable energy program, pursuant to Assembly Bill (“AB”) 2316. (“Decision”)
--	--

¹ This proceeding was reassigned to President John Reynolds on March 25, 2026.

	<p>Based on an evaluation of current programs, the Decision modifies and streamlines the existing Green Access Program tariffs to meet the goals set out in AB 2316.</p> <p>The Decision also authorizes a new community renewable energy program pursuant to AB 2316 and Public Utilities Code § 769.3.</p>
--	--

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812²:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	October 27, 2022	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	November 22, 2022	Verified
4. Was the NOI timely filed? Yes, pursuant to Commission Rule of Practice and Procedure 17.1(a)(1), the NOI was filed after the start of the proceeding, and within 30 days after the Prehearing Conference.		Verified
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.23-05-018	R.21-06-017. <i>See</i> Part I. C [B.9-12].
6. Date of ALJ ruling:	April 24, 2024	November 8, 2021
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	In R.23-05-018, the April 24, 2024 ALJ ruling also noted that a finding of significant financial	R.21-06-017. <i>See</i> Part I. C [B.9-12].

² All statutory references are to California Public Utilities Code unless indicated otherwise.

	Intervenor	CPUC Verification
	hardship was conditioned on the Center providing certain information to determine the Center's eligibility as an intervenor for compensation. On May 31, 2024, the Center provided this information and a Commission determination is pending.	
10. Date of ALJ ruling:	April 24, 2024 (determination pending)	November 8, 2021
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.24-05-065	Verified
14. Date of issuance of Final Order or Decision:	June 7, 2024	Verified
15. File date of compensation request:	August 6, 2024	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor's Comment(s)	CPUC Discussion
B.9-12	The April 24, 2024 ALJ ruling in R.23-05-018 ordered the Center to demonstrate that none of its donors or grantors participate in, or are affiliated with markets regulated by the Commission. By this filing, together with the extensive and confidential documentation submitted on May	Noted. The Center for Biological Diversity (CBD) has rebuttable presumption from R.21-06-017. In R.23-05-018, the Commission ruled that CBD has satisfied the eligibility requirements of §1804(a)(1) and (a)(2)(A) but required CBD to submit additional information to

#	Intervenor’s Comment(s)	CPUC Discussion
	<p>31, 2024 under seal in R.23-05-018, the Center again verifies that it has met this condition warranting a finding of significant financial hardship.</p> <p>In addition, the Center continues to meet the criteria for a finding of significant financial hardship: the economic interest of the individual members of the Center “is small in comparison to the costs of effective participation in the proceeding.” Cal. Pub. Util. Code § 1802 (h).</p> <p>The Center represents the environmental interests of its ratepaying California members, the majority of whom do not have the financial ability to represent themselves in this proceeding, and whose interests are often not adequately represented in Commission proceedings.</p> <p>The Commission has previously determined that the Center’s participation without an award of intervenor compensation imposes a significant financial hardship. (<i>See, e.g.</i>, Order Instituting a Rulemaking to Modernize the Electric Grid for a High Distributed Energy Resources Future, Rulemaking 21-06-017 (Ruling on Showing of Significant Financial Hardship, Nov. 8, 2021); In the Matter of the Application of The Nevada Hydro Company for a Certificate of Public Convenience and Necessity for the Talega-Escondido/Valley-Serrano 500 kV Interconnect</p>	<p>complete its showing of eligibility to claim intervenor compensation.</p>

#	Intervenor’s Comment(s)	CPUC Discussion
	<p>Project, Application 10-07-001 (Orders of Nov. 23, 2010 and Apr. 18, 2013); In the Matter of the Application of Southern California Edison Company (U338E) for a Certificate of Public Convenience and Necessity for the Eldorado-Ivanpah Transmission Project, Application 09-05-027 (Ruling on Showing of Significant Financial Hardship, Jan. 27, 2010.)</p> <p>The Center’s circumstances have not changed in any relevant respect since such determinations were made. <i>See</i> Cal. Pub. Util. Code § 1803(b).</p>	

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. Existing Programs Fail to Serve Distinct Customer Groups and Do Not Promote Low Income Participation</p> <p>In this proceeding, the Commission sought to determine whether to modify or eliminate existing Green Access Programs, based on three criteria: whether the programs (1) efficiently served distinct customer</p>	<p>The Commission agreed with the Center that existing programs fail to serve distinct customer groups and do not promote low-income participation.</p> <p>Throughout the proceeding, the Center advocated for programs to prioritize low-income community participation, and suggested that the Commission should prioritize investment in low-income communities and ensure that benefits of community solar flow to those communities. In its comments proposing principles to guide Green Access program</p>	<p>Verified. However, we note that CBD repeated positions of other parties without offering additional analysis or a unique perspective. <i>See</i> Part III.D CPUC Comments, Disallowances, and Adjustments</p>

