BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

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Order Instituting Rulemaking to Continue Electric Integrated Resource Planning and Related Procurement Processes.	R.25-06-019 (Filed June 26, 2025)

SECOND SUPPLEMENT OF ENVIRONMENTAL DEFENSE FUND TO INTERVENOR COMPENSATION CLAIM FOR SUBSTANTIAL CONTRIBUTION TO D. 26-02-057

DATED: November 18, 2026

Michael Colvin
Director, California Energy Program
ENVIRONMENTAL DEFENSE FUND
(415) 293-6122
mcolvin@edf.org

Yochanan Zakai
SHUTE, MIHALY & WEINBERGER LLP
(415) 552-7272
yzakai@smwlaw.com

Attorneys for Environmental Defense Fund

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Pursuant to the request of the Intervenor Compensation Coordinator, Environmental Defense Fund (EDF) respectfully submits the following Second Supplement to the *Intervenor Compensation Claim of Environmental Defense Fund for Substantial Contribution to Decision 26-02-057*, filed May 4, 2026. It was requested that this Second Supplement be filed no later than 15 days from November 17, 2026. This Second Supplement is timely filed.

I. Commission's second request for supplemental information.

The Commission is authorized to "audit the records and books" of any entity requesting intervenor compensation, "to the extent necessary to verify the basis for the award."[1] On November 6, 2026 EDF filed its first Supplement in response to a request from the Commission. On November 17, 2026, the Commission emailed EDF the following:

> In review of the supplemental information received, it is determined that the "Supplement" (dated November 6, 2026) plus confidential Attachments A (Retainer Agreement) & B (Bills for Work Contributing to D.26-02-057), do not include the hourly rate charged by Orran Balagopalan and Zakai Yochanan in 2025 and 2026. The CPUC is requesting more information regarding this Intervenor Compensation claim.
>
> Please provide a copy of the invoice(s), bill and/or contract(s) for Orran Balagopalan and Zakai Yochanan that verifies the rate charged by these consultants to the Environmental Defense Fund. The Commission is requesting

[1] Pub. Util. Code § 1804(d).

this information to help determine the hourly rate(s) for these individuals in this claim in 2025 and 2026.

Please formally file the requested documentation as a SUPPLEMENT TO THE INTERVENOR COMPENSATION CLAIM. Please file the SUPPLEMENT as soon as possible, but no later than 15 days from the date of this email. Failure to provide complete and accurate supplemental documentation to substantiate your claim by the 15-day deadline will result in your claim being processed with the information provided to the Commission, thus putting your claim at risk to not be compensated in part or in full.

II. EDF's outside counsel works on contingency and does not have contractually authorized rates.

Shute, Mihaly & Weinberger LLP serves as outside counsel to EDF in this proceeding. Under the retainer agreement, outside counsel works on a contingency basis, where EDF is not required to pay its outside counsel except through an intervenor compensation award. That legal retainer contract, filed as Attachment A to the November 6, 2026 Supplement does not include hourly rates for 2025 or 2026 because there are no authorized rates—outside counsel will only get paid to the extent that the Commission approves an award. EDF's monthly bills, provided as Attachment B to the November 6, 2026 similarly does not include hourly rates for 2025 or 2026 because there is no rate specified in the contract.

If the Commission does not approve an award, EDF is not required to pay outside counsel. If the Commission approves a lower award than requested by EDF, EDF will pay only that authorized award to outside counsel. EDF acts as a pass-through agent for all funds awarded to outside counsel from the intervenor compensation program. EDF does not hold back any funding for administrative purposes.

EDF's outside counsel works under this contingency arrangement, without contractually specified rates, under the belief that they will obtain reasonable attorneys' fees for their work through the intervenor compensation process. This expectation is grounded in the Commission's

longstanding practice of granting intervenor compensation for the work of outside counsel and other consultants across numerous proceedings.

The Commission affirmed that such an arrangement between EDF and its outside counsel is compliant with its intervenor compensation rules in the two predecessor Integrated Resource Planning Proceedings. For example, in D.25-12-015 at 25-26 (December 4, 2025) the Commission said:

> EDF has confirmed that Yochanan Zakai serves as a consultant for EDF under contract on a contingency basis, meaning Yochanan Zakai has agreed to defer all, or part of his consulting fee contingent upon receipt of this Intervenor Compensation award.
>
> Given this contingency, we utilize the reasonable rates established by Resolution ALJ-393 based on Yochanan Zakai's experience for work in this proceeding. EDF requested a rate of $610 for 2024 for Yochanan Zakai. Given the 2024 rate range for Attorney IV ($443.01 - $680.49), we find the 2024 hourly rate of $610 to be reasonable and we adopt it here.
>
> The award determined herein for the consultant's contribution in this proceeding shall be paid in full to the consultant, and no portion of this part of the award shall be kept by the intervenor. 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, and the understanding that the consultant has not billed or collected full compensation for the work performed until final award is given.

The Commission made the same finding when awarding market rates to Orran Balagopalan under the same contract in D.25-12-015 at 26.

EDF is not aware of any Commission-authorized rate for intervenor compensation work by Yochanan Zakai or Orran Balagopalan covering the years 2025 or 2026. The most recent hourly rates approved by the Commission for EDF's outside counsel were for work in 2024, as provided in D.25-12-015. EDF based its requested rates on the Commission-authorized 2024 rates in the predecessor proceeding, plus reasonable increases for cost of living (i.e., COLA or escalation) and a 5 percent step increase per D. 07-01-009.

EDF respectfully requests that the Commission act consistently and make the same finding concerning EDF's contractual relationship with its outside counsel as it did in the predecessor Integrated Resource Planning proceedings.

DATED: November 18, 2026

By: */s/Yochanan Zakai*

Yochanan Zakai*
SHUTE, MIHALY & WEINBERGER LLP
550 California Street, Suite 1200
San Francisco, California 94104
(415) 552-7272
yzakai@smwlaw.com

Attorneys for Environmental Defense Fund

* Mr. Zakai is a member of the Oregon and Washington State Bar; he is not a member of the State Bar of California.