Decision _________________

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Revisit Net Energy Metering Tariffs Pursuant to Decision 16-01-044, and to Address Other Issues Related to Net Energy Metering.	R.20-08-020 (Filed August 27, 2020)

INTERVENOR COMPENSATION CLAIM OF [THE PROTECT OUR COMMUNITIES FOUNDATION]
AND DECISION ON INTERVENOR COMPENSATION CLAIM OF [THE PROTECT OUR COMMUNITIES FOUNDATION]

NOTE: After electronically filing a PDF copy of this Intervenor Compensation Claim (Request), please email the document in an MS WORD and supporting EXCEL spreadsheet to the Intervenor Compensation Program Coordinator at Icompcoordinator@cpuc.ca.gov.

Intervenor: The Protect Our Communities Foundation		**For contribution to obtaining judicial review of Decision (D.) 22-12-056**
Claimed: $625,435.56		**Awarded: $**
Assigned Commissioner: John Reynolds		**Assigned ALJ: Jack Chang**
I hereby certify that the information I have set forth in Parts I, II, and III of this Claim is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this Claim has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).		
	Signature:	***/s/ Malinda Dickenson*** ***/s/ Andrea White***
Date: 8/13/2026	**Printed Name:**	**Malinda Dickenson** **Andrea White**

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

A. Brief description of Decision:	The Protect Our Communities Foundation, together with its co-petitioners, obtained judicial review of D.22-12-056 in *Center for Biological Diversity et al. v. Pub. Util. Comm.* (2024) 98 Cal.App.5th 20 ("*CBD I*"), *Center for Biological Diversity et al. v. Pub. Util. Comm.* (2025) 18 Cal.5th 293 ("*CBD II*"), and *Center for Biological Diversity et al. v. Pub. Util. Comm.* (2026) 118 Cal.App.5th 1288 ("*CBD III*"). *CBD*

	I was reversed by *CBD II*—a unanimous decision by the California Supreme Court enforcing for the first time the standard of review established by the Legislature in sections 1757 and 1757.1 for judicial review of Commission energy decisions. *CBD III* was the Court of Appeal's decision on remand. Although *CBD III* erroneously affirmed D.22-12-056, it did acknowledge the independent judgment standard for statutory interpretations, recognize that D.22-12-056 was based on the "Lookback Study" and used only the Avoided Cost Calculator to value "exports," and left the door open for the Commission to adhere to the language of section 2827.1 when assessing and revising D.22-12-056 in the future.[1]

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:	11/2/2020	
2. Other specified date for NOI:	n/a	
3. Date NOI filed:	12/2/2020	
4. Was the NOI timely filed?		
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.18-12-005	
6. Date of ALJ ruling:	4/27/2020	
7. Based on another CPUC determination (specify):	D.20-04-017; D.22-08-053	
8. Has the Intervenor demonstrated customer status or eligible government entity status?		
Showing of "significant financial hardship" (§1802(h) or §1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	n/a	
10. Date of ALJ ruling:	n/a	

[1] *CBD I*, *CBD II*, and *CBD III* are attached to this claim as **Attachments 6, 7**, and **8**.

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

	Intervenor	CPUC Verification
11. Based on another CPUC determination (specify):	D.22-08-053; D.25-08-022	
12. Has the Intervenor demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	Remittitur issuance in *Center for Biological Diversity v. Public Utilities Comm.* (2026) 118 Cal.App.5th 1288	
14. Date of issuance of Final Order or Decision:	Remittitur issued June 15, 2026[3]	
15. File date of compensation request:	August 14, 2026	
16. Was the request for compensation timely?		

C. Additional Comments on Part I: ***<u>(use line reference # as appropriate)</u>***

#	Intervenor's Comment(s)	CPUC Discussion
5-7	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	

[3] Under the California Rules of Court, a remittitur issues when the cause has become final. The June 15, 2026 Remittitur entered herein is attached to this claim as **<u>Attachment 5</u>**.

#	Intervenor's Comment(s)	CPUC Discussion
	utility projects. PCF advocates for lawful implementation of statutory mandates, for the protection of communities and natural resources from the impacts of largescale energy and industrial infrastructure projects, and to maximize clean, local, affordable, and equitable 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 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).	
9-11	PCF continues to meet the Commission's longstanding definition of significant financial	

#	Intervenor's Comment(s)	CPUC Discussion
	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 significant financial hardship, including on June 15, 2023 in proceeding R.22-11-013. 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.").	

