STATE OF CALIFORNIA GAVIN NEWSOM., *Governor*

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

**FILED**
07/08/26
10:57 AM
R2301007

July 8, 2026

**Agenda ID #24359**
**Ratesetting**

TO PARTIES OF RECORD IN RULEMAKING 23-01-007:

This is the proposed decision of Administrative Law Judge Nilgun Atamturk. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's August 13, 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 ATAMTURK (Mailed 7/8/2026)**

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

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|---|---|
| Implementing Senate Bill 846 Concerning Potential Extension of Diablo Canyon Power Plant Operations. | Rulemaking 23-01-007 |

## DECISION GRANTING COMPENSATION TO GREEN POWER INSTITUTE FOR CONTRIBUTION TO DECISION 23-12-036

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| **Intervenor:** Green Power Institute | **For contribution to Decision (D.) 23-12-036** |
| **Claimed:** $139,933 | **Awarded:** $91,665.48 |
| **Assigned Commissioner:** Karen Douglas | **Assigned ALJ:** Nilgun Atamturk[1] |

## PART I: PROCEDURAL ISSUES

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| **A. Brief description of Decision:** | D.23-12-036 Conditionally approves extended operations at Diablo Canyon power plant pursuant to SB 846 |

**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812[2]:**

| | Intervenor | CPUC Verification |
|---|---|---|
| **Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):** | | |
| 1. Date of Prehearing Conference: | March 17, 2023 | Verified |
| 2. Other specified date for NOI: | None | |
| 3. Date NOI filed: | April 7, 2023 | Verified |

[1] R.23-01-007 was reassigned from ALJ Ehren Seybert to ALJ Nilgun Atamturk on January 9, 2024.

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

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| 4. Was the NOI timely filed? | | Yes |
| **Showing of eligible customer status (§ 1802(b) or eligible local government entity status (§§ 1802(d), 1802.4):** | | |
| 5. Based on ALJ ruling issued in proceeding number: | R.22-10-010 | Verified |
| 6. Date of ALJ ruling: | May 15, 2023 | Verified |
| 7. Based on another CPUC determination (specify): | D.23-11-036 | D.23-11-036 did not make an independent finding on eligible customer status pursuant to §1802(b). D.23-11-036 used an earlier finding, under the rebuttable presumption rule of §1804(b)(1). That earlier finding has long expired. |
| 8. Has the Intervenor demonstrated customer status or eligible government entity status? | | Yes |
| **Showing of "significant financial hardship" (§1802(h) or §1803.1(b)):** | | |
| 9. Based on ALJ ruling issued in proceeding number: | R.20-05-002 | The May 15, 2023 Ruling issued in R.22-10-010 made a preliminary finding of significant financial hardship, but requested additional information from GPI. On June 22, 2023, GPI responded to the Ruling, by filing a Supplement to the NOI in that proceeding. |
| 10. Date of ALJ ruling: | November 20, 2023 | The May 15, 2023 Ruling issued in R.22-10-010 made a preliminary finding of significant financial hardship, |

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| | | but requested additional information from GPI. On June 22, 2023, GPI responded to the Ruling, by filing a Supplement to the NOI in that proceeding.<br><br>Additionally, the date of the ruling GPI cited here for R.20-05-002 is incorrect. The correct date of the ruling is November 20, 2020, not November 20, 2023. |
| 11. Based on another CPUC determination (specify): | D.23-11-036 | D.23-11-036 did not make an independent finding on significant financial hardship pursuant to §1802(h). D.23-11-036 used an earlier finding, under the rebuttable presumption rule of §1804(b)(1). That earlier finding has long expired. The finding of significant financial hardship has been made in the decision on GPI's claim filed in R.22-10-010. |
| 12. Has the Intervenor demonstrated significant financial hardship? | | Yes, *see* D.24-08-054 on GPI's claim filed in R.22-10-010. |
| **Timely request for compensation (§ 1804(c)):** | | |

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| 13. Identify Final Decision: | D.23-12-036 | Verified |
| 14. Date of issuance of Final Order or Decision: | December 15, 2023 | Verified |
| 15. File date of compensation request: | January 19, 2024 | Verified |
| 16. Was the request for compensation timely? | | Yes |