<p>groups; (2) minimized duplicative offerings; and (3) promoted robust low-income participation.</p> <p>Throughout the proceeding, the Center advocated for modifications to these programs as the programs did not effectively achieve all three of these goals.</p> <p>Specifically, the Center pointed out that the volatility of pricing or rates associated with the programs precluded the programs from serving distinct customer groups, and did not promote robust low-income customer participation.</p>	<p>design, the Center outlined how volatile rates conflicted with the Commission’s Rate Design Principles (at 4) and should be addressed in modifications to the programs.</p> <p>The Center also focused on this issue in its reply brief, cited by the Decision: Premiums Based on the PCIA or Other Methodology Foreclose Robust Participation by Low-Income Customers (Center Reply Brief at 5).</p> <p>In regards to one Green Access Program, the Enhanced Community Renewables (“ECR”) program:</p> <p>“Cypress Creek, CBD, Cal Advocates, PG&E, SEIA, and TURN state that the ECR program also experiences rate volatility that makes it unappealing to customers and developers.” (Decision at 39).</p> <p>“The Commission agrees with numerous parties that the current ECR program has failed to efficiently serve distinct customer groups. Utilities’ ECR programs have had limited customer enrollment since the rollout of these programs, and only SCE has facilities under contract, which total 38 MW. We are persuaded by parties that assert that the ECR program’s rate volatility makes it an unfavorable option for customers and developers because it is unclear in a given year whether the program will result in a premium or savings to a participating customer.” (Decision at 43).</p> <p>“The Commission also agrees with parties that the ECR tariff fails to promote robust participation among low-income customers.” (Decision at 44).</p> <p>In regards to another Green Access</p>	<p>[3].</p>
---	--	-------------

	<p>Program, the Green Tariff:</p> <p>“CCSA, CBD, CEJA, et al., CUE, Cypress Creek, SDG&E, SEIA, and TURN state that the Green Tariff program fails to promote low-income participation because it is designed as a premium product such that enrollees must pay more for their bill than they would under standard service.” (Decision at 42).</p> <p>In regards to another Green Access Program, Community Solar Green Tariff (“CSGT”):</p> <p>“The Commission agrees with numerous parties that the current CSGT program has failed to efficiently serve distinct customer groups. There have been no customers enrolled in CSGT since the rollout of the program, and no projects have come online.” (Decision at 57).</p> <p>“The Commission also agrees with parties that the CSGT tariff fails to promote robust participation among low-income customers based on the lack of enrollment by low-income customers.” (<i>Id.</i>)</p> <p>Ultimately, the Commission determined that “Challenges to attracting customers and developers in the Green Access Program tariffs emanate from enrollment rate, eligibility requirements, rate volatility, and duplication.” (Decision at 160, Finding of Fact 65).</p>	
<p>2. Modified or New Community Solar/Renewables Programs Address Price Volatility.</p> <p>In this proceeding, the</p>	<p>The Center advocated for, and the Commission agreed with, the need to address price volatility in future community solar programs. The Center based its analysis of volatility on the impacts of the Power Charge Indifference Adjustment (“PCIA”).</p>	<p>Verified. However, we note that CBD repeated positions of other parties without offering additional</p>

<p>Commission did not intend to repeat the mistakes of past programs and sought to improve their Green Access program offerings, in particular to ensure compliance with the AB 2316’s requirement to ensure at least 51% low-income customer participation.</p> <p>In addition to pointing out that price or rate volatility, in large part due to the Power Charge Indifference Adjustment applied to prior Green Access Programs, had foreclosed adequate participation, the Center also focused on ensuring that this same problem would not affect any new or modified programs authorized by the Commission.</p> <p>The Commission agreed, and determined that “The Power Charge Indifference Adjustment is dependent on market values leading to price volatility in GTSR-GR. By avoiding program dedicated procurement, this volatility is eliminated.” (Decision at 65).</p>	<p>The PCIA in particular is also volatile, which creates a significant additional hurdle. The Rate Design Principles adopted by the Commission in D.15-07-001 dictate that “[r]ates should be stable and understandable and provide customer choice.” Developer, financier, and customer uncertainty about fees disincentivizes participation in the GAPs. (Center Proposal for Principles to Guide Green Access Program Design at 4).</p> <p>“[T]he application of an exit fee for leaving a utility’s customer base may make participation in ECR cost-prohibitive for low-income customers. This is particularly true because the PCIA is highly volatile, increasing by hundreds of millions of dollars in recent years (Center Opening Comments on Cost-Effectiveness Considerations at 6).</p> <p>“In 2021, the mayor of San Jose pointed out that the PCIA had gone up 900% in PG&E’s service territory since 2013. For low-income customers and communities who cannot afford an unexpectedly high electricity bill, this shows that any additional premium can make participating in community solar simply too risky and thus out of reach.” (Center Reply Brief at 6).</p> <p>As a result of these concerns, the Commission determined that “the modifications adopted in this section of the decision are focused on addressing [rate volatility]” (Decision at 128), including “using current market prices and developer costs will reduce customer risks of rate volatility,” (Decision at 134) and “use of the top-off approach in the modified Green Tariff will assist in limiting future price volatility.” (Decision at 144-145).</p>	<p>analysis or a unique perspective. <i>See</i> Part III.D CPUC Comments, Disallowances, and Adjustments [3].</p>
---	--	---