PART II: SUBSTANTIAL CONTRIBUTION

(to be completed by Intervenor except where indicated)

A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059): ***(For each contribution, support with specific reference to the record.)***

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
PCF achieved a unanimous opinion enforcing the 1998 amendments to sections 1757 and 1757.1.[4] PCF and its co-petitioners[5] achieved a unanimous (7-0) California Supreme Court opinion enforcing, for the first time, Public Utilities Code sections 1757 and 1757.1. The Supreme Court agreed with PCF that sections 1757 and 1757.1 amended the standard of review that applies when courts review Commission energy decisions, and that the *Greyhound* approach of unique deference could not apply under the statutory standard of review adopted in sections 1757 and 1757.1. The Supreme Court agreed with PCF that in adopting sections 1757 and 1757.1, the Legislature borrowed certain	"Petitioners sought our review. At the outset, they asked us to address the continuing vitality of the *Greyhound* framework on which the Court of Appeal's decision rested." *CBD II,* 18 Cal.5th at p. 301. Sections 1757 and 1757.1 "eliminated the 'regularly pursued its authority' standard for review of most Commission decisions." *Id.* at p. 303. "[T]he statutes prescribe an inquiry that parallels the inquiry prescribed under the general administrative mandamus statute, Code of Civil Procedure section 1094.5…We presume that when the Legislature adopted a review provision that borrowed heavily from Code of Civil Procedure section 1094.5, the choice was intentional." *Id.* at p. 304. "Whether or not *Yamaha* should apply of its own force, our Legislature has adopted a statutory standard of review for most Commission decisions that borrows from the standard applicable to the decisions of other agencies. (§§ 1757.1, subd. (a), 1757, subd. (a); see	

[4] All references herein to "section" or "§" are to the Public Utilities Code, unless otherwise stated.

[5] PCF's co-petitioners were Environmental Working Group and Center for Biological Diversity. All three parties were the "Petitioners" in *CBD I, CBD II,* and *CBD III*. As set forth in sections II.B,d. and III.A.a.-b., below, PCF seeks only compensation for the time that PCF spent actively litigating *CBD I, II,* and *III*; and it does not seek compensation for the time that was required to coordinate and align its position with its co-petitioners.

language from Code of Civil Procedure section 1094.5, and that courts must apply *Yamaha's* independent judgment de novo standard when reviewing statutory interpretation questions. See, e.g., Petitioners' Supplemental Opening Brief, filed November 21, 2025, pp. 15-17, 60-63; Petitioners' Supplemental Responding Brief, filed January 12, 2026, pp. 13-25; Petition for Review in Supreme Court, filed January 29, 2024, pp. 29-41; Petitioners' Reply Brief in Supreme Court, filed November 22, 2024, p. 13-25.	Code Civ. Proc., § 1094.5.) …[T]he statutory standard of review is not the same as the highly deferential approach described in *Greyhound.*" *Id.* at p. 307. "[T]he Legislature's stated intention to make judicial review of the Commission's decisions 'consistent with judicial review of other state agencies' is best understood to include judicial review of the statutory interpretations underlying those decisions. (Stats. 1998. Ch. 886, § 1.5, subd. (b), p. 5796." *Id.* at 307-308.	
<u>PCF established that judicial review of Commission decisions under section 1757.1(a)(2) should start with the language of the statute itself.</u> The Court of Appeal recognized that Petitioners were challenging D.22-12-056 under section 1757.1(a)(2), which asks whether the Commission "has not proceeded in the manner required by law." Although the Court of Appeal declined to interpret the statutory text of section 1757.1(a)(2), wrongly concluded that a "quasi-legislative" label by a court can negate that statutory text, and declined to review D.22-12-056 de novo, the Court of Appeal did	"Most of petitioners' arguments, including those presented in their original petition and in their supplemental briefing after remand, seek review pursuant to section 1757.1(a)(2). That is, they contend the Commission failed to proceed in the manner required by section 2827.1(b)(1), (b)(3), and (b)(4) in developing and adopting the successor tariff." *CBD III*, 118 Cal.App.5th at p. 1299. "[W]e exercise our independent judgment in interpreting the provisions of section 2827.1. Our fundamental task is to give effect to the intended purpose of the statute, and we apply well-settled principles of construction. (*California Cannabis Coalition v. City of Upland* (2017) 3 Cal.5th 924, 933–934, 222 Cal.Rptr.3d 210, 401 P.3d 49 (*Cannabis Coalition*).) We begin with the words of the statute themselves because they generally provide the most reliable	