## PART II: SUBSTANTIAL CONTRIBUTION

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

| Intervenor's Claimed Contribution(s) | Specific References to Intervenor's Claimed Contribution(s) | CPUC Discussion |
|---|---|---|
| | (Please note that Attachment 2 includes a list of issue areas and GPI Pleadings relevant to this Claim.) | Noted |
| **1. Sufficiency of Alternative Clean Energy Resources.**<br>The GPI made substantial contributions to Decision D.23-12-036 in the determination of whether the Commission could identify sufficient new renewable and zero-carbon resources to forgo extending operations at DCPP by five years. We presented several important pieces of evidence that sufficient clean energy resources were not available, consistent with SB 846, to substitute for DCPP. The Commission adopted our recommendation to find that sufficient substitute resources were not available, and referenced our arguments in explaining its finding. | **Decision D.23-12-036**<br>GPI recommends the baseline be defined as the higher of the trajectory of RPS resource procurement requirements or the trajectory of clean energy resource procurement that satisfies the state's GHG emissions reduction targets (D.23-12-036, pg. 18).<br>PG&E, CUE, GPI, and CGNP believe the conditions set forth in Section 712.8(c)(2)(D) have not been met. Citing to the potential resource shortfalls identified under the 2020/2022 Equivalent Event Scenarios in the CEC's March 2023 Report, as well as their proposed statutory definitions above, PG&E, CUE, and GPI assert sufficient new renewable energy and zero-carbon resources have not come online to replace DCPP and are unlikely to do so by the end of 2023. [D.23-12-036, pg. 21.]<br>**Pleadings** | Verified |

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| | In fact, modeling studies conducted over the past several years for the Commission's IRP proceeding, R.20-05-003, have consistently shown that retiring Diablo Canyon in 2024/2025 will lead to an increase in systemwide greenhouse-gas emissions as a result of its retirement. Indeed, this consistent finding is one of the several important factors that motivated the passage of SB 846. [6/30/23 Testimony, pg. 4.]<br><br>As CEC research presented at a joint CEC/CPUC hearing on January 20, 2023, showed, the three IRP MTR procurement orders already issued will require unprecedented rates of development of new renewable and clean generating resources in the state in order for the Orders to be fulfilled within the specified timeframe, and the development community is being stretched to its limits. Even if all of the MTR resources are successfully developed within the timeframe specified in the procurement Orders, IRP modeling shows that there would still be a bump in $CO_2$ emissions as a result of the shutdown of DCPP in 2024/2025. [6/30/23 Testimony, pg. 6.]<br><br>Based on currently available information, sufficient new clean energy resources should not be judged to be available to short circuit the reliability need to approve extended operations at DCPP (9/18/23 Brief, pg. 2). | |
| **2. Costs Too High to Justify.**<br><br>The GPI made substantial contributions to Decision D.23-12-036 in the determination of whether the costs of extending operations by five years, specifically the costs of the | **Decision D.23-12-036**<br><br>GPI suggests the Commission establish a threshold whereby if the costs required to extend operations at Diablo Canyon are expected to cause the total recoverable cost of energy production to increase by more than 10 percent, then a | Not Verified<br><br>GPI's participation and work on Issue 2 "Costs Too High to Justify" did not substantially |