	<p>Ultimately, the Commission modified the Green Tariff program and integrated Green Tariff resource availability with other Integrated Resource plans to address rate volatility (Decision at 163, Findings of Fact 91 and 92).</p>	
<p>3. Location of Community Solar</p> <p>Throughout this proceeding, the Center advocated for the need for community solar projects to be as close to community load as possible, if not in the community itself to serve as a true “community” solar program.</p> <p>Although the Commission ultimately adopted a community renewable energy program that did not address this locational requirement, the Decision ordered the IOUs to track various factors and metrics associated with future community solar projects, including the location of the project. (Decision Order 6).</p> <p>Furthermore, the Concurrence and Dissent recommended that a future phase of this proceeding should address this important issue.</p> <p>“Further, the CRE program declines to adopt a locational requirement that might otherwise provide grid benefits and transmission and distribution avoided</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 at 4-5; D.19-10-019 at 3; D.03-03-031 at 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”).</p> <p>Rather, intervenors substantially contribute when they have “provided a unique perspective that enriched the Commission’s deliberations and the record.” D.05-06-027 at 5. Intervenors 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[s] the Commission in the decision-making process.” D.08- 04-004 at 5-6; D.19-10-019 at 4.</p> <p>“The Commission should prioritize and incentivize community solar projects sited in or near the communities they will serve.” (Center Proposal for Principles to Guide Green Access Program Design at 1-2).</p> <p>“. . . community solar projects that are sited in or near the communities they serve certainly can reduce transmission and distribution costs. As the Center argued in our opening comments, there simply can</p>	<p>Verified. However, we note that CBD repeated positions of other parties without additional analysis or offering a unique perspective. <i>See</i> Part III.D CPUC Comments, Disallowances, and Adjustments [3].</p>

<p>costs. Vote Solar, Natural Resources Defense Council, and California Environmental Justice Alliance (collectively, CEJA, et al.) recommend a locational requirement “to provide certainty of delivering full avoided cost benefits.” The next phase of the proceeding, as CEJA, et al. requested, should require the IOUs be required to provide information regarding which circuits would be locations that could benefit from community solar projects and create ratepayer cost savings.” (Concurrence and Dissent at 5)</p>	<p>be no question that locally sited community solar projects can reduce the need for additional transmission capacity.” (Center Reply Comments on Cost-Effectiveness Considerations at 3).</p> <p>“. . . prioritizing locally sited community solar projects is the best way to ensure that participating communities—particularly disadvantaged communities—receive all the potential benefits, including non-energy benefits, that community solar has to offer. (<i>Id.</i> at 4)</p> <p>“The benefits of local community solar projects include, among others, increased community buy-in, local jobs, investment and economic benefits, reduced costs resulting from less need for expensive transmission infrastructure, and environmental benefits such as reduced harm to species, habitats, and high-value agricultural land as a result of less need to build large-scale generation and transmission infrastructure.³⁰ Local projects also minimize “line loss,” or the amount of electricity that is lost during transmission and distribution across the grid.” (Center Comments on Aspects of Net Value Billing Tariff Proposal at 11).</p> <p>“. . . limiting projects to locations where circuits can already accommodate interconnection without significant upgrades will directly frustrate the program’s purpose to improve access to community solar in low-income and disadvantaged communities. If the Commission does include such limitations, there should be clear exceptions for DACs to ensure that the program does not simply perpetuate historical inequities.” (<i>Id.</i> at 13)</p> <p>“Prioritizing Localized Community Solar Projects Helps Community Solar Programs Succeed” (Center Surrebuttal</p>	
---	--	--

	Testimony at 4-6).	
--	--------------------	--

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

	Intervenor’s Assertion	CPUC Discussion
a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?	Yes.	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Yes.	Verified
c. If so, provide name of other parties: California Environmental Justice Alliance (“CEJA”), Vote Solar, Natural Resources Defense Council, The Utility Reform Network (“TURN”), and the Coalition for Community Solar Access (“CCSA”) took similar positions to increase the deployment of community solar, in particular in disadvantaged and low-income communities. Marin Clean Energy (“MCE”) took similar positions in regards to maintaining certain existing Green Access Programs (<i>See also</i> section B.d.).		Noted
d. Intervenor’s claim of non-duplication: The Center communicated with CEJA to coordinate strategy and ensure non-duplication of efforts with CEJA, Vote Solar, and NRDC at the outset of and throughout the proceeding. The Center also communicated extensively to coordinate with CCSA throughout the proceeding. Notably, the Center also took complementary, but different positions than CEJA et al. and CCSA, in particular to the location of community solar installations, advocating for more community solar program offerings as close as possible to the community served, and the amount of compensation subscribers should receive through community solar programs. The Center outlined various community benefits of community solar located in close proximity to the community served, but also uniquely added the biodiversity and land use implications of bulk system and transmission buildout to bolster those arguments. <i>See</i> Cal. Pub. Util. Code § 1802.5 (full compensation is warranted where participation “materially supplements, complements, or contributes to the presentation of another party.”) <i>See also</i> D.03-03-031 at 14. The Center also sought to maintain certain Green Access Programs that provided greater bill savings to subscribers than other proposals before the Commission. In this regard, the Center similarly coordinated advocacy with MCE.		We note that CBD repeated positions of other parties without offering additional analysis or a unique perspective. <i>See</i> Part III.D CPUC Comments, Disallowances, and Adjustments [3].