recognize the independent judgment standard that applies to statutory interpretation questions, as PCF had briefed extensively, and it agreed with PCF that courts must start with the language of the statute itself when interpreting statutes. Additionally, although the Court of Appeal declined to interpret section 1757.1(a)(2), PCF's supplemental briefs provide a roadmap that will assist the Commission's analysis when it reviews D.22-12-056 and anticipates how future courts will analyze the anticipated review and revisions to D.22-12-056. See, e.g., Petitioners' Supplemental Opening Brief, filed November 21, 2025, p. 15-17; Petitioners' Supplemental Responding Brief, filed January 12, 2026, pp. 8-9; Petitioners' Reply Brief in Supreme Court, filed November 22, 2024, pp. 15-19.	indicator of legislative intent. (*Lopez v. Sony Electronics, Inc.* (2018) 5 Cal.5th 627, 634, 234 Cal.Rptr.3d 856, 420 P.3d 767.) We ascribe to words their ordinary meaning, while taking account of related provisions and the structure of the relevant statutory...scheme. (*Cannabis Coalition*, at p. 933, 222 Cal.Rptr.3d 210, 401 P.3d 49.) If the statutory language is clear and unambiguous our inquiry ends. (*Lopez*, at p. 634, 234 Cal.Rptr.3d 856, 420 P.3d 767.) But if any ambiguity remains, we may then consider extrinsic aids such as legislative history materials. (*Cannabis Coalition*, at p. 934, 222 Cal.Rptr.3d 210, 401 P.3d 49.)" *Id.* at p. 1301 (internal quotations omitted).	
PCF established that the basis for D.22-12-056 was the Lookback Study rather than the "costs and benefits of the renewable electrical generation facility." PCF provided detailed explanation and citations to the record to establish that the foundation for the 2022 tariff was the Lookback Study	"Section 2827.1(b)(3) requires the Commission to ensure the successor tariff 'is based on the costs and benefits of the renewable electrical generation facility.' …[W]e clarify that section 2827.1(b)(3) refers to the costs and benefits of "the renewable electrical generation facility," not distributed renewable generation more generally." *CBD III,* 118 Cal.App.5th at p. 1306.	

instead of the "costs and benefits of the renewable electrical generation facility" as section 2827.1, subdivision (b)(3) requires. Although the Court of Appeal did not rule on PCF's statutory interpretation claim in this regard, it agreed with PCF that (1) 2827.1(b)(3) required the tariff to be based on the "costs and benefits of the renewable electrical generation facility" and (2) that D.22-12-056 was instead based on the Lookback Study. See, e.g., Petitioners' Supplemental Opening Brief, filed November 21, 2025, p. 17-37; Petitioners' Supplemental Responding Brief, filed January 12, 2026, pp. 16, 39-40.	"The 'foundation' for the successor tariff was the Net-Energy Metering 2.0 Lookback Study, January 21, 2021 (Lookback Study), an evaluation of NEM 2.0 by outside consultants Verdant Associates, LLC that concluded 'NEM 2.0 participants benefit from the structure, while ratepayers see increased rates.' (Decision, at p. 207; Lookback Study, at p. 1.)" *CBD III,* 118 Cal.App.5th at p. 1296.	
<u>PCF explained that D.22-12-056 claimed to value only "exports," and thus excluded the benefits of "the renewable electrical generation facility" which also involves privately funded and beneficial on-site use.</u> The Court of Appeal recognized PCF's argument that valuing only exports did not account for the benefits of the "renewable electrical generation facility" that was the subject of section 2827.1(b)(3), but it declined to analyze PCF's statutory argument about what the "renewable electrical	"[P]etitioners argue that the successor tariff is based on the utilities' avoided costs, and it fails to account for the benefits 'that accrue when customer-generators invest in private facilities to generate and use renewable energy on-site.'" *CBD III,* 118 Cal.App.5th at p. 1308-1309. "Under the successor tariff, export compensation rates are based on values derived from the 'Avoided Cost Calculator.'" *CBD III,* 118 Cal.App.5th at p. 1297. "The program was expected to '**encourage substantial private investment in renewable energy resources**, stimulate in-state economic growth, reduce demand for electricity during peak consumption periods, help	

generation facility" actually is pursuant to the definitions of "eligible customer-generator" and "renewable electrical generation facility" incorporated by section 2827.1(a). When the Commission considers D.22-12-056 in the future, PCF's supplemental briefs will provide a roadmap the Commission can use to calibrate future tariffs for affordability and equity. PCF's briefs establish the inherent, statutorily defined characteristics of the "renewable electrical generation facility" referenced in 2827.1(b)(3), include the following: (1) The facility generates clean electricity with private funding; (2) The electricity is used on-site and locally; and (3) The facility is privately sited on customer property outside of, but attached to, the grid. These statutorily defined characteristics will need to be addressed when the Commission reviews D.22-12-056 as planned. Although the Court of Appeal did not ultimately understand that privately funded facilities that generate clean energy for use on-site benefit all ratepayers because electricity supply is increased without	**stabilize California's energy supply infrastructure**, enhance the continued diversification of California's energy resource mix, reduce interconnection and administrative costs for electricity suppliers…' (§ 2827, subd. (a).)" *CBD III,* 118 Cal.App.5th at p. 1295, emphasis added. "[T]he Commission stated it would evaluate the successor tariff by collecting data for three years after its implementation and follow 'a similar process as conducted in the Lookback Study, reviewing the entire successor tariff but with a focus on affordability, equity, and grid benefits.' (Decision, supra, at p. 200.) According to the Commission, it is currently in the process of collecting such data." *Id.* at p. 1298. The 2022 Tariff decision will be evaluated in the future. D.22-12-056, p. 237 (FOF #57), p. 236 (COL #57), p. 242 (OP #7).	

