

**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

**FILED**

06/08/26

08:08 AM

R2310011

June 8, 2026

**Agenda ID #24273**  
**Ratesetting**

TO PARTIES OF RECORD IN RULEMAKING 23-10-014:

This is the proposed decision of Administrative Law Judge Debbie Chiv. 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](mailto:Icompcoordinator@cpuc.ca.gov)**.

/s/ MICHELLE COOKE

Michelle Cooke  
Chief Administrative Law Judge

MLC: asf  
Attachment

Decision **PROPOSED DECISION OF ALJ CHIV (Mailed 6/8/2026)****BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Oversee the Resource Adequacy Program, Consider Program Reforms and Refinements, and Establish Forward Resource Adequacy Procurement Obligations.

Rulemaking 23-10-011  
(Filed October 12, 2023)

**DECISION GRANTING COMPENSATION TO THE PROTECT OUR COMMUNITIES FOUNDATION FOR CONTRIBUTION TO DECISIONS (D.) 24-12-003 AND D.25-06-048**

<b>Intervenor:</b> The Protect Our Communities Foundation	<b>For contribution to Decisions (D.)</b> 25-06-048, D.24-12-003, D.24-06-004
<b>Claimed:</b> \$126,160.00	<b>Awarded:</b> \$29,070.70
<b>Assigned Commissioner:</b> John Reynolds <sup>1</sup>	<b>Assigned ALJ:</b> Debbie Chiv

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	D.25-06-048 decided Track 3 issues, including the PRM. D.24-12-003 decided Track 2 issues and delayed setting the PRM. D.24-06-004 adopted local capacity requirements for 2024-2027 <sup>2</sup> , flexible capacity requirements for 2025, and refinements to the Resource Adequacy program.
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<sup>1</sup> This proceeding was reassigned to President John Reynolds on April 9, 2026.

<sup>2</sup> D.24-06-004 adopted local capacity requirements starting in 2025, not 2024.

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

	Intervenor	CPUC Verification
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	11/21/2023	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	12/21/2023	Verified
4. Was the NOI timely filed?		Yes
<b>Showing of eligible customer status (§ 1802(b)) or eligible local government entity status (§§ 1802(d), 1802.4):</b>		
5. Based on ALJ ruling issued in proceeding number:	R.22-11-013	Verified
6. Date of ALJ ruling:	June 15, 2023	Verified
7. Based on another CPUC determination (specify):	D.20-04-017	D.20-04-017 does not grant PCF a finding of eligible customer status for this proceeding.
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
<b>Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):</b>		
9. Based on ALJ ruling issued in proceeding number:	R.22-11-013	Verified
10. Date of ALJ ruling:	June 15, 2023	June 15, 2023 and April 10, 2025. See Part I.C, 9-11 “CPUC Discussion.”
11. Based on another CPUC determination (specify):	D.23-11-025	D.25-04-017, see Part I.C, 9-11 “CPUC Discussion.”
12. Has the Intervenor demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.25-06-048	Verified
14. Date of issuance of Final Order or Decision:	6/27/2025	Verified
15. File date of compensation request:	8/26/2025	Verified

<sup>3</sup> All statutory references are to California Public Utilities Code unless indicated otherwise.

	<b>Intervenor</b>	<b>CPUC Verification</b>
16. Was the request for compensation timely?		Yes

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

#	Intervenor’s Comment(s)	CPUC Discussion
5-7	<p>The Protect Our Communities Foundation (“PCF”) meets the definition of a Category 3 customer under the Public Utilities Code as a “representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers...” (Pub. Util. Code § 1802, subd. (b)(1)(C).) Article 3, Section 3.3 of PCF’s Bylaws specifically authorizes the organization to represent the interests of Southern California residential utility ratepayers in proceedings before the Commission and to seek intervenor compensation for doing so. PCF advocates for just and reasonable rates and against unreasonably costly or unnecessary utility projects. PCF advocates for fair and reasonable energy practices, policies, rules, and laws, for the protection of natural resources from the impacts of largescale energy and industrial infrastructure projects, and in support of sustainable, clean, locally-based energy solutions. PCF is a San Diego, California based nonprofit public benefit corporation organized for charitable and public purposes within the meaning of Section 501(c)(3) of the Internal Revenue Service Code. PCF also qualifies as an environmental group within the scope of Section 1802(b)(1)(C) because it represents the interests of customers with a concern for the environment. A copy of PCF’s current Bylaws are on file with the Commission in R.13-12-010. In R.13- 12-010, PCF was found to have satisfied eligibility</p>	Noted

#	Intervenor’s Comment(s)	CPUC Discussion
	<p>requirements in the September 26, 2014, Administrative Law Judge’s Ruling on Protect Our Communities Foundation’s Amended Showing of Significant Financial Hardship. A copy of PCF’s current Bylaws, as well as a copy of PCF’s current Articles of Incorporation, is also on file in A.15-09-013. In A.15-09-013, PCF was found to have satisfied eligibility requirements in D.19-04- 031, Decision Granting Compensation to Protect Our Communities for Substantial Contribution to Decision 18-06-028 (April 25, 2019).</p>	
<p>9-11</p>	<p>PCF continues to meet the Commission’s longstanding definition of significant financial hardship. PCF is a nonprofit public benefit corporation organized exclusively for charitable, educational and public purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code. PCF represents the interests of a specific constituency: San Diego and other Southern California area residential utility ratepayers, the majority of whom do not have the financial ability to represent themselves and whose interests are often not adequately represented in Commission proceedings. Although PCF’s constituents’ rates are among the highest in the nation, the rates for any one household remains small when compared to the resources necessary to participate effectively before this Commission. Pursuant to Public Utilities Code section 1802(h), PCF certifies that the economic interest in the proceeding of any individual PCF constituent is small compared to the cost of effective participation in this proceeding. Moreover, the Commission has repeatedly determined that PCF’s participation without an award of intervenor compensation imposes a</p>	<p>On February 20, 2023, PCF filed a timely a Notice of Intent (NOI) to in R.22-11-013.</p> <p>On June 15, 2023, we issued a ruling on PCF’s NOI and found that PCF had “shown significant financial hardship, subject to the conditions set forth, in Section 2 of the Ruling.” These conditions were:</p> <ul style="list-style-type: none"> <li>a. A list of contributions, grants, and contracts, if any, received during the last three years by The Protect Our Communities Foundation for its purpose-related activities, names of the contributors, grantors or contractors, and specific purposes of the contributions, grants, or contracts.</li> <li>b. A list of The Protect Our Communities Foundation’s officers, directors, voting members or constituents associated with entities (including commercial, non-profit, or government) participating in an energy industry or market of affiliated with energy industry’s or market’s participants.</li> <li>c. The Protect Our Communities Foundation’s annual income and expense statements, (audited, if readily available) for the three most recent fiscal years.</li> <li>d. If there were amendments to The Protect Our Communities Foundation’s bylaws</li> </ul>

