RL8/ML2/nd3 **PROPOSED DECISION Agenda ID #18559**

Decision \_\_\_\_\_\_\_\_\_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

|  |  |
| --- | --- |
| Application of San Diego Gas & Electric Company (U902M) for Authority, Among Other Things, to Update its Electric and Gas Revenue Requirement and Base Rates Effective on January 1, 2019. | Application 17‑10‑007 |
| And Related Matter. | Application 17‑10‑008 |

**DECISION GRANTING COMPENSATION TO SIERRA CLUB**

**FOR SUBSTANTIAL CONTRIBUTION TO DECISION (D.) 19‑09‑051**

|  |  |
| --- | --- |
| **Intervenor:** Sierra Club | **For contribution to Decision (D.) D.19‑09‑051** |
| **Claimed:** $215,591 | **Awarded:** $215,591.00 |
| **Assigned Commissioner:** Liane Randolph | **Assigned ALJs:** Rafael L. Lirag and Manisha Lakhanpal |

**PART I: PROCEDURAL ISSUES**

|  |  |
| --- | --- |
| **A. Brief description of Decision:** | Addressing the Test Year 2019 General Rate Case (“GRC”) applications of San Diego Gas & Electric Company (“SDG&E”) and Southern California Gas Company (“SoCalGas”). |

1. **Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801‑1812[[1]](#footnote-1):**

|  |  |  |
| --- | --- | --- |
|  | **Intervenor** | **CPUC Verification** |
| **Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):** | | |
| 1. Date of Prehearing Conference: | Jan. 10, 2018 | Verified |
| 2. Other specified date for NOI: | n/a |  |
| 3. Date NOI filed: | Feb. 8, 2018 | Verified |
| 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: | A.17‑01‑020 | Verified |
| 6. Date of ALJ ruling: | May 15, 2017 | Verified |
| 7. Based on another CPUC determination (specify): | n/a |  |
| 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: | A. A.17‑01‑020 | Verified |
| 10. Date of ALJ ruling: | May 15, 2017 | Verified |
| 11. Based on another CPUC determination (specify): | n/a |  |
| 12 12. Has the Intervenor demonstrated significant financial hardship? | | Yes |
| **Timely request for compensation (§ 1804(c)):** | | |
| 13. Identify Final Decision: | D.19‑09‑051 | Verified |
| 14. Date of issuance of Final Order or Decision: | Oct. 1, 2019 | Verified |
| 15. File date of compensation request: | Nov. 20, 2019 | Verified |
| 16. Was the request for compensation timely? | | Yes |