<p>Overall, the Center’s advocacy differed from parties that took similar positions as the Center sought to improve aspects of CCSA’s community solar proposal, but also maintain and improve access to existing Green Access Programs, including the Community Solar Green Tariff program, in particular for low-income and environmental justice communities. The Center’s participation also leveraged its national experience that similarly enriched the Commission’s deliberations and substantially contributed to the Decision’s findings and analyses.</p>	
---	--

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
<p>a. Intervenor’s claim of cost reasonableness:</p> <p>The Center participated in all major aspects of the proceeding leading to D.24-05-065, including providing testimony and filing multiple extensive comments. The Center’s filings reflect detailed legal and policy research related to the issues in the proceeding and integral to the resolution of complicated issues in the proceeding. The Center’s participation and filings ensured the Commission had sufficient information to make a determination from the record. Importantly, the Center leveraged its experience with community solar at a national level and in other states to augment the record, and preserve the opportunity for states to design their own community solar programs.</p> <p>The Center’s core positions regarding participation by low-income communities in community solar programs, and the need to locate community solar installations as close as possible to the community served, were adopted in the Decision, or detailed to be critical issues to cover in a future phase of the proceeding.</p> <p>Overall, the Center’s advocacy for viable community solar programs was essential to leverage federal Solar for All funding and achieve resulting climate benefits that accrue to ratepayers throughout the State.</p> <p>The Center’s request for fees and costs is likely to be a very small portion of the benefits that utility customers are likely to ultimately realize due to increased community solar program participation, and in particular, the benefit to participating environmental justice community and low-income community subscribers who face some of the highest energy burdens in the State.</p>	<p>After the adjustments made to this claim, the remainder of the claimed costs are reasonable. <i>See</i> CPUC Disallowances and Adjustments in Part III.D.</p>

	CPUC Discussion
<p>b. Reasonableness of hours claimed:</p> <p>The amount of time the Center spent on the proceeding is reasonable considering the Center’s participation in and contribution to outcomes in the proceeding. Despite the Center’s involvement in this proceeding, the Center’s hours are likely very low considering the number of filings, and issues in this proceeding.</p> <p>The Center submitted legal and policy research on all topics raised by the Commission’s ultimate decision that related to modification of the Green Access Programs and adoption of a new community renewables program. The Center was conscious of limiting hours and time spent on the proceeding. Roger Lin, an experienced attorney and CPUC practitioner, coordinated with other parties to ensure duplication was avoided. Mr. Lin’s extensive CPUC experience and relationships with parties taking similar positions reduced the number of hours required to develop briefs and comments for the Center’s work.</p> <p>In addition, the Center’s hours claimed do not include time spent on issues not ultimately addressed in the Decision. The Center expended considerable time and resources advocating for greater bill savings and (societal) costs unaccounted for, but still avoided by community solar programs, yet is not claiming time for those efforts.</p> <p>Finally, the Center is only requesting hours for working on substantive issues in the proceeding. For example, the Center has not claimed hours related to cite-checking comments or other tasks that are more clerical in nature or performed by law clerks. The Center is also not requesting hours determined to be duplicative or excessive, and has performed a detailed review of hours to ensure there is no unnecessary duplication or excessiveness. For example, in an abundance of caution, the Center did not include hours related to internal and strategic discussions. The Center also kept costs at a minimum and as such is not requesting any costs within this request.</p>	<p>We note that in their timesheets, CBD lists all tasks and hours, but only requests hours for items allocated by issue.</p>
<p>c. Allocation of hours by issue:</p> <p>The Center has allocated all of our attorney time by issue area or activity, as evident by our attached timesheets. The following issues allocate hours by specific substantive issues and activity areas addressed by the Center. The Center also provides an approximate breakdown of the number of</p>	<p>We note that CBD listed percentages of amount requested per issue not of percentage of hours. The corrected percentage of hours</p>