#	Intervenor’s Comment(s)	CPUC Discussion
	<p>significant financial hardship, including in proceeding A.21-05- 011/014 on October 28, 2021. PCF's circumstances have not changed in any relevant respect since the above determination was made. Pub. Util. Code, § 1803, subd. (b)(1) (“A finding of significant financial hardship shall create a rebuttable presumption of eligibility for compensation in other commission proceedings commencing within one year of the date of that finding.”).</p>	<p>since March 2, 2014, a copy of the current version of this document.</p> <p>PCF responded to the ruling in Attachments 6 and 7 of their request to claim intervenor compensation filed on October 11, 2024.</p> <p>Decision (D.) 25-04-017 issued on April 3, 2025, found that PCF had a significant financial hardship.</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><b><u>Flaws in the LOLE Study.</u></b>                      The Commission considered and adopted PCF’s advocacy that the PRM should not be adopted in Track 2 of the proceeding because the LOLE Study needed additional development. The Commission also adopted PCF’s position that the flawed LOLE Study could not be used to justify a significant increase in the PRM. The Commission acknowledged that PCF demonstrated that the LOLE Study assumed a lower availability of imports than the Commission assumed in other scenarios, and lower than historical levels. With less resources assumed to be available in the LOLE Study, the PRM was higher than</p>	<p>PCF Comments on Track 2 Proposals and LOLE Study (August 9, 2024), p. 3-7 (“The LOLE Study’s methodology, which arbitrarily manipulates the import constraint, creates a PRM that is artificially high and suspect.”);                      PCF Reply Comments on Track 2 Proposals and LOLE Study (August 23, 2024), p. 3-5;                      PCF Opening Comments on Appendix A to Loss of Load Expectation Study for 2026: Revised Slice of Day Tool Analysis (September 9, 2024), p. 3-6;                      PCF Reply Comments on Appendix A to Loss of Load Expectation Study for 2026: Revised Slice of Day Tool Analysis (September 16, 2024), p. 3-6;                      PCF Opening Comments on PD on Track 2 Issues (November 18, 2024), p. 3-5;                      PCF Informal Comments on Appendix B (January 8, 2025), p. 2-5;</p>	<p>D.24-12-003 acknowledged that PCF was one of many parties opposed to “adopting the 23.5 percent and 26.5 percent” Planning Reserve Margin (PRM).</p> <p>However, we note that almost all of PCF’s claimed contributions on this issue were concentrated on what PCF labeled as an artificially reduced import level in the Loss of Load Expectation (LOLE) model. We did not find that these efforts</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>necessary. Additionally, PCF explained that staff, when conducting the LOLE Study, found that the baseline fleet was over-reliable—therefore there was no need to increase reliability by increasing the PRM. PCF also provided reasons why the Commission’s justification for the surplus acquired from raising the import constraint—that non-CAISO LSEs were less reliable—was inaccurate. PCF concluded that the Commission should redo the study assuming the correct import levels. The Commission acknowledged PCF’s comments about the import levels artificially increasing the PRM and agreed with PCF and other parties that it should not decide the PRM in Track 2 of the proceeding and decided to defer its decision to Track 3. In the Track 3 decision, the Commission acknowledged stakeholders’ (which included PCF) continued lack of confidence in the LOLE Study, and as recommended by PCF, ultimately did not adopt a PRM as high as recommended by the LOLE Study.</p>	<p>PCF Comments on Party Proposals (March 3, 2025), p. 7-10;                      PCF Comments on Proposed Decision Adopting Local Capacity Obligations for 2026-2028, Flexible Capacity Obligations for 2026, and Program Refinements (June 11, 2025), p. 7-9.</p> <p>“Numerous parties oppose adopting the 23.5 percent and 26.5 percent PRM, including AREM, Ava, CalCCA, Cal Advocates, CEJA/Sierra Club, PG&amp;E, PCF, SCE, and Shell Energy. These parties generally state that the updated PRM is significantly higher than the 17 percent PRM in 2025 (and the PRM from the initial analysis), is not adequately justified by Energy Division’s revised analysis, and will likely have downstream impacts that result in substantially higher costs to ratepayers and higher market prices as LSEs need to procure more resources to meet these requirements.” D.24-12-003, p. 8.</p> <p>“Energy Division should be authorized to undertake a further revision of the 2026 PRM analysis to correct identified errors and distribute it to the service list in December 2024.” D.24-12-003, p. 75, COL 1.</p> <p>“Other parties, such as CEJA/Sierra Club, PCF, and Microsoft, express concern with artificially limiting the available imports in the translation, which appears to have artificially increased the PRM.” D.24-12-003, p. 9.</p> <p>“Additional vetting and further analysis of Energy Division’s revised PRM</p>	<p>substantially contributed to the proceeding’s outcome, as PCF’s comments were confusing and/or reflected misunderstandings about the LOLE study and process. Neither D.24-12-003 nor D.25-06-048 discussed PCF’s comments on the use of the import constraint outside of stating that PCF raised this concern.</p> <p>We find that PCF’s contributions on the issue they deem as “Flaws in the LOLE Study” were limited as the majority of their proposals did not substantially contribute to either D.24-12-003 or D.25-06-048.</p> <p>See Part III.D, CPUC Comments, Disallowances and Adjustments [5].</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	<p>analysis is needed.” D.24-12-003, p. 74 (FoF 1).</p> <p>“In addition to a lack of consensus on the PRM, the Commission underscores stakeholders’ uncertainty and lack of confidence in Energy Division’s LOLE study results and revisions. The Commission maintains that the 18% PRM with the effective PRM ...is the most efficient and equitable means for achieving the multiple objectives mandated by Section 380, which include ensuring that the RA program can reasonably maintain a standard measure of reliability for planning purposes, and minimizing costs to ratepayers.” D.25-06-048, p. 109.</p>	
<p><b><u>Planning Reserve Margin.</u></b>                      The Commission adopted PCF’s recommendations not to increase the PRM to the levels recommended by the LOLE Study. The Commission also adopted PCF’s position that the Commission should reject the proposals by other parties, including WPTF, who argued that the PRM should be 22.5% from May to October and 21% from November to April. The Commission considered PCF’s legal analysis demonstrating that because the PRM had already been increased recently, and the grid was operating normally, there was</p>	<p>PCF Comments on Track 2 Proposals and LOLE Study (August 9, 2024), p. 3-7;                      PCF Reply Comments on Track 2 Proposals and LOLE Study (August 23, 2024), p. 3-5;                      PCF Opening Comments on Appendix A to Loss of Load Expectation Study for 2026: Revised Slice of Day Tool Analysis (September 9, 2024), p. 3-7;                      PCF Reply Comments on Appendix A to Loss of Load Expectation Study for 2026: Revised Slice of Day Tool Analysis (September 16, 2024), p. 3-8;                      PCF Opening Comments on PD on Track 2 Issues (November 18, 2024), p. 3-5;                      PCF Informal Comments on Appendix B (January 8, 2025), p. 5-9;</p>	<p>We verify that PCF opposed an increase to the PRM beyond 17% and claimed that the LOLE study was flawed. We also agree with PCF that it was one of many parties against the proposed PRM.<sup>4</sup></p> <p>However, we note that PCF does not provide any citations that support the position that “The Commission also considered PCF’s analysis that the</p>

<sup>4</sup> See PCF Reply Comments on Appendix A to Loss of Load Expectation Study for 2026: Revised Slice of Day Tool Analysis, p. 2, (“PCF agrees with the majority of parties that recommend against adopting the proposed PRMs.”).