ratepayers having to pay for the utilities to purchase and deliver power generated by expensive power plants or solar/wind farms, the Court of Appeal did recognize that private investment in renewable resources and not having to build more energy supply infrastructure were two of the benefits expressly referenced in section 2827(a). See, e.g., Petitioners' Supplemental Opening Brief, filed November 21, 2025, p. 17-37; Petitioners' Supplemental Responding Brief, filed January 12, 2026, pp. 16, 19, 39-40, 51-54; see, also, Petitioners' Reply Brief in Supreme Court, filed November 22, 2024, pp. 27-30.		
PCF established that D.22-12-056 measured the value of exports by using only the Avoided Cost Calculator (ACC), a tool that measures only those attributes that all "distributed energy resources" share; and thus excludes generation benefits. PCF showed that the "renewable electrical generation facility" that is the subject of section 2827.1(b)(3) is distinct from "distributed energy resources" as a category. The Court of Appeal recognized that the ACC measures	"Under the successor tariff, export compensation rates are based on values derived from the 'Avoided Cost Calculator' (calculator), a tool developed earlier by the Commission '"to determine the primary benefits of distributed energy resources."'… The avoided costs determined in the calculator 'are the utilities' marginal costs of providing electric service to customers' that 'can be avoided when the demand for energy decreases because of distributed energy resources, and are, thus, the benefits of using distributed energy resources." *CBD III,* 118 Cal.App.5th at p. 1297; see, also, *CBD III.* 118 Cal.App.5th at p. 1309 (citing to "Decision, *supra*, at p. 59 [noting 'avoided costs determined in the Avoided Cost Calculator are the	

demand reduction because of distributed energy resources. In other words, the ACC does not consider the renewable electrical generation facility, or any of the benefits of generating energy, because other distributed energy resources do ***not*** generate energy and the Avoided Cost Calculator sets out to measure only those benefits that all distributed energy resources programs have *in common*. When the Commission considers D.22-12-056 in the future, PCF's briefs will provide a roadmap the Commission can use to calibrate future tariffs for affordability and equity. The value of reducing demand on the existing grid (common to all "distributed energy resources") is not equivalent to the benefits of actually generating clean electricity, outside of the existing grid, at or near the location where the power is used. The Avoided Cost Calculator simply does not quantify the benefits of *increasing* the use of clean, local electricity in the electrical system outside of the existing grid footprint: it measures only the utilities' marginal costs to provide energy via the existing grid. Customer-sited generation facilities benefit all customers and the electrical system by generating electricity that allows increased use of renewable electricity	utilities' marginal costs of providing electric service to customers" and "can be avoided when the demand for energy decreases because of distributed energy resources'].") The 2022 Tariff decision will be evaluated in the future. D.22-12-056, p. 237 (FOF #57), p. 236 (COL #57), p. 242 (OP #7). "[T]he Commission stated it would evaluate the successor tariff… reviewing the entire successor tariff but with a focus on affordability, equity, and grid benefits." *Id.* at p. 1298.	

generated locally and without expanding the grid. See, e.g., Petitioners' Supplemental Opening Brief, filed November 21, 2025, p. 17-37; Petitioners' Supplemental Responding Brief, filed January 12, 2026, p. 14, 16, 51.		
<u>PCF showed that the "electrical system" in section 2827.1(b)(4) is not the same as the electrical "grid" that the Avoided Cost Calculator is limited to.</u> PCF provided detailed legal analysis of the statutory text of section 2827.1 and the definitions incorporated therein, and showed that the "electrical system" referenced in section 2827.1(b)(4) extends beyond the electrical "grid" referenced in 2827(b)(4)(A). The "electrical system" includes customer-generators' facilities which are deployed on customer property and operate outside of the grid to which the facilities connect. The Court of Appeal declined to rule on PCF's supplemental briefing about the differences between the "grid" and the "electrical system," but the opinion allows for the distinction between the two to be addressed when the Commission reviews D.22-12-056.	"[P]etitioners argue…that the Commission failed to proceed in the manner required by section 2827.1(b)(4) because the successor tariff is based on the utilities' avoided costs and fails to quantify benefits of the tariff to all customers and the electrical system." *CBD III,* 118 Cal.App.5th at p. 1312. Section 2827.1 does not "preclude the Commission from revising the tariff in the future upon new or additional evidence regarding the total benefits and costs of the tariff to all customers and the electrical system." *CBD III,* 118 Cal.App. 5th at p. 1313.	