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| needed capital upgrades, cost of performing deferred maintenance, and costs to comply with NRC ordered upgrades, would be too high to justify. The GPI presented several important pieces of evidence that the costs of extending operations at DCPP were not too high to justify, including the fact that no need for expenditures in the identified categories needed for extending operations at DCPP, consistent with SB 846, had yet been identified. The Commission adopted our recommendation to find that the cost of extending operations was not too high to justify, and referenced our arguments in explaining its finding. | process would commence to determine whether the cost increase is "too high to justify (D.23-12-036, pg. 36)."<br><br>GPI believes the preliminary costs and lack of capital projects presented in this proceeding indicate DCPP extended operations are not "too high to justify (D.23-12-036, pg. 42)."<br><br>GPI contends DCPP costs should be scrutinized "if the needed capital costs for the extension add more than ten percent to the total cost of energy production." GPI also asserts the appropriate forums for evaluating ongoing reliability need are the RA and IRP proceedings. [D.23-12-036, pg. 57.]<br><br>We decline to adopt GPI's recommended 10 percent cost increase threshold for applying enhanced scrutiny to DCPP extended operation costs since, as noted by TURN, it is not clear what standard would be used to distinguish between capital and operations and maintenance spending, while GPI provides no compelling rationale for applying a 10 percent threshold (D.23-12-036, pgs. 62-63).<br><br>**Pleadings**<br><br>The DCISC reports that are attachments A-C to the April 20 Ruling do not identify any major deferred maintenance needs or recommend any major upgrades, seismic or otherwise, that may be needed for extending the operations at DCPP by five years (6/30/23 Testimony, pg. 2).<br><br>The GPI suggests that if the costs required to extend the operations at DCPP are expected to cause the total recoverable cost of energy production at the facility to increase by more than ten percent, then a process should | contribute to D.23-12-036.<br><br>*See* CPUC comment in Part III.D [3]. |

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| | commence to determine whether the cost increase is in fact too high to justify approving the extension of operations. Based on currently available information this appears to be unlikely to happen, so in our opinion there is no need to invest a great deal of effort towards defining what constitutes "too high to justify" unless or until there is an indication that a significant cost impact associated with a DCPP extension. [6/30/23 Testimony, pg. 3.]<br><br>Based on currently available information, no major capital expenses needed to enable safe extended operations have been identified to date, rendering application of the "too high to justify" test moot for the time being (9/18/23 Brief, pg. 2). | |
| **3. Use and Allocation of RA and Greenhouse Gas Attributes.**<br><br>The GPI made substantial contributions to Decision D.23-12-036 in the area of the use and allocation of the RA and greenhouse-gas attributes from DCPP during extended operations by arguing that these attributes should indeed be usable in the marketplace during extended operations, and that the attributes should be allocated in direct proportion with the shares that various LSEs are assessed in accordance with cost allocation under SB 846. The Decision determines that the RA and greenhouse-gas attributes of DCPP during extended operations will be usable in the marketplace, adopts a CAM- | **Decision D.23-12-036**<br><br>As outlined above, RA benefits constitute a substantial financial value and are already attributed to DCPP operations. Those ratepayers that are paying for extended operations at DCPP should, as a matter of equity, realize the financial benefits of those extended operations, and those benefits should be distributed to each utility in the same manner of DCPP extended operations costs. [D.23-12-036, pgs. 81-82.]<br><br>**Pleadings**<br><br>It is incumbent on the Commission to ensure that the energy and attributes associated with the extended operations of DCPP are equitably distributed to the LSEs that will be paying the costs (3/7/23 Reply pg. 2).<br><br>The customers who pay for the power produced by DCPP should be allocated a commensurate share of the benefits of the power, including greenhouse-gas- | Verified |

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| based cost allocation mechanism, and will allocate attributes in accordance with cost contributions, which is essentially the attribute allocation system we advocated for. Our cost allocation proposal and arguments represent a substantial contribution. | free energy credits, and reliability credits (6/9/23 Testimony pg. 1).<br>The reliability and environmental attributes of DCPP's output should continue to be available for use in the marketplace as long as DCPP is in operation (9/18/23 Brief, pg. 2).<br>The reliability and environmental attributes of DCPP's output during extended operations should be allocated in exact accordance with an entity's contribution to the recoverable costs of operations (9/18/23 Brief, pg. 2). | |
| **4. CEC Cost Comparison Report.**<br>The GPI made substantial contributions to Decision D.23-12-036 by reviewing and analyzing the SB 846 ordered CEC Cost Comparison Report, and determined that due to internal deficiencies the Report was of no real value in determining whether sufficient substitute clean energy resources were available to substitute for extending operations at DCPP. | **Decision D.23-12-036**<br>TURN, A4NR, CARE, and GPI argue that the Draft Cost Comparison Report excludes almost all viable alternative resource options, preventing any meaningful comparison (D.23-12-036, pg. 45).<br>**Pleadings**<br>We regret to report that the CEC report does not fulfill its purpose, and needs a major reworking. … The major fault in the September 26 draft report is that rather than following directions in the legislation, the report erects a series of unnecessary restrictions that have no basis in SB 846 on what it will consider as substitutable resources. By doing so, the report effectively preordains the conclusion that sufficient resources are not available to substitute for DCPP. [10/6/23 Brief, pg. 1.] | Verified |