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>no need to increase the PRM. The Commission agreed with PCF that the 17 % PRM had been functioning well so far but ultimately decided to increase the PRM because the LOLE Study had indicated a need for an increased PRM. Although the Commission did not adopt PCF’s recommendation in full, the Commission declined to increase the PRM by even more because of concerns raised by parties such as those reflected in PCF’s comments which included detailed legal and factual citations. The Commission also considered PCF’s analysis that the months of April, May, and October should be grouped with other off-peak months because there was sufficient supply to meet demand in these months. The Commission adopted PCF’s proposal in part by grouping April and May with the off-peak months but grouping October with the peak months. The Commission considered PCF’s comments, and, although the Commission decided to increase the PRM, it adopted an approach which it considered would counterbalance reliability and cost-effectiveness, as PCF had recommended.</p>	<p>PCF Comments on Party Proposals (March 3, 2025), p. 3-10;  PCF Comments on Proposed Decision Adopting Local Capacity Obligations for 2026-2028, Flexible Capacity Obligations for 2026, and Program Refinements (June 11, 2025), p. 4-9.</p> <p>“Several parties oppose the 18% PRM, including AES, CEBA, CESA, Microsoft, MRP, PCF, SDG&amp;E, Terra-Gen, and WPTF, and state that it does not satisfy Section 380(h)(4) and/or is not adequately supported by the record.” D.25-06-048, p. 107</p> <p>“PCF recommends the status quo 17% PRM alone.” D.25-06-048, p. 107.</p> <p>“The Commission finds it appropriate to move cautiously with increases to the PRM and notes that some parties expected that the transition to the SOD framework would provide for a lower PRM (perhaps even below 15%) once the reliability cushion across net peak hours was more carefully managed via the hourly obligations.” D.25-06-048, p. 35.</p> <p>“The current 17% PRM with the effective PRM has been in place since the 2024 RA year and we concur with parties’ assertions that it has been successful thus far. That said, the Commission observes that all of Energy Division’s LOLE studies indicate a need for a higher PRM. While there have been revisions to Energy Division’s PRM recommendations these past few months, the updated and corrected</p>	<p>months of April, May, and October should be grouped with other off-peak months because there was sufficient supply to meet demand in these months. The Commission adopted PCF’s proposal in part by grouping April and May with the off-peak months but grouping October with the peak months.” PCF also does not provide any citations or backing to its position that “the Commission declined to increase the PRM by even more because of concerns” raised specifically by “PCF’s comments which included detailed legal and factual citations.”</p> <p>We find that PCF’s contribution to the PRM issue was minimal. PCF, as itself admits here and in its filings, duplicated the position of “the majority of parties.”<sup>5</sup> D.25-06-048 identified PCF as one</p>

<sup>5</sup> *Id.*

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	<p>proposal recommends a binding PRM higher than 17%.” D.25-06-048, p. 34.</p> <p>“Increasing the PRM to 18% and extending the effective PRM target for the 2026 and 2027 RA years would achieve several benefits: (1) it would increase the PRM above its current level, as has been demonstrated as needed by Energy Division’s LOLE studies; (2) it would move in the direction of transferring additional procurement responsibilities to LSEs; and (3) it would provide more time to review the need for additional increases to the PRM once the SOD framework is better established and modeling capabilities and input processes have further matured.” D.25-06-048, p. 119 (Fof 4).</p> <p>“Several parties, including ACP-CA, CAISO, Calpine, CEBA, CESA, Microsoft, MRP, PCF, and SCE, oppose extending the effective PRM” D.25-06-048, p. 24-25.</p> <p>“For all of these reasons, we find that adopting a 18% PRM, and extending the effective PRM target for June-October, for the 2026 RA year is a reasonable and prudent approach that helps ensure grid reliability by increasing the PRM as indicated by the LOLE studies while minimizing costs to ratepayers.” D.25-06-048, p. 36.</p>	<p>of many parties with similar positions commenting on the PRM. Otherwise, PCF’s efforts did not substantially contribute to the outcome of D.25-06-048.</p> <p><i>See</i> Part III.D, CPUC Comments, Disallowances and Adjustments [5].</p>
<p><b><u>Unforced Capacity (UCAP).</u></b> The Commission agreed with and adopted PCF’s analysis that the Commission should not yet adopt the UCAP proposal because the UCAP proposal needed further</p>	<p>PCF Opening Comments on PD on Track 2 Issues (November 18, 2024), p. 9-11; PCF Comments on Party Proposals (March 3, 2025), p. 10-13; PCF Comments on Proposed Decision Adopting Local Capacity Obligations</p>	<p>The Commission notes that PCF’s efforts on this issue did not substantially contribute to the outcome in D.24-12-003. We note that</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>development and should not be adopted in this proceeding. The Commission considered PCF’s position that the Commission should look at individual plant level data and assess the causes of outages and allocate appropriate penalties so that reliability is maintained. The Commission agreed with PCF that the UCAP methodology should establish a definition for the type of forced outage that will apply to the UCAP calculation. The Commission also adopted PCF’s suggestion to take a more granular approach and stated that it would consider a procedure to correct anomalous or missing data from specific plants and that it would publish resource-specific and class average UCAP values.</p>	<p>for 2026-2028, Flexible Capacity Obligations for 2026, and Program Refinements (June 11, 2025), p. 9-12.</p> <p>“7. Further development of Energy Division’s UCAP framework proposal is needed.” D.25-06-048, p. 119 (Fof 7).</p> <p>“...Energy Division should ... submit a revised UCAP proposal in Track 3 of this proceeding.” D.24-12-003, p. 21-22.</p> <p>“The Commission notes that it may not be feasible for a final UCAP methodology to be at a resource-specific level unless a procedure is developed to correct anomalous or missing data from specific plants, and therefore, additional class groupings should be considered. We encourage Energy Division to coordinate with CAISO to develop data acquisition and analysis procedures using alternative public sources, to the extent possible, for a UCAP methodology and to develop a protocol with CAISO to account for missing or outlier data.” D.24-12-003, p. 23.</p> <p>“The UCAP methodology for battery storage should therefore incorporate forced outages due to equipment failures,” D.24-12-003, p. 23</p> <p>“PCF suggests that individual plant level data be used as much as possible.” D.25-06-048, p. 48.</p> <p>“The Commission has a preference for resource-specific values but remains concerned about the data quality issues.</p>	<p>PCF did not submit comments on this issue prior to the issuance of D.24-12-003, other than its 11/18/2024 Opening Comments on the PD on Track 2 Issues (Comments on PD). PCF did not provide any citations or explanations of how its Comments on the PD substantially contributed to D.24-12-003. We find that PCF’s comments did not substantially contribute to the outcome of D.24-12-003.</p> <p>In D.25-06-048, we recognized that PCF supported CESA’s proposal. However, as stated in that decision, the Commission declined to adopt CESA’s proposal due to lack of sufficient development.<sup>6</sup> We find that PCF’s efforts did not substantially contribute to the outcome of D.25-06-048.</p>

<sup>6</sup> D.25-06-048 at 49.