See, e.g., Petitioners' Supplemental Opening Brief, filed November 21, 2025, pp. 49-55; Petitioners' Supplemental Responding Brief, filed January 12, 2026, p. 52-53.		
<u>PCF demonstrated the inadequacy of the Commission's "cost-effectiveness" tests, and particularly the RIM test, to satisfy the requirements of section 2827.1.</u> PCF provided detailed legal arguments showing that the term "cost-effectiveness" is not contained in section 2827.1. Instead, section 2827.1(b)(4) requires the Commission to ensure the total costs and benefits of the tariff are approximately equal. The Commission's cost-effectiveness tests are used to measure utility-funded (and therefore ratepayer-funded) programs, not privately funded facilities like customer-sited renewable electrical generation facilities. The Court of Appeal recognized that the Commission used the Commission's "cost-effectiveness" tests like the TRC and the RIM test, and that it placed more weight on the RIM test, but declined to consider PCF's supplemental briefing arguments that neither test was relevant to the statutory criteria in	"[T]he Commission placed "more weight" on the RIM test results and found the nonresidential NEM 2.0 tariff was not cost-effective. (Decision, at p. 50.)" *CBD III,* 118 Cal.App.5th at p. 1311. Section 2827.1 does not "preclude the Commission from revising the tariff in the future upon new or additional evidence regarding the total benefits and costs of the tariff to all customers and the electrical system." *CBD III,* 118 Cal.App. 5th at p. 1313.	

section 2827.1 which related to the costs and benefits of the “renewable electrical generation facility” ((b)(3)) and of “the tariff” ((b)(4)). However, the Court of Appeal left open that the Commission could consider PCF’s legal analysis when revising the tariff in the future. See, e.g., Petitioners’ Supplemental Opening Brief, filed November 21, 2025, p. 28, 33-37; Petitioners’ Supplemental Responding Brief, filed January 12, 2026, pp. 33-36; Petitioners’ Reply Brief in Supreme Court, filed November 22, 2024, pp. 10, 31.		

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?[6]	Yes	
b. Were there other parties to the proceeding with positions similar to yours?	Yes	
c. If so, provide name of other parties: Center for Biological Diversity, Environmental Working Group		
d. Intervenor’s claim of non-duplication: PCF worked closely to align and jointly litigate with Center for Biological Diversity and Environmental Working Group. This alignment and joint approach took significant resources which PCF does not include in this claim. By submitting briefs jointly, PCF and its co-petitioners streamlined the		

[6] The Office of Ratepayer Advocates was renamed the Public Advocate’s Office of the Public Utilities Commission pursuant to Senate Bill No. 854, which the Governor approved on June 27, 2018.

	Intervenor's Assertion	CPUC Discussion
a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?[6]	Yes	
advocacy before the courts. PCF's claim has been reduced and does not seek recovery of the time spent aligning with its co-petitioners. PCF's unique experience, perspective, interests, expertise, and advocacy in this proceeding and the litigation avoided duplication under the Commission's duplication standards. PCF has long been uniquely positioned to advocate for both affordability and environmental protection, and does not see those two options as mutually exclusive as many other parties assume. PCF's longstanding institutional expertise in both ratepayer and environmental protection allowed PCF to show how all ratepayers and the whole electrical system benefit from customer-sited generation, which is privately funded and involves on-site and local use of clean electricity generated outside of the grid. All of PCF's participation was necessary for a fair determination of the decisions in this proceeding, including the litigation, because PCF exercised, on behalf of ratepayers' interests, its right to petition the Court of Appeal and the Supreme Court of California and challenge the Commission's decision in D.22-12-056.		

C. Additional Comments on Part II: ***<u>(use line reference # or letter as appropriate)</u>***

#	Intervenor's Comment	CPUC Discussion
II(A)	**Substantial Contribution.** 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."	

#	Intervenor's Comment	CPUC Discussion
II(A)	**Substantial Contribution Includes Enriching Deliberations or the Record.** The Commission's decisions establish that a finding of substantial contribution is not dependent upon the Commission's adoption of a party's contention entirely, or at all. D.08-04-004, p. 5-6; D.03-03-031, p. 13-14; D.10-12-061, p. 4-5; D.19-10-019, p. 4-6. 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 alternative evaluations of the disputes addressed (D.19-10-019, p. 5-6).	
II(A)	**Substantial Contribution Includes Procedural Outcomes.** 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."].)	
II(A)	**Substantial Contribution Includes Compensation for Obtaining Judicial Review.** It is	