**PART II: SUBSTANTIAL CONTRIBUTION**

1. **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** |
| --- | --- | --- |
| **1. Investments in New Natural Gas Vehicles (“NGVs”) and Refueling Stations.** Sierra Club opposed proposed SoCalGas investments in new NGV vehicles and new refueling stations by both SoCalGas and SDG&E. These requested costs were all rejected.  Sierra Club, with Union of Concerned Scientists (“UCS”), submitted testimony on the availability and superior environmental and ratepayer benefits of electric vehicles (“EVs”) in comparison with NGVs and argued SoCalGas’ vehicle request should be rejected for failure to consider electric options in fleet procurement. (*See, e.g.*,Sierra Club/UCS Testimony at 23–34; Sierra Club/UCS Opening Br. at 29–31.)  Sierra Club, with UCS, contested SoCalGas’ assertions that NGVs were needed to meet California’s environmental goals, demonstrated the superior GHG benefits of EVs, and pointed to state policy to reduce GHG emissions through widespread transportation electrification. (*See, e.g.*,Sierra Club/UCS Testimony at 15–18; Sierra Club/UCS Opening Br. at 32.)  Sierra Club, with UCS, submitted testimony and briefing arguing new refueling stations were stranded asset risks given growth of EVs, premised on increased NGV purchases that were unnecessary, and are far more costly than EV infrastructure alternatives. (*See, e.g.*,Sierra Club/UCS Testimony at 35–38; Sierra Club/UCS Opening Br. at 29–38.)  Sierra Club, with UCS, contested new NGV refueling stations by SDG&E as wholly unsupported. (*See, e.g.*,Sierra Club/UCS Testimony at 36; Sierra Club/UCS Opening Br. at 39.) | From Decision:  **“Sierra Club** and UCS state that SoCalGas should not be allowed to recover costs for NGVs where electric or hybrid vehicles are available for the same vehicle class.” (D.19‑09‑051 at 396 (emphasis added).)  “If SoCalGas pursues these investments in later years, such as SoCalGas’ next GRC, it should be prepared to sincerely explore what portions of its fleet could transition to either battery electric or hybrid electric vehicles.” (D.19‑09‑051 at 398.)  “With respect to SoCalGas’ plans to increase its AFV fleet pursuant to state goals to reduce GHG emissions, we support SoCalGas’ goal of reducing GHG emissions. We also agree with **Sierra [C]lub** that UCS, however, that California’s express policy is to meet this goal through widespread transportation electrification. Even if natural gas vehicles offer any reduction in GHG emissions vis‑à‑vis petroleum and diesel‑fuel vehicles, whatever benefit they offer do not justify the cost presented here. We therefore deny the request.” (D.19‑09‑051 at 397–98. (emphasis added).)  “**Sierra Club** and UCS disagree with additional investment for NGV refueling stations and suggest that costs for electric infrastructure to support electric and hybrid vehicles are much more efficient. We find that SoCalGas’ request for NGV Refueling Stations reflects the projected number of vehicles based on the amount requested for Ownership Costs. In light of the disapproval of a significant portion of SoCalGas’ requested amounts under Ownership Costs, we find it reasonable to also reduce the amounts requested here and find ORA’s recommendation to use 2017 actual costs for 2017, 2018, and 2019. It is our expectation that these amounts will be used for replacements and upgrades of existing facilities as opposed to the addition of new NGV refueling stations.” (D.19‑09‑051 at 410 (emphasis added).)  “Regarding the request for CNG Station Upgrades, we find that the request includes the addition of new refueling stations in 2018 and 2019 as discussed in section 7.2.2.12. We find that these additions are not upgrades to existing stations. In addition, we find that the addition of new refueling stations is not supported by the procurement of additional vehicles. The procurement of new NGVs is discussed in the Fleet Services section. Therefore, we find it reasonable to deny to requested amounts for CNG Station Upgrades of $2.617 million each for 2018 and 2019.”(D.19‑09‑051 at 87.) | Verified |
| **2. Research, Development & Demonstration (“RD&D”) Program.** Sierra Club, with UCS, raised concerns with SoCalGas’ RD&D program, including a lack of transparency, opportunities for meaningful public participation, and misuse of past funding, and recommended that the program be terminated with the potential to direct RD&D funding that had been implemented by SoCalGas to the California Energy Commission (“CEC”). (*See, e.g.*, Sierra Club/UCS Testimony at 40–45; Sierra Club/UCS Opening Br. at 22–28).  The Decision did not terminate the RD&D program but did add significant process to address the transparency, public participation, and proper use of funding issues raised by Sierra Club. These additional measures include a workshop requirement and approval of the RD&D plan by Energy Division through the advice letter process. | From Decision:  “**Sierra Club** and UCS recommend a decrease in SoCalGas’ RD&D funding commensurate with increases to the CEC’s Natural Gas R&D program fund. **Sierra Club** and UCS also recommend discontinuing SoCalGas’ RD&D program.” (D.19‑09‑051 at 376 (emphasis added).)  “Additionally, in order to increase transparency concerning SoCalGas’ RD&D activities, allow proactive involvement by the CEC and other related organizations, and increased oversight and involvement by the Commission, we find that SoCalGas should host an annual workshop during the second quarter of 2020 and 2021 under supervision of the Commission’s Energy Division.” (D.19‑09‑051 at 378.) | Verified |
| **3. SoCalGas Anti‑Electrification Advocacy (P&ES Group and Marketing)**  Sierra Club, with UCS, raised numerous concerns with misleading marketing materials and activities of the Policy & Environmental Solutions (“P&ES”) group before state agencies and local governments intended to further SoCalGas’ shareholder interest in maintaining gas demand at the expense of electric alternatives that would reduce GHG pollution. (*See, e.g.*, Sierra Club/UCS Testimony at 8–22; Sierra Club/UCS Opening Br. at 8–20.)  It is well‑established that a party may make a substantial contribution to a Commission decision even if its positions are not adopted, as long as the party assisted the decision‑making in a proceeding and its contributions enriched the record and enable fuller deliberation. (*See, e.g.*, D.10‑06‑046.) Here, the Decision examined this concern, did not discount requested costs as recommended by Sierra Club and UCS, but did include a caution to SoCalGas that ratepayer funds are *not* to be used to contravene implementation of legislation to achieve state climate goals. In additional, several Commissioners commented at the Voting Meeting—affirming this point in response to the concerns raised by Sierra Club and UCS. | From Decision:  “**Sierra Club** and UCS recommend reductions for both non‑shared and shared forecasts for Policy & Environmental Solutions but do not recommend a specific amount. Both parties add that the P&ES group has sought to block measures by state agencies and local governments to replace natural gas uses with electric options as a means of reducing reliance on fossil fuels. Sierra Club and UCS also state that SoCalGas should not recover costs for activities before state agencies and local government agencies related to the development of climate policy and GHG reduction measures.” (D.19‑09‑051 at 376 (emphasis added).)  “Regarding **Sierra Club’s** and UCS’ objections to the funding for both non‑shared and shared P&ES groups, we reviewed the various comment‑letters sent by SoCalGas to state and local government agencies that were identified by **Sierra Club** and UCS as constituting lobbying activities aimed at promoting natural gas use over electric options as a means of reducing fossil fuel reliance.” (D.19‑09‑051 at 379 (emphasis added).)    “Some of the letters include information on the benefits of natural and renewable gas options or suggest consideration of these options but we find that these are generally informational as opposed to what **Sierra Club** and UCS suggest. To the extent that SoCalGas utilizes ratepayer funds on expenditures that go beyond providing information about natural gas and constitute inappropriate political activity, the Commission will address such activities in the appropriate proceeding. Furthermore, the Commission reminds SoCalGas that any informational or educational material funded by ratepayers should not contravene the State’s implementation of adopted legislation furthering programs to incentivize low emission buildings and increasing transportation electrification to achieve the state’s climate goals.” (D.19‑09‑051 at 380 (emphasis added).)  At the September 26, 2019 Commission Voting Meeting when the Decision was discussed and adopted, both Commissioner Guzman Aceves and Commissioner Rechtschaffen addressed this issue. *See* http://www.adminmonitor.com/ca/cpuc/ voting\_meeting/20190926/ at 24:20 (regarding conformity with state decarbonization laws, Commissioner Guzman Aceves stating “We need the partnership of the gas company and SDG&E but we need it in an honest way. So I think you for the amendment to including very stern language to ensure that those resources are not used against fighting for our climate goals”), at 27:52 (Commissioner Rechtschaffen stating “I was concerned by party comments about the use of ratepayer dollars to oppose state climate goals. I think it’s important that in this decision, Commissioner Randolph included language reiterating that SoCalGas is not permitted to use money in its customer strategy and engagement budget or for its Policy & Environmental Solutions Group inappropriately. In particular, that means not to be used in opposition to established state policy goals promoting building electrification and transportation”). | Verified |
| **4. North‑South Pipeline Costs**  Sierra Club opposed the request for over $21 million in costs associated with SoCalGas’ application for approval of the North‑South Pipeline that was rejected by the Commission as unneeded in D.16‑07‑015. Sierra Club argued that Commission precedent was clear that a utility cannot recover costs for a project that is not used and useful and that approval of these costs would improperly encourage proposal for costly and unnecessary fossil fuel infrastructure projects. (*See, e.g.*, Sierra Club/UCS Opening Br. 6–7.) Consistent with Sierra Club’s arguments, D.19‑09‑051 rejected the requested costs in their entirety. | From Decision:  “ORA, Lancaster, TURN, SCGC, and **Sierra Club** and UCS oppose any recovery for the North‑South project consistent with D.16‑07‑015.” (D.19‑09‑051 at 118 (emphasis added).)  “[W]e find that recovery of costs for an abandoned project is different from recovery of costs for a denied project. An abandoned project generally presupposes that the project had been previously authorized or approved which is not the case for a denied project. The Commission definitively concluded in D.16‑07‑015 that SoCalGas had not demonstrated a need for the proposed North‑South pipeline project and that ratepayers not be burdened with any of the costs associated with the project.” (D.19‑09‑051 at 120.) | Verified |