	CPUC Discussion
<p>hours spent on each task and the percentage of total hours devoted to each category.</p> <p>Issue A: Existing Programs Fail to Service Distinct Customer Groups and Do Not Promote Low Income Participation: 4.77% of hours</p> <p>Pursuant to AB 2316, this proceeding first evaluated the current Green Access Programs: Green Tariff (GT), Enhanced Community Renewables, DAC-GT and Community Solar GT programs. The Decision utilized three factors to evaluate these programs, and the Center focused on two of them that the Decision ultimately relied upon: the existing programs’ failure to serve distinct customer groups and promote low-income customer participation. Work in this category includes research and analysis and drafting several comments to support these positions.</p> <p>Issue B: New Community Solar Program Addresses Price Volatility/PCIA: 17.49% of hours</p> <p>As part of the work for Issue A, the Center identified the Power Charge Indifference Adjustment (“PCIA”) as a barrier to low-income participation for two reasons: first, as a financial barrier or “premium” that prohibits low-income customer participation; and second, as a reason for price volatility that discourages low-income and distinct customer group participation. The Center is claiming time spent on this latter aspect in this Issue category, which the Decision agrees was a barrier and developed mechanisms to address volatility, as detailed in section II, above. Work in this issue area included examining how the PCIA affected existing programs, and identifying proposed refinements for future Green Access and community renewables programs.</p> <p>Issue C: Location Requirement: 31.12% of hours</p> <p>One of the Center’s principle goals in this proceeding was to ensure that community solar is built as close as possible to, if not in, the community that it serves. The Center advocated for locational restrictions on all proposals developed throughout this proceeding. This work included examining each proposal, and research regarding the community benefits and avoided land use and biodiversity impacts of locating community solar as close as possible to load.</p> <p>Issue D: General Participation: 41.53% of hours</p> <p>General participation work is work that is essential to participation in the proceeding that typically spans multiple issues and/or is necessary for</p>	<p>per substantive issue (not including IComp preparation) are the following:</p> <p>Issue A: 5.23% Issue B: 18.70% Issue C: 32.49% Issue D: 43.58%</p>

	CPUC Discussion
<p>participating in the proceeding. This includes reviewing the initial Commission rulings, review of other party filings, the prehearing conference, and work coordinating with other parties.</p> <p>Intervenor Compensation: 5.09% of hours</p> <p>Work preparing the NOI and this request for compensation.</p> <p>The Center submits that given the nature of this proceeding and its participation, this information should suffice to address the allocation requirement under the Commission’s rules. If the Commission wishes to see additional or different information at this point, the Center requests that the Commission inform it and provide a reasonable opportunity to supplement this showing accordingly.</p>	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Augusta Wilson ³	2022					0.70 [1]	\$510.00 [4]	\$357.00
Augusta Wilson	2023	41.8	\$536.52	See Comment #1	\$22,426.54	25.85 [1,2,3]	\$535.00 [4]	\$13,829.75
Augusta Wilson	2024	2.9	\$558.35	See Comment #1	\$1,619.22	1.16 [2]	\$555.00 [4]	\$643.80
Howard Crystal	2023	4.9	\$763.19	See Comment #2	\$3,739.63	3.04 [2,3]	\$765.00 [5]	\$2,325.60
Howard Crystal	2024	0.6	\$794.25	See Comment #2	\$476.55	0.24 [2]	\$795.00 [5]	\$190.80
Roger Lin ³	2022					0.20 [1,2]	\$555.00 [6]	\$111.00
Roger Lin	2023	11.8	\$536.52	See Comment #3	\$6,330.94	6.48 [1,2,3]	\$580.00 [6]	\$3,758.40

³ Rows added by Commission staff. See Part III. D [1].

Roger Lin	2024	1.1	\$558.35	See Comment #3	\$614.19	0.44 [2]	\$605.00 [6]	\$266.20
Subtotal: \$35,207.07						Subtotal: \$21,482.55		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Augusta Wilson ³	2022					3.50 [1]	\$255.00 [4]	\$892.50
Augusta Wilson	2023	3.5	\$268.26	½ of hourly rate.	\$938.91	0.00 [1]	N/A	\$0.00
Roger Lin	2024	3.4	\$279.18	½ of hourly rate.	\$949.20	3.40	\$302.50 [6]	\$1,028.50
Subtotal: \$1,888.11						Subtotal: \$1,921.00		
TOTAL REQUEST: \$37,095.18						TOTAL AWARD: \$23,403.55		

*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 BAR ⁴	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Augusta Wilson	Admitted (New York 2009; Pennsylvania 2013; Washington D.C. (2023) ⁵	Pennsylvania Bar. No. 316969; New York Bar. No. 4775649; D.C. Bar No. 90013118. Ms. Wilson is barred in New York, Pennsylvania, and Washington, D.C., not CA, but the Commission has previously decided that attorneys admitted in other states may be eligible for	No

⁴ This information may be obtained through the State Bar of California's website at <https://apps.calbar.ca.gov/attorney/LicenseeSearch/QuickSearch>.