**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:** Calpine, AReM, DACC, SBUA, TURN, CalCCA, Californians for Green Nuclear Power, and the three IOUs. | | Noted |
| **d. Intervenor's claim of non-duplication:** This proceeding covers a variety of topics related to the potential extension of operations at DCPP. The Green Power Institute has been an active participant in the Commission's RPS and LTPP/IRP proceedings, the Application to retire DCPP in 2024/2025, and a number of other proceedings related to renewable energy. The Green Power Institute coordinated its efforts in this proceeding with other parties in order to avoid duplication of effort, and added significantly to the outcome of the Commission's deliberations through our own unique perspective. Some amount of duplication has occurred in this proceeding on all sides of contentious issues, but Green Power avoided duplication to the extent possible, and tried to minimize it where it was unavoidable. | | Noted |

## PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

| | CPUC Discussion |
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| **a. Intervenor's claim of cost reasonableness:**<br><br>The GPI is providing, in Attachment 2, a listing of all of the pleadings we provided in this Proceeding that are relevant to matters covered by this Claim, and in Attachment 3, a detailed breakdown of GPI staff time spent for work performed that was directly related to our substantial contributions to Decision D.23-12-036.<br><br>The hours claimed herein in support of Decision D.23-12-036 are reasonable given the scope of the Proceeding, and the strong participation by the GPI. GPI staff maintained detailed contemporaneous time records indicating the number of hours devoted to the matters settled by this Decision in this case. In preparing Attachment 3, Dr. Morris reviewed all of the recorded hours devoted to this proceeding, and included only those that were reasonable and contributory to the | After the adjustments made to this claim, the remainder of the claimed costs are reasonable. *See* Part III.D. |

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| underlying tasks. As a result, the GPI submits that all of the hours included in the attachment are reasonable, and should be compensated in full.<br><br>Dr. Morris is a renewable energy analyst and consultant with more than 40 years of diversified experience and accomplishments in the energy and environmental fields. He is a nationally recognized expert on biomass and renewable energy, climate change and greenhouse-gas emissions analysis, integrated resources planning, and analysis of the environmental impacts of electric power generation. Dr. Morris holds a BA in Natural Science from the University of Pennsylvania, an MSc in Biochemistry from the University of Toronto, and a PhD in Energy and Resources from the University of California, Berkeley.<br><br>Dr. Morris has been actively involved in electric utility restructuring in California throughout the past three decades. He served as editor and facilitator for the Renewables Working Group to the California Public Utilities Commission in 1996 during the original restructuring effort, consultant to the CEC Renewables Program Committee, consultant to the Governor's Office of Planning and Research on renewable energy policy during the energy crisis years, and has provided expert testimony in a variety of regulatory and legislative proceedings, as well as in civil litigation.<br><br>Mr. Hunt is a renewable energy law and policy expert with substantial experience in California, in local energy planning and in state energy-policy development. He has worked with local governments throughout Southern California, in his current role with Community Renewable Solutions LLC and in his previous role as Energy Program Director for the Community Environmental Council, a well-known non-profit organization based in Santa Barbara. Mr. Hunt was the lead author of the Community Environmental Council's A New Energy Direction, a blueprint for Santa Barbara County to wean itself from fossil fuels by 2030. Mr. Hunt also contributes substantially to state policy, in Sacramento at the Legislature, and in San Francisco at the California Public Utilities Commission, in various proceedings related to renewable energy, energy efficiency, community-scale energy projects, and climate change policy. Mr. Hunt is also a Lecturer in Climate Change Law and Policy at UC Santa Barbara's Bren School of Environmental Science & Management (a graduate-level program) from 2007-2014. He received his law degree from the UCLA School of Law in 2001, where he was chief managing director of the Journal for International Law and Foreign Affairs. Mr. Hunt is a regular columnist at GreenTechMedia.com.<br><br>Decision D.98-04-059 states, on pgs. 33-34, "Participation must be productive in the sense that the costs of participation should bear a reasonable relationship to the benefits realized through such participation. … At a minimum, when the benefits are intangible, the customer should present information sufficient to justify a Commission finding that the overall benefits of a customer's participation will exceed a customer's costs." This proceeding is concerned with biomass energy production in California. The cost reductions and environmental benefits of biomass overwhelm the cost of our participation. | |