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	<p>We authorize Energy Division to publish resource-specific and class average UCAP values with the forthcoming UCAP proposal in 2026 for consideration.” D.25-06-048, p. 50.</p> <p>“Energy Division is authorized to publish preliminary resource-specific and class average Unforced Capacity (UCAP) values, as well as estimated impacts to the planning reserve margin without a forced outage rate in advance of adopting a final UCAP framework.” D.25-06-048, p. 123-124 (OP 8).</p> <p>“Several parties support CESA’s proposal, or aspects of it, including Cal Advocates, Calpine, CEJA, IEP, MRP, PCF, REV, and Terra-Gen.” D.25-06-048, p. 47.</p> <p>“The Commission authorizes Energy Division, in coordination with the CAISO, to further develop a final UCAP framework to address the following areas: (1) establish a definition(s) for the types of “forced outage” that will be applicable to the UCAP calculation; (2) refine the ambient temperature derate methodology to address any Staff-identified issues; (3) develop UCAP for hybrid resources containing battery storage; (4) address how the incentives for UCAP should be transferred to the resource owner via the RA contract and identify whether any modifications are needed to the CAISO tariff; and (5) calculate the estimated impact of UCAP on resource counting and to the PRM for procurement.” D.25-06-048, p. 50</p>	<p>See Part III.D, CPUC Comments, Disallowances and Adjustments [5].</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p><b><u>Prioritizing Behind the Meter Solar Plus Storage (BTM SPS) and DERs.</u></b></p> <p>PCF’s legal and technical analysis that BTM SPS has locational benefits and can reduce greenhouse gas emissions and help the Commission meet its statutory obligations enriched the record by providing a unique perspective that allowed the Commission to more fully consider the impacts of its decisions, including the need for further consideration of PCF’s recommendations in the future. The Commission partially adopted PCF’s position regarding the importance of incorporating DERs and BTM SPS, by providing direction for consideration of PCF’s recommendations in the future. PCF presented detailed legal analysis and factual citations showing that the Commission should expand upon CEJA and Sierra Club’s suggestion to prioritize DERs through the CPE procurement method, by prioritizing DERs outside of the CPE context as well. PCF’s analysis throughout this proceeding on the importance of BTM SPS enriched the record of this proceeding. PCF detailed the reasons why BTM SPS should be considered and optimized in the RESOLVE</p>	<p>PCF Comments on Track 2 Proposals and LOLE Study (August 9, 2024), p. 7-12 (“The Commission should adopt Sierra Club’s and CEJA’s proposal to prioritize DER procurement, because DERs improve reliability and reduce ratepayer costs. But, while the Commission should prioritize DERs, it can do so outside of the context of the CPE framework.”);</p> <p>PCF Opening Comments on PD on Track 2 Issues (November 18, 2024), p. 5-9 ;</p> <p>PCF Reply Comments on Track 2 Proposals and LOLE Study (August 23, 2024), p. 7-10;</p> <p>PCF Comments on Proposed Inputs &amp; Assumptions: SERVM 2024 Data Updates in Support of Resource Adequacy (RA) and Integrated Resource Planning (IRP) (April 2, 2024), p. 3, p. 5, p. 6;</p> <p>PCF Comments on Party Proposals (March 3, 2025), p. 14-15;</p> <p>PCF Comments on Proposed Decision Adopting Local Capacity Obligations for 2026-2028, Flexible Capacity Obligations for 2026, and Program - Refinements (June 11, 2025), p. 12.</p> <p>“Leap, Microsoft, and PCF support CEJA/Sierra Club’s proposal [to repurpose the CPE for gas retirements and procure clean resources in local areas].” D.24-12-003, p. 46.</p> <p>“...aligning procurement targets, incentive design, and locational targets – warrant further exploration in a coordinated effort between the IRP and</p>	<p>PCF claims a significant number of hours (over 30%) on the issue of “Behind-the-Meter Solar Plus Storage.” The Commission finds that PCF’s efforts on this issue did not substantially contribute to the outcomes in D.24-12-003 for the below reasons.</p> <p>First, in PCF’s 8/9/2024 Comments on Track 2 Proposals and LOLE Study, PCF agreed with Sierra Club/CEJA’s proposal to prioritize DER procurement and then largely repeated Sierra Club/CEJA’s proposal.<sup>7</sup> In D.24-12-003, the Commission did not adopt Sierra Club/CEJA’s proposal. PCF also claimed hours for its 4/2/2024 Comments on Proposed Inputs and Assumptions, 8/23/2024 Reply Comments on Track 2 Proposals, and 11/18/2024 Comments on the</p>

<sup>7</sup> See PCF’s 8/9/2024 Comments on Track 2 Proposals at 9-10.

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>and SERVM models. For the Draft Inputs &amp; Assumptions, PCF recommended that the Commission clarify that BTM generation does not involve transmission and distribution losses, that the Commission should not adopt the IEPR forecast because it assumes that the expiration of the Investment Tax Credit would reduce the level of BTM SPS being installed, and to assume 100% availability of BTM energy storage dispatch in scarcity hours in a virtual power plant configuration. The Commission clearly considered PCF’s legal and technical analysis enriched the Commission’s deliberations and the record, and the Commission established a basis for further exploration of BTM SPS and DERs. The Commission established a way forward for PCF’s recommendations to be adopted in the future, concluding that it would further consider the importance of clean resources in local areas in coordination with the IRP proceeding.</p>	<p>RA proceedings. As the Commission creates a pathway for a programmatic approach for long-term procurement, it is essential that procurement ensures reliability and achieves greenhouse gas reduction goals at least cost.” D.24-12-003, p. 47.</p>	<p>Proposed Decision but did not provide any citations/explanations for how its efforts substantially contributed to the outcome of D.24-12-003. We find that PCF’s efforts on this issue did not substantially contribute to D.24-12-003.</p> <p>Second, PCF claimed numerous hours for filings submitted after D.24-12-003 (see e.g., 3/3/2025 Comments on Party Proposals, 6/11/2025 Comments on Proposed Decision). However, PCF does not provide any citations or explanations for how these efforts contributed to the outcome in D.25-06-048. We note that D.25-06-048 does not mention any of PCF’s comments on this issue. We find that PCF’s efforts did not substantially contribute to the D.25-06-048.</p> <p>PCF’s other positions were not adopted by</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
		<p>either D.24-12-003 or D.25-06-048 and did not enrich the record. For these reasons, we find that PCF did not substantially contribute to the decision-making process on this issue.</p> <p><i>See</i> Part III.D, CPUC Comments, Disallowances and Adjustments [5].</p>
<p><b><u>Soft-Offer Price Cap Proposal.</u></b>                      The Commission agreed with PCF that the soft-offer price cap had the potential to reduce competition and increase market power and increase prices for all ratepayers and therefore did not adopt the proposal. PCF demonstrated that the CPE price cap would result in much higher costs because the CPE is based on an inflated estimate of going forward fixed costs. PCF also provided legal analysis warning of the potential for market power by pivotal suppliers of local RA capacity. PCF cited to <i>Shell Energy North America v. FERC</i>, a 2024 D.C. Circuit decision which effectively eliminated FERC’s soft price cap as support for the Commission rejecting a soft-offer price cap. PCF’s legal analysis enriched the record and the Commission adopted</p>	<p>PCF Opening Comments on Proposed Decision on Track 2 Issues (November 18, 2024), p. 11-14.</p> <p>D.24-12-003, p. 29-30 (“The Commission finds that a soft-offer price cap has the potential to reduce competition and increase market power in exactly those locations where generation is controlled by few suppliers. We concur with parties that state that a public soft-offer price cap will quickly become a price floor as bidders are not incentivized to submit competitive bids below the price cap. This will drive up market prices and costs for all ratepayers, including unbundled customers that absorb prices through the CAM.”).</p>	<p>PCF did not provide a citation to any comments on the soft-offer price cap proposal issue outside of their 11/18/2024 Opening Comments on Proposed Decision on Track 2 Issues. The Track 2 Decision, D.24-12-003, did not deviate from its Proposed Decision on this issue. PCF’s comments did not enrich the record and were not adopted in full or in part by D.24-12-003. We find that PCF did not substantially contribute to the decision-making process on this issue. However, since we were unable to identify any timesheet entries</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>PCF’s suggestion to reject the soft-offer price cap.</p>		<p>associated with this issue, we do not make any reductions.</p>
<p><b><u>CAISO’s LCR Report.</u></b>                      The Commission adopted the Final LCR report which included clarifications the CAISO provided in response to PCF’s comments and participation. After PCF recommended that the CAISO consider how battery storage can help disadvantaged communities the CAISO clarified that the Local Capacity Technical Report only sets local resources requirements, and that it is the responsibility of the LSEs to meet their share of the LCR requirements. In response to PCF’s comments that the CAISO followed an excess number of reliability standards, the CAISO explained that although it must study all established reliability standards, not every reliability standard is binding. When PCF pointed out that the CAISO overestimated peak load for the San Diego-Imperial Valley area, doubling from 2022 to 2026, the CAISO clarified its process for determining the net peak load growth and that any questions about the net peak load growth should be directed to the California Energy</p>	<p>“The Draft Report should consider how battery storage can reduce emissions in disadvantaged communities.” PCF Comments on the Draft Local Capacity Reliability Report (April 18, 2024), p. 6; PCF Comments on CAISO’s Final Local Capacity Technical Report (May 8, 2024), p. 3.</p> <p>“The CAISO 2025 LCT report addresses technical needs vis-à-vis electrical reliability standards when coming up with a minimum amount of local resource requirement. The Load Serving Entities will determine the mix of resources that they will use to meet their share of the LCR requirements. During the procurement of local resources, the LSEs need to take into account all federal, state and local regulations as well as policy objectives.” CAISO, Stakeholder Comments Responses, p. 5.</p> <p>“CAISO states in its Draft Report that it is under an obligation to follow NERC, WECC, and its own reliability standards. California Public Utilities Code Section 345 only requires CAISO to comply with the standards adopted by WECC and NERC.” PCF Comments on the Draft Local Capacity Reliability Report (April 18, 2024), p. 3; PCF Comments on CAISO’s Final Local Capacity Technical Report (May 8, 2024), p. 3.</p>	<p>CAISO took note of PCF’s comments, but found that they should have been submitted “directly into the CAISO process [to] allow for a more direct and meaningful impact to the actual LCR study results since the LCR studies are conducted by the CAISO under the jurisdiction of the CAISO Tariff.”<sup>8</sup> D.24-06-004 also stated on page 7 that “PCF did not participate in ... CAISO’s stakeholder process to develop the local capacity requirements in the Final Report, which is the appropriate forum to discuss changes to CAISO’s LCR study.”</p> <p>PCF’s comments should have been submitted earlier in the CAISO stakeholder process. We find that PCF did not substantially</p>