#	Intervenor's Comment	CPUC Discussion
	well established that the intervenor compensation includes work in court proceedings, and that intervenors do need not prevail in court in order to receive intervenor compensation. Pub. Util. Code, § 1802(a) (expressly defining compensation as including "the fees and costs of obtaining an award under this article **and of obtaining judicial review**, if any.") (emphasis added); D.21-12-064, p. 3-8.	
II(B)(d)	**No Duplication.** No reduction for 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 participation that duplicates the participation of similar interests otherwise	

#	Intervenor’s Comment	CPUC Discussion
	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.	

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

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

	CPUC Discussion
a. Intervenor’s claim of cost reasonableness: PCF’s fees are small compared to the benefits that California ratepayers realized as a result of PCF’s contributions to this proceeding, which resulted in the first time that any court has enforced Public Utilities Code sections 1757 and 1757.1, and which will not only impact the Commission’s planned review of D.22-12-056 but all future proceedings involving statutory interpretation questions. Additionally, all parties are on notice of what issues and evidentiary record is needed to ensure that future revisions to D.22-12-056 will meet all of the requirements of section 2827.1. PCF’s participation allows future intervenors in the anticipated future review and revisions of D.22-12-056 to build a record that directly addresses the inherent characteristics of the “renewable electrical generation facility” and will allow for faithful adherence to the statutory requirements identified in section 2827.1 including the growth of customer-sited generation.	

	CPUC Discussion
PCF's claim exceeds the Commission's reasonableness standards because PCF has prophylactically reduced its claim to ensure that it reflects PCF's substantial contribution of obtaining judicial review of D.22-12-056. PCF recognizes that the full benefits PCF achieved for ratepayers will not be fully realized until the Commission reviews and revises D.22-12-056 in the future and considers PCF's textual analysis of the statutory test of section 2827.1. PCF was able to reduce its outside counsel costs during *CBD I* and *CBD II* by splitting the cost of its outside counsel with co-petitioner Environmental Working Group. In this claim, PCF has taken the Commission's past reductions into account, and has reduced its claim for time that could be interpreted as internally duplicative or administrative, even where such time would be compensable under industry standards. Most significantly, PCF has reduced its claim to avoid seeking compensation for the vast amount of time and resources PCF devoted to aligning positions with its co-petitioners. Accordingly, PCF's claim represents only a fraction of the resources PCF actually spent participating in the litigation.	
b. Reasonableness of hours claimed: PCF's claimed hours are reasonable for its work in this proceeding because PCF only includes on this claim those hours which directly led to a substantial contribution, such as securing a unanimous California Supreme Court decision enforcing the standard of review in section 1757.1, and the subsequent court of appeal decision which makes clear the issues and record evidence that will be required to conform future customer-sited generation tariffs to the requirements of section 2827.1. PCF does not claim the time necessarily incurred to coordinate with its co-petitioners and their attorneys, nor does PCF claim time that the Commission has in the past considered internally duplicative. Most significantly, PCF has prophylactically removed from its claim its time spent aligning with or educating its co-petitioners and counsel. Moreover, PCF's Legal & Executive Director's litigation and legal background in administrative writ practice and as a public agency lawyer allowed PCF, and her nearly twenty-five years of litigation experience dramatically reduced the number of hours involved in PCF's participation. PCF does <u>not</u> claim time spent on any administrative matters, such as time spent filing and serving briefs, calendaring deadlines, reviewing procedural rules, or preparing exhibits. Nor does PCF include time spent responding to media inquiries.	

	CPUC Discussion
c. Allocation of hours by issue:	

Issue	**Description**	**%**
CBD I	Court of Appeal participation leading to *Center for Biological Diversity et al. v. Pub. Util. Comm.* (2024) 98 Cal.App.5th 20 (“*CBD I*”)	18.14%
CBD II	Supreme Court participation leading to *Center for Biological Diversity et al. v. Pub. Util. Comm.* (2025) 18 Cal.5th 293 (“*CBD II*”)	66.61%
CBD III	Court of Appeal participation leading to *Center for Biological Diversity et al. v. Pub. Util. Comm.* (2026) 118 Cal.App.5th 1288 (“*CBD III*”).	15.25%
	Total	100.00%

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Hours**	**Rate $**	**Total $**
Malinda Dickenson	2026	5	$855	*See* Comment #2.	$4,275.00			
Malinda Dickenson	2025	337.2	$750	Approved 2025 rate of $750 [D.26-07-050]	$252,900.00			