| **b. Reasonableness of hours claimed:**<br><br>The GPI made Significant Contributions to Decision D.23-12-036 by providing comments on the OIR, detailed Testimonies and Brief, participated in Hearings and Oral Argument, and provided comments on the PD. Attachment 3 provides a detailed breakdown of the hours that were expended in making our Contributions. The hourly rates and costs claimed are reasonable and consistent with awards to other intervenors with comparable experience and expertise. The Commission should grant the GPI's claim in its entirety. | After the adjustments made to this claim, the remainder of the claimed hours are reasonable. *See* Part III.D. |
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| **c. Allocation of hours by issue:**<br><br>1. Sufficiency of Alternative Clean Energy Resources 37%<br>2. Costs too High to Justify 39%<br>3. Use and Allocation of RA and Greenhouse Gas Attributes 17%<br>4. CEC Cost Comparison Report 7% | Noted; totals 100% |

**B. Specific Claim:***

| **CLAIMED** | | | | | | **CPUC AWARD** | | |
|---|---|---|---|---|---|---|---|---|
| **ATTORNEY, EXPERT, AND ADVOCATE FEES** | | | | | | | | |
| **Item** | **Year** | **Hours** | **Rate $** | **Basis for Rate*** | **Total $** | **Hours** | **Rate $** | **Total $** |
| G. Morris | 2023 | 244.50 | 485 | See comment 1 | 118,583[3] | 174.05 [3] | $460.00 [1, 6] | $80,063.00 |
| T. Hunt | 2023 | 28.50 | 630 | See comment 2 | 17,955 | 20.48 [3] | $630.00 [2, 6] | $12,902.40 |
| ***Subtotal: $136,538[4]*** | | | | | | ***Subtotal 1: $92,965.40*** | | |
| | | | | | | ***Adjustment: -$3,139.92 [5]*** | | |
| | | | | | | ***Subtotal 2: $89,825.48*** | | |
| **INTERVENOR COMPENSATION CLAIM PREPARATION **** | | | | | | | | |
| **Item** | **Year** | **Hours** | **Rate $** | **Basis for Rate*** | **Total $** | **Hours** | **Rate** | **Total $** |

[3] Morris' correct requested total for 2023 is $118,582.50.

[4] GPI's correct subtotal for attorney, expert, and advocate fees is $136,537.50.

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| G. Morris | 2023 | 14.00[5] | 242.5 | ½ 2023 rate | 3,395 | 8.00 [4] | $230.00 [1, 6] | $1,840.00 |
| | | | | | ***Subtotal: $2,910[5]*** | | | ***Subtotal 3: $1,840.00*** |
| | | | | | ***TOTAL REQUEST: $139,933[6]*** | | | ***TOTAL AWARD: $91,665.48*** |

*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. Intervenor's 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[7] | Member Number | Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation |
|---|---|---|---|
| Tamlyn Hunt | November 2001[8] | 218673 | No |

### C. Attachments Documenting Specific Claim and Comments on Part III:[9]

| Attachment or Comment # | Description/Comment |
|---|---|
| Attachment 1 | Certificate of Service |
| Attachment 2 | Allocation of effort by issue, list of pleadings |

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5 Time records submitted by GPI for Morris show IComp Claim Prep hours claimed as 8.00 hours in 2023 and 6.00 hours in 2024. The correct subtotal for IComp Claim Prep equals $3,395.00.