<sup>8</sup> CAISO, “Stakeholder Comments: 2025 and 2029 Final Local Capacity Technical Study Results”. April 11, 2024.

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>Commission. These clarifications were included in the report the Commission adopted and provided transparency to the public about the limitations of CAISO’s analysis. As a result of PCF’s participation, the limitations of CAISO’s role and its report were exposed to the public and decision-makers, limitations which when properly understood can be utilized in future proceedings to better serve ratepayers’ interests.</p>	<p>“The CAISO clarifies that although it must <i>study</i> all reliability standards, this does not mean every reliability standard the CAISO models in its study process is a limiting factor driving the local requirements (<i>i.e., binding</i>). The CAISO lists the most limiting factor for each local and sub-local area in the Final Report.” Reply Comments of the CAISO on Final 2025 Local Capacity Technical Report (May 13, 2024), p. 2.</p> <p>“PCF comments that CAISO states that the reliability standards to which it cites are not binding. In reply comments, CAISO clarifies that it must apply all established reliability standards in the LCR Technical Study process and that the reliability standards are mandatory.” D.24-06-004, p. 7.</p> <p>“CAISO provides no explanation for the significant increase in net peak load growth in San Diego and the facts on the ground fail to support such an unexplained assumed increase.” PCF Comments on the Draft Local Capacity Reliability Report (April 18, 2024), p. 3; PCF Comments on CAISO’s Final Local Capacity Technical Report (May 8, 2024), p. 3.</p> <p>“Section 2.1.22 (page 21) of the 2025 LCR report explains how engineering estimates for intermediate years are derived. Section 2.1.22.1 specifically applies to net peak load growth driven estimate. The load growth estimate is simply the load in year 2029 less the load in year 2025 divided by 4. The load can be found in Table 3.1-1 or the San Diego-Imperial Valley Area Forecast</p>	<p>contribute to the decision-making process on this issue and on D.24-06-004.</p> <p>See Part III.D, CPUC Comments, Disallowances and Adjustments [5].</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	<p>Load and Resource table in both the 2025 and the 2029 LCR reports. Questions related to the San Diego load forecast should be addressed to the California Energy Commission (CEC).” CAISO, Stakeholder Comments 2025 and 2029 Final Local Capacity Technical Study Results (April 11, 2024), p. 3.</p> <p>“1. CAISO’s recommended LCR study results for 2025-2027 are reasonable and should be adopted.” p. 82 (CoL 1).</p>	

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

	Intervenor’s Assertion	CPUC Discussion
<p><b>a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?</b></p>	Yes	Verified
<p><b>b. Were there other parties to the proceeding with positions similar to yours?</b></p>	Yes	Verified
<p><b>c. If so, provide name of other parties:</b> CEJA/Sierra Club, Cal Advocates</p>		Noted
<p><b>d. Intervenor’s claim of non-duplication:</b></p> <p>PCF’s unique experience, perspective, interests, expertise, and advocacy in this proceeding avoided duplication. To the extent PCF’s recommendations were similar to other parties’ recommendations, PCF’s presentation supplemented, complemented, and contributed to the presentations by others. PCF was the only party to provide comments on the draft LCR Report and the final LCR Report. PCF was the first party to recognize that the import assumptions in the LOLE Study were too low, and other parties later adopted PCF’s arguments in part. PCF presented a unique position in this proceeding, which was to advocate that behind-the-meter solar plus storage should be prioritized in the Commission’s RA analysis and modeling. PCF was the only party in this proceeding to focus on the interests of Southern California residential utility ratepayers with respect to both ratepayer and environmental protection. PCF was also the only party to focus on affordability in</p>		Noted

	Intervenor’s Assertion	CPUC Discussion
recommending that the PRM remain at 17% with no effective PRM to avoid procuring unnecessary resources and increasing costs. Additionally, PCF supplemented CEJA and Sierra Club’s proposal to prioritize the development of DERs using the CPE framework by provided unique analysis and recommendations with respect to optimizing BTM SPS.		