CLAIMED						CPUC AWARD		
Malinda Dickenson	2024	151.9	$725	Approved 2024 rate of $725 [D.26-07-050]	$110,127.50			
Ellison Folk	2025	51.6	$795	See comment #4.	$41,022.00			
Ellison Folk	2024	99.05	$770	See comment #4.	$76,268.50			
Ellison Folk	2023	86.25	$740	See comment #4.	$63,825.00			
Aaron Stanton	2024	97.58	$365	See comment #5.	$35,616.70			
Aaron Stanton	2023	89.95	$345	See comment #5.	$31,032.75			
					Subtotal: $ 615,067.45			***Subtotal:*** $
OTHER FEES **Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):**								
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Hours**	**Rate $**	**Total $**
[Person 1]								
[Person 2]								
					Subtotal: $			***Subtotal: $***
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Hours**	**Rate $**	**Total $**
Andrea White	2026	7.8	$170	½ of hourly rate (basis for rate explained in comment #1).	$1,326.00			
Malinda Dickenson	2025	11.5	$427.5	½ of hourly rate (basis for rate explained in comment #2).	$4,916.25			
					Subtotal: $6,242.25			***Subtotal: $***

CLAIMED				CPUC AWARD
COSTS				
#	Item	Detail	Amount	Amount
1.	TrueFiling	Submitted petition (5/3/2023)	$819.24	
2.	Photocopy	Photocopied petition (5/3/2023)	$46.20	
3.	FedEx	Mailed petition (5/3/2023)	$71.62	
4.	TrueFiling	TrueFiling (7/31/2023)	$21.00	
5.	TrueFiling	TrueFiling (8/22/2023)	$10.50	
6.	TrueFiling	TrueFiling (10/05/2023)	$10.50	
7.	TrueFiling	TrueFiling (11/08/2023)	$21.00	
8.	TrueFiling	TrueFiling (11/20/2023)	$21.00	
9.	Legislative History	Legislative history (2 bills)-(12/28/2023)	$600.00	
10.	TrueFiling	TrueFiling (1/4/2024)	$21.00	
11	Legislative Intent Service	Legislative Intent Service, Inc. (1/23/2024)	$445.00	
12.	TrueFiling	TrueFiling (1/29/2024)	$752.30	
13.	TrueFiling	TrueFiling (4/12/2024)	$10.50	
14.	TrueFiling	TrueFiling (4/12/2024)	$10.50	
15.	TrueFiling	TrueFiling (6/10/2024)	$21.00	
16.	Barkley Court Reporters	Barkley Court Reporters (7/26/2024)	$1,202.50	
17.	TrueFiling	TrueFiling (10/24/2024)	$10.50	
18.	TrueFiling	TrueFiling (3/17/2025)	$10.50	
19.	TrueFiling	TrueFiling (9/9/2025)	$10.50	
20.	TrueFiling	TrueFiling (9/11/2025)	$10.50	
Subtotal: $4,125.86				***Subtotal: $***
TOTAL REQUEST: $625,435.56				***TOTAL AWARD: $***

*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	CPUC AWARD
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**
Malinda Dickenson	2002	222564	No
Andrea White	2023	351824	No
Ellison Folk	1990	149232	No
Aaron Stanton	2016	312530	No

C. Attachments Documenting Specific Claim and Comments on Part III:
(Intervenor completes; attachments not attached to final Decision)

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	Timesheet and Categorization
Attachment 3	Andrea White resume
Attachment 4	Malinda Dickenson resume
Attachment 5	June 15, 2026 Remittitur
Attachment 6	*CBD I* decision
Attachment 7	*CBD II* decision
Attachment 8	*CBD III* decision
Attachment 9	Petitioners' Supplemental Opening Brief, filed November 21, 2025
Attachment 10	Petitioners' Supplemental Responding Brief, filed January 12, 2026
Attachment 11	Petition for Review in Supreme Court, filed January 29, 2024
Attachment 12	Petitioners' Reply Brief in Supreme Court, filed November 22, 2024
Attachment 13	Malinda Dickenson Declaration
Attachment 14	Shute Mihaly & Weinberger Invoices
Comment 1	Andrea White basis for 2026 rate as Attorney Level II: $340/hour

[7] This information may be obtained through the State Bar of California's website at http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch.