⁵ Augusta Wilson has an inactive status for the Pennsylvania Bar and no status with the D.C. Bar. Her status in the New York Bar is current.

		compensation as an attorney. See D.17-03-006, p. 16; D.14-10-023, p. 23, D.15-06-012, 17-18 & Appendix.	
Howard Crystal	Admitted (Massachusetts, 1994; Washington D.C., 1995)	<p>Mass. Bar No. 565463; D.C. Bar No. 446189. Mr. Crystal is licensed in Massachusetts and D.C., not CA, but he practices in California courts and administrative tribunals, and has previously represented a party awarded Intervenor Compensation for his time spent working on a proceeding before the Commission (18-07-006).</p> <p>The Commission has previously decided that attorneys admitted in other states, including Massachusetts, are eligible for compensation as an attorney. See D.17-03-006, p. 16 (awarding compensation to attorney Charles Harak admitted in MA); see also D.14-10-023, p. 23, D.15-06-012, 17-18 & Appendix.</p> <p>Mr. Crystal has also previously appeared and participated in the following Cases in the Northern District of California: 04-cv-04448-SC; 08-cv-04248-SC; 08-cv-04595-WHA; 11-cv-00958-SI; 11-cv-02760-LB; 13-cv-01385-VC; 03-cv-03400-PJH. He has also litigated in the Central District of California, and the Ninth Circuit Court of Appeals.</p>	No
Roger Lin	1/13/07	248144	No

C. Attachments Documenting Specific Claim and Comments on Part III:⁶

Attachment or Comment #	Description/Comment
1	Certificate of Service
Comment 1	<p>Augusta Wilson graduated from Cornell Law School in 2008, and has more than 15 years of practice experience. Her expertise as an environmental and energy attorney includes litigation in both federal and state courts regarding energy infrastructure and related issues; participation before the Federal Energy Regulatory Commission and before the Pennsylvania Public Utility Commission; and academic research as a fellow at New York University Law School regarding the deployment of clean energy technologies, including rooftop solar. Ms. Wilson’s requested compensation takes into consideration the market rates paid to persons of comparable training and experience who offer similar services, and is within the established range of rates for his level of experience.</p> <p>Based on this experience and the Commission’s hourly rate chart (2024), Ms. Wilson seeks the median rate for an Attorney, Level IV of \$536.52 for work completed in 2023, and \$558.35 for work completed in 2024.</p>
Comment 2	<p>Howard Crystal graduated from Georgetown University Law Center in 1993, and has more than 25 years of practical relevant experience, currently as the Legal Director of the Center’s Energy Justice Program. His expertise as an environmental and energy attorney is broad and includes: (a) participation before this Commission in No. 16-09-003 (SCE 2016 Rate Design Window Proposal); (b) participation in both rate case and IRP proceedings before the North Carolina Utilities Commission; (c) litigation over Tennessee Valley Authority (TVA) rate changes targeting distributed energy development (Center v. TVA, 491 F. Supp. 3d 1180 (N.D. Ala. 2020); an article concerning net metering and utility rate-setting for solar customers (Fairly Compensating Sun Power: Challenges to Rooftop Solar Development, <i>available at</i> https://gelr.org/2016/09/20/fairly-compensating-sun-power/; and (d) extensive federal court litigation over Department of Energy programs and projects, including, e.g., (i) the National Ignition Facility at Lawrence Livermore National Laboratory (see, e.g., NRDC v. Abraham, 223 F. Supp. 2d 162 (D.D.C. 2002)); (ii) the Bush Administration’s “Energy Task Force” (NRDC v. Dep’t of Energy, 310 F. Supp. 2d 271 (D.D.C. 2003)); and (iii) the remediation of nuclear energy testing facilities such as the Santa Susana Laboratory in Simi Valley, California (NRDC v. DOE , 2007 WL 1302498(N.D. Cal. 2007)). Mr.</p>

⁶ Attachments not attached to final Decision.

Attachment or Comment #	Description/Comment
	<p>Crystal frequently practices in federal courts and before administrative agencies. For example, he represented the Center in a FERC proceeding concerning the conditions under which TVA power companies have access to TVA transmission assets; and has litigated numerous energy-related cases against the Department of Energy under the Freedom of Information Act. Prior to working at the Center, Mr. Crystal was in private practice at Meter Glitzenstein & Crystal, and then the Law Office of Howard Crystal. He litigated numerous other cases before courts and agencies in those offices, many concerning energy-related matters, and began his career as an attorney with Crowell & Moring LLP. He has also taught as an Adjunct Professor at Georgetown University Law Center, and at the George Washington University Law School. Mr. Crystal's requested compensation takes into consideration the market rates paid to persons of comparable training and experience who offer similar services, and is within the established range of rates for his level of experience. In D.18-07-006, the Commission approved a rate for Mr. Crystal of \$480 for work in 2018.</p> <p>Based on this experience and the Commission's hourly rate chart (2024), Mr. Crystal seeks the median rate for a Legal Director, Level V of \$763.19 for work completed in 2023, and \$794.25 for work completed in 2024.</p>
Comment 3	<p>Roger Lin graduated from Golden Gate University School of Law in 2006. He has practiced public interest law since 2007, and he has represented several parties in Commission proceedings since 2012. In D.16-09-029, the Commission approved a rate for Mr. Lin of \$305 for his work in 2016. In D.22-04-019, the Commission approved a rate for Mr. Lin of \$311 for his work in 2018. And in D.22-02-031, the Commission approved a rate of \$360 for Mr. Lin's work in 2018. That rate reflected the minimum rate for an attorney with his 11 years of experience, plus a 5% step increase as authorized by Resolution ALJ-357. This was the first step increase request for Mr. Lin in his level of experience.</p> <p>Based on this experience and the Commission's hourly rate chart (2024), Mr. Lin seeks the median rate for an Attorney, Level IV of \$536.52 for work completed in 2023, and \$558.35 for work completed in 2024.</p>
Attachment 2	Center Timesheets for A.22-05-022 et al.