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

#	Intervenor’s Comment	CPUC Discussion
II(A)	<p><b>Substantial Contribution.</b> Pursuant to Section 1802(j), “Substantial contribution” means that, in the judgment of the commission, the customer’s presentation has substantially assisted the commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer.”</p>	Noted
II(A)	<p>Substantial Contribution Includes Enriching Deliberations or the Record. Past Commission decisions instruct that intervenors substantially contribute when they have “provided a unique perspective that enriched the Commission’s deliberations and the record.” (D.05-06-027, p. 5); when they have “assisted the Commission in the decision-making process” (D.19-10-019, p. 3-4); 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 (D.08-04-004, p. 5-6); and when they offer</p>	Noted

#	Intervenor's Comment	CPUC Discussion
	alternative evaluations of the disputes addressed (D.19-10-019, p. 5-6).	
II(A)	Substantial Contribution Includes Procedural Recommendations. The Commission recognizes that “[p]rocedural outcomes are statutorily recognized as substantial contribution.” (D.19-10-019, p. 7; p. 4 [adoption of “procedural recommendations related to scheduling and evidence.”].)	Noted
II(B)(d)	No Duplication. No reduction to PCF’s compensation due to duplication is warranted given the standard adopted by the Commission in D.03-03-031 and consistent with Public Utilities Code Sections 1801.3(b) & (f), 1802(j), 1802.5, and 1803. Section 1803 sets forth the requirements for awarding intervenor compensation. Pub. Util. Code, § 1803; D.03-03-031, p. 12-14. An award of compensation for reasonable fees for participation in a proceeding is required when an intervenor (1) complies with Section 1804 and (2) “satisfies both of the following requirements: (a) The customer’s presentation makes a substantial contribution to the adoption, in whole or in part, of the commission’s order or decision. (b) Participation or intervention without an award of fees or costs imposes a significant financial hardship.” Pub. Util. Code, § 1803. Section 1801.3(f) seeks to avoid only (1) “unproductive or unnecessary	Noted

#	Intervenor’s Comment	CPUC Discussion
	<p>participation that duplicates the participation of similar interests otherwise adequately represented” or (2) “participation that is not necessary for a fair determination of the proceeding.” Pub. Util. Code, § 1801.3, subd. (f); D.03-03-031, p. 15-18. The “duplication language contained in the first dependent clause requires the compensation opponent to establish three elements – duplication, similar interests, and adequate representation.” D.03-03-031, p. 18. Section 1802.5 provides for full compensation where participation “materially supplements, complements, or contributes to the presentation of another party.” Pub. Util. Code. § 1802.5; see also D.03-03-031, p. 14.</p>	

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

	CPUC Discussion
<p><b>a. Intervenor’s claim of cost reasonableness:</b></p> <p>PCF’s fees are small compared to the benefits California ratepayers will ultimately realize as the result of PCF’s contributions to this proceeding. PCF’s advocacy to minimize the PRM led the Commission to adopt a more conservative approach to increasing the PRM. By minimizing the PRM, which minimized the number of additional resources LSEs would have to procure, PCF saved ratepayers money. PCF also had several suggestions that enriched the record by providing greater awareness amongst the parties and the Commission about alternatives to traditional generation such as solar plus storage. Ratepayers will save money once the Commission incorporates BTM SPS into the RESOLVE and SERVVM models because BTM SPS is a low-cost resource that has yet to be optimized. Additionally, PCF’s advocacy for the UCAP proposal to consider individual plant level</p>	<p>Noted</p>

	CPUC Discussion																						
<p>data led the Commission to state it would evaluate procedures to consider anomalous or missing data from specific plants, which will save ratepayers money by identifying problem plants and increasing the number of plants running during critical peak periods.</p>																							
<p><b>b. Reasonableness of hours claimed:</b></p> <p>All of PCF’s hours claimed in this request for compensation are incremental to PCF’s request for compensation in R.23-10-011. PCF does not claim time spent on any administrative matters, such as time spent filing and serving comments, or to prepare, serve, and submit exhibits. PCF staff attorney Andrea White, whose rates are significantly lower than Ms. Dickenson’s, performed most of the work involved with drafting of the comments required to fully participate in R.23-10-011. All of the hours claimed in this request were reasonably necessary to PCF’s participation in R.23-10-011.</p> <p>PCF used its attorneys and experts with maximum efficiency at all times claimed herein. PCF used its experts and attorneys efficiently and effectively, pulling on the distinct training and skill set for each person involved, which differed depending on the issue. Mr. Powers provided technical analysis and expertise, while former CPUC Present Ms. Lynch’s unprecedented legal expertise, dramatically reduced the number of hours involved in PCF’s participation. PCF’s executive and legal director incurred minimal hours due to Ms. Lynch’s strategic expertise and efficiency. All of the hours claimed in this request were reasonably necessary to PCF’s participation in this proceeding.</p>	Noted																						
<p><b>c. Allocation of hours by issue:</b></p> <table border="0"> <thead> <tr> <th><u>Description</u></th> <th><u>%</u></th> </tr> </thead> <tbody> <tr> <td>Local Capacity</td> <td>8.38%</td> </tr> <tr> <td>Reserve</td> <td></td> </tr> <tr> <td>Planning Reserve</td> <td>40.89%</td> </tr> <tr> <td>Margin</td> <td></td> </tr> <tr> <td>Unforced Capacity</td> <td>11.92%</td> </tr> <tr> <td>Behind-the-Meter</td> <td>30.86%</td> </tr> <tr> <td>Solar Plus Storage</td> <td></td> </tr> <tr> <td>Workshops</td> <td>7.87%</td> </tr> <tr> <td>General</td> <td>0.08%</td> </tr> <tr> <td>Participation</td> <td></td> </tr> </tbody> </table>	<u>Description</u>	<u>%</u>	Local Capacity	8.38%	Reserve		Planning Reserve	40.89%	Margin		Unforced Capacity	11.92%	Behind-the-Meter	30.86%	Solar Plus Storage		Workshops	7.87%	General	0.08%	Participation		Noted
<u>Description</u>	<u>%</u>																						
Local Capacity	8.38%																						
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General	0.08%																						
Participation																							

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Malinda Dickenson [Legal Director IV]	2024	21.8	\$700	D.25-04-017	\$15,260	2.04 [5]	\$725.00 [1]	\$1,479.00
Malinda Dickenson [Legal Director IV]	2025	4	\$725	Approved 2024 rate of \$700 *CPUC escalation of 1.0346 for 2025=\$725	\$2,900	0.81 [5]	\$750.00 [1]	\$607.50
Andrea White [Attorney]	2024	169.3	\$265	D.25-04-017	\$44,864.50	34.40 [5]	\$265.00	\$9,116.00
Andrea White [Attorney]	2025	77.35	\$290	Approved 2024 rate of \$265 *CPUC escalation of 1.0346 for 2025 =\$275 + step increase =\$290	\$22,431.50	30.95 [5]	\$285.00 [2]	\$8,820.75
Loretta Lynch [Attorney]	2024	26.75	\$770	Approved 2023 rate of \$745 [from D.24-09-048]*CPUC escalation of 1.0407 for 2025=\$770 (rounded down so as not to exceed maximum)	\$20,597.50	3.94 [5]	\$770.00 [3]	\$3,033.80
Loretta Lynch [Attorney]	2025	18.2	\$795	\$770*CPUC escalation of 1.0346= \$795	\$14,469	4.32 [5]	\$795.00 [3]	\$3,434.40

CLAIMED						CPUC AWARD		
Bill Powers	2024	9	\$390	D.25-04-017	\$3510	1.20 [5]	\$390.00 [4]	\$468.00
<i>Subtotal: \$124,032.5</i>						<i>Subtotal: \$26,959.45</i>		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Andrea White	2023	1	\$97.50	½ hourly rate (adopted D.25-04-017)	\$97.50	1.00	\$97.50	\$97.50
Andrea White	2025	11.5	\$145	½ hourly rate	\$1667.50	11.50	\$142.50 [2]	\$1,638.75
Malinda Dickenson	2025	1	\$362.5	½ hourly rate	362.5	1.00	\$375.00 [1]	\$375.00
<i>Subtotal: \$2,127.50</i>						<i>Subtotal: \$2,111.25</i>		
<b>TOTAL REQUEST: \$126,160.00</b>						<b>TOTAL AWARD: \$29,070.70</b>		