6 GPI's correct total request is $139,932.50. We remind GPI to not round their request to the nearest dollar amounts.

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

8 The State Bar of California's website shows the correct admission date for Hunt is January 29, 2002.

9 Attachments not included in the final Decision.

| Attachment 3 | Breakdown of hourly efforts by issue category |
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| Comment 1 | The Commission has adopted a 4.46 percent adjustment for rates in the Market Rate Study for converting the 2022 to 2023 values. This value can be found on the Escalation tab of the Hourly Rate Chart spreadsheet on the Commission's web site. We apply the 4.46 percent escalator to the approved 2022 hourly rate for Dr. Morris, which is $465/hr (D.23-11-036), and round to the nearest 5 percent for 2023 per established Commission practice to produce a rate of $485/hr. |
| Comment 2 | The Commission has adopted a 4.46 percent adjustment for rates in the Market Rate Study for converting the 2022 to 2023 values. This value can be found on the Escalation tab of the Hourly Rate Chart spreadsheet on the Commission's web site. We apply the 4.46 percent escalator to the approved 2022 hourly rate for Mr. Hunt, which is $605/hr (D.23-11-036), and round to the nearest 5 percent for 2023 per established Commission practice to produce a rate of $630/hr. |

## D. CPUC Comments, Disallowances, and Adjustments

On September 16, 2025, a ruling was issued requesting GPI to submit additional information for various claims because the Commission had identified several issues within the claims, including: omission of required information, unclear or inconsistent details, invoices that did not align with submitted timesheets or hours claimed, invoices that included work unrelated to the claim at issue, making it difficult to determine which rates / hours apply to the specific claim, invoices billed to other entities that did not identify GPI or the consultant, and other inconsistencies that hindered the Commission's ability to evaluate and resolve the claims.

GPI was provided with an opportunity to submit supplemental information, including resumes for all individuals for whom compensation is sought, invoices reflecting the actual billed rates for each consultant (broken down by claim), and consultant agreements for those retained on a contingency basis, where payment of consulting fees is deferred and contingent upon the receipt of an IComp award.

GPI filed its response for supplement information for this proceeding on October 7 and November 4, 2025. In its response, GPI confirmed the following:

1. GPI is a program of the Pacific Institute and is not a separate or independent entity and does not conduct business outside of or apart from the Pacific Institute.

2. GPI is a registered fictitious business name of the Pacific Institute and is the renewable energy program of the Pacific Institute.[10] (However, the Commission notes that this fictious business name expired in 2018).

[10] Public records found at Alameda County Clerk Recorder Office's reflect that fictious business name Green Power Institute, was active from 6/11/2013 to 6/11/2018 and is currently expired.

3. Gregg Morris' agreement with the Pacific Institute is that when intervenor compensation payments are made to GPI, the Pacific Institute retains their overhead charge and pays the rest to Morris via Future Resources Associates, his dba company.

4. Through Future Resources Associates, Morris pays consultants an initial upfront payment, followed by a second payment once the intervenor compensation award is issued.

5. GPI states that the remaining award is used to pay the carrying costs of participation in Commission proceedings, the cost of the risk that not all hours in a given claim will be approved for payment, and the salary of Morris.

6. GPI states that Morris works entirely on a contingency basis and does not issue monthly invoices.

We make the following adjustments below based on the information at hand and an assessment of GPI's contribution to the decision.