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] Allocation of Hours by Year	<p>Review of Center for Biological Diversity’s timesheets finds that they miscalculated 2022 hours as 2023 hours for the following individuals:</p> <ul style="list-style-type: none"> • Wilson: 0.70 • Lin: 0.50 • Wilson (IComp prep): 3.50 <p>We correct the 2022 and 2023 hours as follows:</p> <ul style="list-style-type: none"> • Wilson 2022: 0.70 • Wilson 2023: 41.10 • Lin 2022: 0.50 • Lin 2023: 11.30 • Wilson 2022 (IComp prep): 3.50
[2] Excessive General Participation	<p>Center for Biological Diversity allocated an excessive 43.58%, (27.50 hours) of its claimed time to “General Participation.” Per the Intervenor Compensation Program Guide at 26, “time records must not excessively label work as of a “General” issue type (general work on the proceeding). Most of the professional work on the proceeding can and must be associated with the proceeding’s substantive issues. <i>See</i> D.10-04-023 at 13-14.”</p> <p>To align this with a more reasonable standard based on the record of this proceeding, we apply a 60% reduction to the 26.80 hours of “General Participation” time (excluding the 0.70 hours Wilson spent attending the PHC in 2022). The hours reduced are as follows:</p> <ul style="list-style-type: none"> • Wilson 2023: 8.52 hours reduced • Wilson 2024: 1.74 hours reduced • Crystal 2023: 1.08 hours reduced • Crystal 2024: 0.36 hours reduced • Lin 2022: 0.30 hours reduced • Lin 2023: 3.42 hours reduced • Lin 2024: 0.66 hours reduced <p>Total: 16.08 hours reduced</p>
[3] Reductions – Limited Contribution	<p>Public Utilities Code § 1802(j) states that a substantial contribution “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.” The courts have addressed the requirement of substantial</p>

Item	Reason
	<p>contribution in, for example, TURN v. CPUC 166 Cal.App. 4th 522 (2008), stating at 11:</p> <p>“[T]o be eligible for compensation, the statute requires that the customer have made a ‘substantial contribution’ to the PUC’s proceedings, as the PUC determines. “‘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....”</p> <p>In our determination that CBD made a contribution, the Commission evaluates whether the hours claimed were commensurate with the contributions claimed by the intervenor. Making a substantial contribution in and of itself does not entitle an intervenor to all its claimed fees and costs. Compensation is granted for efficient, meaningful contributions.</p> <p><u>Limited Contribution – Supporting or Repeating Other Parties’ Positions</u></p> <p>Merely supporting the positions of other parties—without offering additional analysis, a distinct perspective, or unique factual or legal contributions—does not constitute a significant contribution. While an intervenor’s alignment with a particular position can be helpful in informing the Commission’s decision-making process, the hours claimed for such support must be reasonable. Ratepayers should not bear the cost of excessive time spent by an intervenor reiterating arguments that have already been presented by others in the proceeding. After accounting for the deductions already applied in [2], we apply a 25% reduction to the following hours worked in 2023 as these hours are excessive given that CBD merely aligned its positions with other parties and did not provide any additional analysis, a distinct perspective, or make any unique factual or legal contributions:</p> <ul style="list-style-type: none"> • Wilson 2023: 6.73 hours reduced • Crystal 2023: 0.78 hours reduced • Lin 2023: 1.40 hours reduced <p>Total: 8.91 hours reduced</p>
<p>[4] Augusta Wilson’s 2022, 2023, and 2024 Hourly Rates and Intervenor Compensation Rate</p>	<p>Center for Biological Diversity requested an hourly rate of \$536.52 in 2023 and \$558.35 in 2024 for Augusta Wilson. The Commission also determines a 2022 rate to compensate the 2022 hours identified in Part III.D.[1].</p> <p>Review of Wilson’s resume finds that Wilson has approximately 13 years of experience as a practicing attorney as of 2022, as such we</p>