\*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 <sup>9</sup>	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Malinda Dickenson	12/4/2002	222564	No
Andrea White	12/5/2023	351824	No
Loretta Lynch	12/14/1990	151296	No

<sup>9</sup> This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

**Attachments Documenting Specific Claim and Comments on Part III:<sup>10</sup>**

Attachment or Comment #	Description/Comment
Attachment #1	Certificate of Service
Attachment #2	Time Sheet and Categorization
Comment #1	PCF requests a rate of \$725 for Ms. Dickenson’s time in 2025, based on Ms. Dickenson’s approved 2024 rate times the adopted CPUC escalation rate for 2025 ( $\$700 \times 1.0346 = \$725$ ). Ms. Dickenson remains on staff at PCF.
Comment #2	<p>PCF requests a rate for Ms. White for 2024 based on the rate that has already been approved by the Commission.</p> <p>PCF requests a rate of \$290 for Ms. White’s time in 2025, based on Ms. White’s approved 2024 rate times the adopted CPUC escalation for 2025, plus a step increase, as is permitted twice per category. (<math>\\$265 \times 1.05 \times 1.0346 = \\$290</math>). Ms. White remains on staff at PCF.</p>
Comment #3	<p>PCF requests a rate of \$745 for Ms. Lynch’s time in 2023, based on Ms. Lynch’s approved 2022 rate of \$715, times the CPUC adopted escalation rate of 1.0446 for 2023.</p> <p>PCF requests a rate of \$770 for Ms. Lynch’s time in 2024, based on Ms. Lynch’s 2023 rate of \$745, times the adopted CPUC escalation of 1.0407 for 2024, rounded down so as not to exceed the maximum attorney rate.</p> <p>PCF requests a rate of \$795 for Ms. Lynch’s time in 2025, based on Ms. Lynch’s 2024 rate of \$770, times the adopted CPUC escalation of 1.0346 for 2025.</p>

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

Item	Reason
[1] Dickenson’s 2024 and 2025 Hourly Rate and 2025 Intervenor Compensation Claim	<p>D.26-05-026 approved a 2024 hourly rate of \$725.00 for Dickenson.</p> <p>We apply the 2025 escalation factor per Resolution ALJ-393 of 3.46% to Dickenson’s approved 2024 hourly to adopt a 2025 hourly rate of \$750.00.</p> <p>We apply one-half of Dickenson’s 2025 hourly rate of \$750.00 for an Intervenor Compensation Claim Preparation rate of \$375.00.</p>

<sup>10</sup> Attachments are not included in the final decision.

Item	Reason
Preparation Rate	
<p>[2] White’s 2025 Hourly rate and 2023 and 2025 Intervenor Compensation Claim Preparation Rate</p>	<p>PCF requested a 2025 hourly rate of \$290.00 for White. PCF came to this hourly rate by applying the 2025 escalation and White’s second step increase for the Legal – Attorney – Level I classification.</p> <p>D.24-04-017 approved a 2024 hourly rate of \$265.00 for White. We apply the 3.46% escalation factor for 2025 and the 5.00% step increase to White’s 2024 approved rate of \$265.00 for a 2025 hourly rate of \$285.00,<sup>11</sup> which we adopt here. We note that this is White’s second, and last, step increase for the Legal – Attorney – Level I classification.</p> <p>We apply one-half of White’s 2025 adopted hourly rate of \$285.00 for a 2025 Intervenor Compensation Claim Preparation rate of \$142.50.</p> <p>Additionally, White passed the bar on 12/5/2023 and therefore qualifies for a level increase to Legal – Attorney – Level II beginning 12/5/2025.</p>
<p>[3] Lynch’s 2024 and 2025 Hourly Rate</p>	<p>PCF has confirmed that Lynch is a consultant. Pursuant to Commission policy, the rate requested by an intervenor must not exceed the rate billed to that intervenor by any outside consultant it hires, even if the consultant’s billed rate is below the floor for a given experience level.<sup>12</sup> Per the IComp Program Guide at 24, the Commission may audit the records and books of the intervenors to the extent necessary to verify the basis for the award.<sup>13</sup> Given this contingency, we utilize the reasonable rates established by Resolution ALJ-393 based on Lynch’s experience as a Legal – Attorney – Level V.</p> <p>Given that the 2024 rate range for Legal – Attorney – Level V is \$560.95 to \$773.67, we find the requested 2024 hourly rate of \$770.00 to be reasonable and we adopt it here.</p> <p>Given that the 2025 rate range for Legal – Attorney – Level V is \$584.51 to \$797.23, we find the requested 2025 hourly rate of \$795.00 to be reasonable and we adopt it here.</p> <p>The award determined herein for Lynch’s contribution in this proceeding shall be paid in full to Lynch, and no portion of this part of the award shall be kept by PCF. Additionally, the rates approved here are specific to work in this proceeding and the contract terms between the consultant and intervenor, as</p>

<sup>11</sup> \$265.00 x 1.0846 = \$287.42, which rounded to the nearest \$5.00 increment is \$285.00.

<sup>12</sup> D.07-01-009, D.08-04-010, and ALJ Resolution ALJ 235.

<sup>13</sup> § 1804(d).

Item	Reason
	<p>they are established in accordance with the Commission’s policy on consultant compensation.</p> <p>We reiterate that it is the responsibility of the intervenor to be forthcoming about engaging consultants and the terms of the contract, to adhere to the Commission’s policy on compensation for consultant fees, and to provide the appropriate documentation with the initial claim to ensure efficient processing, and thus avoid the need for the Commission to request supplemental documentation. In this instance, PCF did not provide all the documentation pertaining to the contract terms between Intervenor and Consultant in the initial claim and waited until the Commission requested supplemental documentation which delays the processing of the claim.</p>
<p>[4] Powers’ 2024 Hourly Rate</p>	<p>PCF has confirmed that Powers is a consultant. Pursuant to Commission policy, the rate requested by an intervenor must not exceed the rate billed to that intervenor by any outside consultant it hires, even if the consultant’s billed rate is below the floor for a given experience level.<sup>14</sup> Per the IComp Program Guide at 24, the Commission may audit the records and books of the intervenors to the extent necessary to verify the basis for the award. Given this contingency, we utilize the reasonable rates established by Resolution ALJ-393 based on Powers’ experience as a Expert – Not Otherwise Classified – Level V.</p> <p>Given that the 2024 rate range for Expert – Not Otherwise Classified – Level V is \$253.40 to \$390.78, we find the requested 2024 hourly rate of \$390.00 to be reasonable and we adopt it here.</p> <p>The award determined herein for Powers’ contribution in this proceeding shall be paid in full to Powers, and no portion of this part of the award shall be kept by PCF. Additionally, the rates approved here are specific to work in this proceeding and the contract terms between the consultant and intervenor, as they are established in accordance with the Commission’s policy on consultant compensation.</p> <p>We reiterate that it is the responsibility of the intervenor to be forthcoming about engaging consultants and the terms of the contract, to adhere to the Commission’s policy on compensation for consultant fees, and to provide the appropriate documentation with the initial claim to ensure efficient processing, and thus avoid the need for the Commission to request supplemental documentation. In this instance, PCF did not provide all the documentation pertaining to the contract terms between Intervenor and</p>

<sup>14</sup> D.07-01-009, D.08-04-010, and ALJ Resolution ALJ 235.