| Item | Reason |
|---|---|
| [1] Gregg Morris' (Morris) 2023 Hourly Rate | Although GPI continues to identify Morris as an employee of GPI, serving as its director, supplemental information provides conflicting information and confirms that Morris is dba Future Resources Associates, working on a contingency basis for the Pacific Institute, meaning that Morris has agreed to defer his consulting fee contingent upon receipt of this intervenor compensation award.<br><br>Given this contingency, we utilize the reasonable rates established by Resolution ALJ-393 based on Morris' experience as an Advocate - Executive Director - Level V.<br><br>Given Morris' experience, we approve an hourly rate of $460 for 2023. We apply one-half of Morris' adopted 2023 rate of $460 for an Intervenor Compensation Claim Preparation rate of $230.00. |
| [2] Tamlyn Hunt's (Hunt) 2023 Hourly Rate | Although GPI continues to identify Hunt as a staff associate of GPI, supplemental information provided confirms that Hunt works for Community Renewables Solutions LLC, who in turn bills Future Resources Associates, (not GPI or the Pacific Institute) for work in this proceeding.<br><br>The Commission requested supplemental documentation be submitted by GPI to confirm the rates charged by Hunt. GPI filed the "Associate Service Agreement Addendum"[11] between Future Resources Associates (Morris) and Community |

[11] GPI did not provide the existing Associate Services Agreement it references from October 2010 as part of its supplemental documentation. While the Commission will accept the Addendum as a contractual agreement between Future Resources Associates (Morris) and

*Footnote continued on next page.*

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| | Renewables Solutions LLC (Hunt) under seal, but states that per the terms of the contract, Hunt has been hired on a contingency basis, where Hunt receives an initial payment upon invoicing, followed by a second payment contingent upon this intervenor compensation award.<br><br>Based on these terms, we approve an hourly rate of $630 for 2023.<br><br>The rates approved here are specific to work in this proceeding and the contract terms between the consultant and intervenor, as they are established in accordance with the Commission's policy on consultant compensation, and the understanding that the consultant has not billed or collected full compensation for the work performed until the final award is given.<br><br>We reiterate that it is the responsibility of the intervenor to be forthcoming about engaging consultants and the terms of the contract, to adhere to the Commission's policy on compensation for consultant fees, and to provide the appropriate documentation with the initial claim to ensure efficient processing and thus avoid the need for the Commission to request supplemental documentation. In this instance, GPI did not provide all the documentation pertaining to the contract terms in the initial claim and waited until the Commission requested supplemental documentation, which significantly delayed the processing of this claim. |
| [3] Lack of Substantial Contribution - Issue 2: 'Costs too High to Justify' | Public Utilities Code § 1802(j) states that a substantial contribution "has substantially assisted the commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer." The courts have addressed the requirement of substantial contribution in, for example, TURN v. CPUC 166 Cal.App. 4$^{th}$ 522 (2008), stating at 11:<br><br>"[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…."<br><br>In evaluating whether GPI 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 |

Community Renewables Solutions LLC (Hunt), for purposes of this proceeding, GPI is reminded that the Commission strictly requires full and accurate disclosure of all information material to request for intervenor compensation.

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| | and of itself does not entitle an intervenor to all its claimed fees and costs. Compensation is granted for efficient, meaningful contributions.<br><br>We identify the following activities below where it is unclear how the efforts contributed to the decision-making process.<br><br>Many of GPI's hours claimed regarding Issue 2 "Costs too High to Justify" did not contribute to the decision-making process. While the Commission finds GPI's secondary arguments regarding this issue to be helpful, (i.e., that no party presented evidence demonstrating that costs were too high to justify), GPI's primary contribution was the recommendation that any cost increases at Diablo Canyon above 10 percent should trigger a cost review process. However, as noted in the D.23-12-036, GPI provided no analytical basis, data, or research to justify the proposed 10 percent threshold, offering it merely as an arbitrary figure. Because GPI failed to provide substantive support for this recommendation, the hours claimed for this effort are excessive. As such, we find a reduction of 75% on all hours claimed for Issue 2 "Costs too High to Justify" for both Morris and Hunt in 2023 to be warranted. The following hours are reduced:<br><br>Morris – 70.45 hours for work related to these issues in 2023.<br><br>Hunt – 8.02 hours for work related to these issues in 2023. |
| [4] Excessive Claim Preparation Hours | GPI's claims 14.00 hours in IComp preparation time. We find these hours unreasonable and excessive given the scope of issues and overall scale of the request. Hours claimed must be reasonable, productive, effective, and efficient. Additionally, we note that there were several issues with the claim, including omission of required information, unclear or inconsistent details, and other inconsistencies that hindered the Commission's ability to evaluate and resolve the claim. Accordingly we reduce the claimed hours by 6.00 hours. |
| [5] Disallowance of Excess Compensation Exceeding Actual Consultant Costs | Upon closer review of the Associate Service Agreement Addendums, we find that the compensation GPI is requesting for the consultant's time significantly exceeds the actual rate and compensation the consultants would receive under the contract terms.<br><br>The Intervenor Compensation Program is funded by ratepayers and is intended to reimburse reasonable costs of participation rather than generate profit from outsourced consultant services. As established in D.07-01-009, D.08-04-010, and Resolution ALJ-235, the rate requested by an intervenor must not exceed the actual rate billed by the consultant.[12] Because the consultant has agreed to be paid a percentage of the Commission approved rate and hours, the requested compensation in this claim does not accurately reflect the actual cost of the consultants' services. Compensating GPI the full request would result in an overpayment with the remaining balance retained by Morris, dba Future Resources Associates, instead of covering the consultant's actual fees. |