Item	Reason
	<p>classify Wilson as a Legal – Attorney – IV for 2022, 2023, and 2024.</p> <p>Per Resolution ALJ-393, the 2022 hourly range for a Legal – Attorney – IV (10-15 years of experience) is \$398.27 to \$635.75 with a median of \$513.61. We approve a 2022 hourly rate of \$510.00. We take ½ of Wilson’s 2022 rate for a 2022 intervenor compensation rate of \$255.00.</p> <p>To the 2022 hourly rate of \$510.00, we apply the 2023 escalation factor of 4.46% for a 2023 hourly rate of \$535.00.</p> <p>To the 2023 hourly rate of \$535.00, we apply 2024 escalation factor of 4.07% for a 2024 hourly rate of \$555.00.</p>
[5] Howard Crystal’s 2023 and 2024 Hourly Rate	<p>Center for Biological Diversity requested an hourly rate of \$763.19 in 2023 and \$794.25 in 2024 for Howard Crystal.</p> <p>Upon review of Crystal’s resume, we find that Crystal has 12 years of practical relevant experience toward Legal Director and 29+ years as an attorney as of 2023. We therefore classify Crystal as a Legal – Legal Director – IV for 2023 and 2024.</p> <p>Per Resolution ALJ-393, the 2023 hourly range for a Legal – Legal Director –IV (10-15 years of experience) is \$518.55 to \$832.67 with a median of \$672.21. We approve a 2023 hourly rate of \$765.00.</p> <p>To the 2023 hourly rate of \$765.00, we apply 2024 escalation factor of 4.07% for a 2024 hourly rate of \$795.00.</p>
[6] Roger Lin’s 2023 and 2024 Hourly Rate and Intervenor Compensation Rate	<p>Center for Biological Diversity requested an hourly rate of \$536.52 in 2023 and \$558.35 in 2024 for Roger Lin. The Commission also determines a 2022 rate to compensate the 2022 hours identified in Part III.D.[1].</p> <p>We note that in this claim Lin seeks the median rate for an Attorney - Level IV for 2023 and 2024. However, in CBD’s intervenor compensation claim in R.22-11-013 Lin seeks a rate as an Attorney - Level V for 2022, 2023, and 2024. Based on Lin’s 15 years of experience as a practicing attorney as of 2022, we classify Lin as a Legal – Attorney –V for 2022, 2023, and 2024 in this claim. Per Resolution ALJ-393, the 2022 hourly range for a Legal – Attorney – V (15+ years of experience) is \$506.38 to \$719.10 with a median of \$626.38. We approve a 2022 hourly rate of \$555.00.</p>

Item	Reason
	<p>To the 2022 hourly rate of \$555.00, we apply 2023 escalation factor of 4.46% for a 2023 hourly rate of \$580.00.</p> <p>To the 2023 hourly rate of \$580.00, we apply 2024 escalation factor of 4.07% for a 2024 hourly rate of \$605.00. We take ½ of Lin’s 2024 rate for a 2024 intervenor compensation rate of \$302.50.</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
---	----

B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?	No
---	----

If not:

Party	Comment	CPUC Discussion

FINDINGS OF FACT

1. Center for Biological Diversity has made a substantial contribution in some aspects to D.24-05-065.
2. Center for Biological Diversity’s claimed hours are reduced for purposes of compensation to reasonably reflect the value of the substantive contribution provided.
3. The requested hourly rates for Center for Biological Diversity’s representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
4. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
5. The total of reasonable compensation is \$23,403.55.

CONCLUSION OF LAW

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

ORDER

1. Center for Biological Diversity is awarded \$23,403.55.
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 Company shall pay Center for Biological Diversity their respective shares of the award, based on their California jurisdictional electric revenues for the 2023 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 October 20, 2024, the 75th day after the filing of Center for Biological Diversity'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 San Francisco, California.

APPENDIX

Compensation Decision Summary Information⁷

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D2405065		
Proceeding(s):	A2205022, A2205023, and A2205024		
Author:	ALJ Valerie Kao		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Center for Biological Diversity	8/6/2024	\$37,095.18	\$23,403.55	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
Augusta	Wilson	Attorney ⁸	N/A ³	2022	\$510.00
Augusta	Wilson	Attorney ⁸	\$536.52	2023	\$535.00
Augusta	Wilson	Attorney ⁸	\$558.35	2024	\$555.00
Howard	Crystal	Attorney ⁹	\$763.19	2023	\$765.00
Howard	Crystal	Attorney ⁹	\$794.25	2024	\$795.00
Roger	Lin	Attorney ¹⁰	N/A ³	2022	\$555.00
Roger	Lin	Attorney ¹⁰	\$536.52	2023	\$580.00

⁷ We note that the intervenor did not fill out any part of the appendix.

⁸ Augusta Wilson is a Legal – Attorney – IV in 2022, 2023, and 2024.

⁹ Howard Crystal is a Legal – Director – IV in 2023 and 2024.

¹⁰ Roger Lin is a Legal – Attorney – V in 2022, 2023, and 2024.

Roger	Lin	Attorney ¹⁰	\$558.35	2024	\$605.00
-------	-----	------------------------	----------	------	----------

(END OF APPENDIX)