Item	Reason
	<p>Consultant in the initial claim and waited until the Commission requested supplemental documentation which delays the processing of the claim.</p>
<p>[5] Reductions for Lack of Substantial Contributions</p>	<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 contribution in, for example, TURN v. CPUC 166 Cal.App. 4<sup>th</sup> 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 evaluating whether PCF made a substantial contribution here, 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>For the reasons set forth below, the Commission reduces PCF’s claimed hours by 248.74 hours to reasonably reflect the hours necessary to undertake the work performed that resulted in the substantial contribution provided. As stated above and as reflected in all recent decisions on intervenor compensation, making a substantial contribution in and of itself does not entitle an intervenor to all its claimed fees and costs.</p> <p><u>Issue 1: Local Capacity Requirements (LCR) and Issue 5: Behind the Meter-Solar Plus Storage (BTM-SPS) (128.08 hours reduced)</u></p> <p>As described in Part II.A, we find that PCF’s efforts on Issue 1: LCR and Issue 5: BTM-SPS did not substantially contribute to the proceeding’s outcomes. PCF’s efforts did not substantially contribute to the outcome as described and/or PCF did not provide any citation or explanation as to how its efforts substantially contributed to the outcome. We therefore find it reasonable to reduce all 128.08 hours from PCF’s work on Issues 1 and 5. This reduction appropriately acknowledges PCF’s lack of substantial contributions on these issues. We further note that PCF’s only claimed contribution to D.24-06-004 was on Issue 1: LCR. Since we found that PCF did not substantially contribute to Issue 1: LCR, we also find that PCF did not substantially contribute to D.24-06-004.</p> <p><u>Issue 2: Planning Reserve Margin (PRM) (93.42 hours reduced)</u></p>

Item	Reason
	<p>PCF's input on Issue 2: PRM had limited influence on the decision-making process. D.25-06-048 identified PCF as one of a large number of parties with similar positions commenting on the PRM. Outside of that contribution, PCF's efforts did not substantially contribute to the outcome of the decision. Further, 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.</p> <p>Further, with respect to PCF's comments on the LOLE study, nearly all of PCF's claimed contributions on this issue were concentrated on what PCF labeled as an artificially reduced import level in the LOLE model. These efforts did not substantially contribute to the proceeding's outcome, as PCF's comments reflected misunderstandings about the LOLE study and process. Neither D.24-12-003 nor D.25-06-048 discussed PCF's comments on the use of the import constraint outside of noting that PCF raised this concern. Given that PCF's contribution was limited on Issue 2: PRM we reduce 93.42 hours, or 70% of PCF's claimed time on this issue.</p> <p><u>Issue 3: Unforced Capacity (UCAP) (27.24 hours reduced):</u> As described in Part II.A, we find that PCF's efforts on this had limited influence on the decision-making process. PCF's efforts did not substantially contribute to the outcome as described and PCF does not provide any citation or explanation as to how its efforts substantially contributed to the outcome. Given that PCF's contribution was limited on Issue 3, we reduce 27.24 hours, or 70% of PCF's claimed time on this issue.</p> <p><u>Total Reductions</u> We reduced PCF's time by a total of 248.74 hours, which breaks down by representative and year as follows:</p> <ul style="list-style-type: none"> <li>• 2024 Dickenson: 19.76 hours</li> <li>• 2025 Dickenson: 3.19 hours</li> <li>• 2024 White: 134.90 hours</li> <li>• 2025 White: 46.40 hours</li> <li>• 2024 Lynch: 22.81 hours</li> <li>• 2025 Lynch: 13.88 hours</li> <li>• 2024 Powers: 7.80 hours</li> </ul>

Item	Reason
<p>[6] Intervenor Responsibility for Transparency and Accuracy in Compensation Requests</p>	<p>The Commission takes this opportunity to remind all intervenors that they bear the burden of providing accurate, complete, and honest information in all compensation requests. The Commission relies on intervenors' good faith representations, particularly regarding consultant agreements and payments, as it does not have the resources to review every contract or non-standard arrangement in detail.</p> <p>Intervenor compensation is funded by ratepayers, and the Commission takes seriously any effort to mislead or obscure the financial basis for a claim. Although no violation of Rule 1.1 has been found in this instance, we remind intervenors that under Rule 1.1, intent to deceive is not required for a violation, misstatements may still be actionable. Dishonest or misleading claims not only risk denial of compensation but may also subject the intervenor to penalties.</p> <p>The Commission has clear authority to audit intervenors' books and records to verify the basis for any award. Intervenor must therefore ensure full transparency regarding actual time spent on issues, consultant fees, payment arrangements, and the actual disbursement of funds. Failure to meet this obligation undermines the integrity of the compensation process and may lead to denial of claims or further enforcement action.</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))**

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

Party	Comment	CPUC Discussion

**FINDINGS OF FACT**

1. The Protect Our Communities Foundation has made a substantial contribution in some aspects, to D.24-12-003 and D.25-06-048 but has not made a substantial contribution to D.24-06-004.
2. The requested hourly rates for The Protect our Communities Foundation's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services, and/or reflect the actual rates billed to, and paid by the intervenor, for consultant services rendered.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$29,070.70.

**CONCLUSION OF LAW**

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

**ORDER**

1. The Protect Our Communities Foundation is awarded \$29,070.70.
2. Within 30 days of the effective date of this decision, the Pacific Gas and Electric Company, Southern California Edison Company and San Diego Gas & Electric Company shall pay the Protect Our Communities Foundation their respective shares of the award, based on their California-jurisdictional electric revenues for the 2024 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 November 9, 2025, the 75<sup>th</sup> day after the filing of the Protect Our Communities Foundation's request, and continuing until full payment is made.
3. The comment period for today's decision is not waived.
4. Rulemaking (R.) 23-10-011 is closed.

This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

## APPENDIX

## Compensation Decision Summary Information

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D2412003, D2506048		
<b>Proceeding(s):</b>	R2310011		
<b>Author:</b>	ALJ Debbie Chiv		
<b>Payer(s):</b>	Pacific Gas and Electric Company, Southern California Edison Company and San Diego Gas & Electric Company		

## Intervenor Information

<b>Intervenor</b>	<b>Date Claim Filed</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
The Protect Our Communities Foundation	8/26/2025	\$126,160.00	\$29,070.70	N/A	See Part III.D CPUC Comments, Disallowances and Adjustments

## Hourly Fee Information

<b>First Name</b>	<b>Last Name</b>	<b>Attorney, Expert, or Advocate</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Malinda	Dickenson	Attorney and Legal Director	\$700	2024	\$725.00
Malinda	Dickenson	Attorney and Legal Director	\$725	2025	\$750.00
Andrea	White	Attorney	\$195	2023	\$195.00
Andrea	White	Attorney	\$265	2024	\$265.00
Andrea	White	Attorney	\$290	2025	\$285.00
Loretta	Lynch	Consultant/ Attorney	\$770	2024	\$770.00
Loretta	Lynch	Consultant/ Attorney	\$795	2025	\$795.00
Bill	Powers	Expert	\$390	2024	\$390.00

**(END OF APPENDIX)**