Attachment or Comment #	Description/Comment
	Ms. White was admitted to the bar in 2023 and has over 2.5 years of experience advocating before the Public Utilities Commission, which qualifies her for a new evaluation of her rate as a Level II attorney, applicable for attorneys with 2-5 years of experience. For 2026, the minimum compensation for attorney Level IIs was $276.54, the median was $367.46, and the maximum was $465.70. PCF requests a rate of $340/hour for Ms. White, which is on the lower-/mid-range of compensation for Attorney Level IIs, commensurate with her 2.5+ years of experience. The requested rate is comparable to the rate requested for other Level II attorneys. In D.25-12-013, Orran Balagopalan was awarded a 2024 rate of $330/hour for three years of experience, which equals a rate of $355 in 2026 dollars. In D.25-04-014, Cole Jermyn was awarded a rate of $365/hour for 2024 for three years of experience, which equals a rate of $390 in 2026 dollars.
Comment 2	Malinda Dickenson basis for rates as Legal Director Level V: 2026: $855 Ms. Dickenson has over fifteen years of experience in the legal director role, which includes 9 years of experience as principal of her own law firm, plus more than 6 years as PCF's General Counsel and then Legal & Executive Director. In 2025, Ms. Dickenson argued before the California Supreme Court and secured a unanimous opinion. Ms. Dickenson's over 15 years of experience as a legal director qualifies her for a new evaluation of her rate as a Level V Legal Director, which applies to 15+ years of legal director experience. In 2026, the median for Level V Legal Directors is $849.26 and the maximum is $1,026.12. PCF requests a rate of $855/hour for Ms. Dickenson, which is in the mid-range of Level V legal directors, commensurate with her demonstrated high skills and expertise. PCF's request is reasonable given awards to other legal directors. In D.24-03-064, the Commission awarded Autumn Elliott an award of $755/hour in 2023 based on her 15 years of legal director experience, which equals $840 in 2026 dollars. In D.24-08-063, the Commission awarded James Birkelund a rate of $770/hour in 2023 as a Legal Director IV with 10+ years of experience, which equals $856 in 2026 dollars for less experience and in the category *below* Ms. Dickenson's new category.
Comment 3	Malinda Dickenson basis for rates as Legal Director **Level IV**: 2025: $750 2024: $725 Ms. Dickenson's 2025 rate of $750 was awarded in D.26-07-050. Ms. Dickenson's 2024 rate of $725 was awarded in D.26-07-050.
Comment 4	Ellison Folk basis for rates:

Attachment or Comment #	Description/Comment
	2025: $795 2024: $770 2023: $740 Ms. Folk was awarded a 2022 rate of $710/hour in D.25-08-022. Applying the Commission's approved escalation: $710*1.0446=$741.67 ($740 rounded to nearest 5) $740*1.0407=$770.12 ($770 rounded to nearest 5) $770*1.0346=$796.64 ($795 rounded to nearest 5)
Comment 5	Aaron Stanton basis for rates: 2024: $365 2023: $345 Mr. Stanton was awarded a 2023 rate of $345/hour in D.25-08-022. $345*1.0407=$359.04 ($360 rounded to nearest 5); rounded up to $365 to be above minimum for Attorney III category in 2024

D. CPUC Comments, Disallowances, and Adjustments *(CPUC completes)*

Item	Reason

PART IV: OPPOSITIONS AND COMMENTS
Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (*see* § 1804(c))

A. Opposition: Did any party oppose the Claim?	

If so:

Party	Reason for Opposition	CPUC Discussion

B. Comment Period: Was the 30-day comment period waived (*see* Rule 14.6(c)(6))?	

If not:

Party	Comment	CPUC Discussion

(Green items to be completed by Intervenor)

FINDINGS OF FACT

1. [THE PROTECT OUR COMMUNITIES FOUNDATION] [has/has not] made a substantial contribution to *CBD I, CBD II,* and *CBD III*.

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.

3. The claimed costs and expenses [, as adjusted herein,] are reasonable and commensurate with the work performed.

4. The total of reasonable compensation is $___________.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, [satisfies/fails to satisfy] all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. [THE PROTECT OUR COMMUNITIES FOUNDATION] is awarded $____________.

2. Within 30 days of the effective date of this decision, _____ shall pay [THE PROTECT OUR COMMUNITIES FOUNDATION] the total award. [for multiple utilities: "Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay [THE PROTECT OUR COMMUNITIES FOUNDATION] their respective shares of the award, based on their California-jurisdictional [industry type, for example, electric] revenues for the ^ calendar year, to reflect the year in which the proceeding was primarily litigated. If such data are unavailable, the most recent [industry type, for example, 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 [date], the 75th 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/is not] waived.

This decision is effective today.

Dated _____________, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		**Modifies Decision?**	
Contribution Decision(s):	CBD I, CBD II, CBD III		
Proceeding(s):	R.20-08-020		
Author:			
Payer(s):			

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
[THE PROTECT OUR COMMUNITIES FOUNDATION]	8/14/2026	$625,435.56		N/A	

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Malinda	Dickenson	Attorney	$855	2026	
Malinda	Dickenson	Attorney	$750	2025	
Malinda	Dickenson	Attorney	$725	2024	
Andrea	White	Attorney	$340	2026	
Ellison	Folk	Attorney	$795	2025	
Ellison	Folk	Attorney	$770	2024	
Ellison	Folk	Attorney	$740	2023	
Aaron	Stanton	Attorney	$365	2024	
Aaron	Stanton	Attorney	$345	2023	

(END OF APPENDIX)