[12] D.07-01-009 at 5, D.08-04-010 at 5, and Resolution ALJ-235 at 4.

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| | Therefore, in instances where compensation to the intervenor for the consultant's time exceeds the amount the intervenor will actually pay the consultant under their contract terms, the Commission will reduce the award to match the actual cost incurred.<br><br>Here, we reduce the award by $3,139.92 to ensure that the amount awarded in this claim for the consultant's services aligns with the actual compensation terms established in the Associate Service Agreement Addendum. Because the Associate Service Agreement Addendum between Future Resources Associates and the consultant was filed under seal, we do not disclose here how the reductions are specifically calculated. |
| [6] Intervenor Responsibility for Transparency and Accuracy in Compensation Requests | 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.<br><br>Intervenor compensation is funded by ratepayers, and the Commission takes seriously any effort to mislead or obscure the financial basis for a claim. 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.<br><br>The Commission has clear authority to audit intervenors' books and records to verify the basis for any award. Intervenors 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. |
| Other Comments | The Commission finds the deficiencies in this filing to be concerning and expects a higher standard of transparency and diligence moving forward. The submission was not only missing essential documentation but also contained misleading information regarding consultant terms, missing invoices, and errors throughout. This resulted in inefficient use of the intervenor's own time and an undue burden on Commission staff resources to reconcile these errors. Please be advised that future claims lacking necessary supporting evidence will be assessed solely on the information provided; if the Commission cannot verify portions of the claim, those portions may be denied ensuring the program operates efficiently for all participants. |

## 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))**

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| **A. Opposition: Did any party oppose the Claim?** | No |

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| **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. Green Power Institute has made a substantial contribution in some aspects to D.23-12-036.

2. The requested hourly rates for Green Power Institute'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 $91,665.48.

## CONCLUSION OF LAW

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

## ORDER

1. Green Power Institute is awarded $91,665.48.

2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay Green Power Institute the total award. 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 April 3, 2024, the 75$^{th}$ day after the filing of Green Power Institute's request, and continuing until full payment is made.

3. The comment period for today’s decision is not waived.

4. Rulemaking 23-01-007 is closed.

This decision is effective today.

Dated _____________, at San Francisco, California.

# APPENDIX

Compensation Decision Summary Information

| Compensation Decision: | | Modifies Decision? | No |
|---|---|---|---|
| Contribution Decision(s): | D2312036 | | |
| Proceeding(s): | R2301007 | | |
| Author: | ALJ Nilgun Atamturk | | |
| Payer(s): | Pacific Gas and Electric Company | | |

Intervenor Information

| Intervenor | Date Claim Filed | Amount Requested | Amount Awarded | Multiplier? | Reason Change/Disallowance |
|---|---|---|---|---|---|
| Green Power Institute | Jan. 19, 2024 | $139,933[6] | $91,665.48 | 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 |
|---|---|---|---|---|---|
| Gregg | Morris | Expert | 485 | 2023 | $460.00 |
| Tamlyn | Hunt | Attorney | 630 | 2023 | $630.00 |

**(END OF APPENDIX)**