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

|  | **Intervenor’s Assertion** | **CPUC Discussion** |
| --- | --- | --- |
| **a. Was the Public Advocates Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?[[2]](#footnote-2)** | Yes. | Verified |
| **b. Were there other parties to the proceeding with positions similar to yours?** | On some positions. | Verified |
| **c. If so, provide name of other parties:** UCS, The Utility Reform Network (“TURN”), Public Advocates Office | | Verified |
| **d. Intervenor’s claim of non‑duplication:** Sierra Club partnered with UCS in this proceeding to efficiently raise environmental concerns without duplication. All filings and testimony were done jointly; attorney Matthew Vespa jointly represented Sierra Club and UCS to minimize duplication of attorney time and Sierra Club witness Rachel Golden and UCS witness James O’Dea each provided a unique contribution to testimony based on their respective expertise in building and vehicle electrification.  Consistent with its environmental mission and expertise, Sierra Club also targeted its approach to the GRC to issues that implicated these concerns and brought this perspective to bear to enable non‑duplicative contributions in areas where other parties also engaged. For example, while TURN shared Sierra Club and UCS’ concerns with SoCalGas proposed investments in NGVs and refueling stations, TURN approached the issue from an operational need perspective, while Sierra Club and UCS emphasized inconsistency with state climate objectives and vehicle electrification policy. In this way, efforts were complementary and non‑duplicative. Other issues raised by Sierra Club and UCS, such as use of ratepayer funds to undermine electrification of gas ends uses, were unique to Sierra Club and UCS and therefore non‑duplicative.  On the issue of objecting to SoCalGas’ request for ratepayer funds for costs of the North‑South Pipeline, which multiple intervenors were engaged on, Sierra Club and UCS spent minimal time, registered its concerns, and provided a unique perspective regarding the perverse incentive approval of these costs would have on encouraging utilities to continue to proposed unneeded fossil fuel infrastructure projects. | | Noted |

1. **Additional Comments on Part II: *(use line reference # or letter as appropriate)***

| **#** | **Intervenor’s Comment** | **CPUC Discussion** |
| --- | --- | --- |
| B(d) | Per Sierra Club’s Notice of Intent to Claim Intervenor Compensation (“iComp Notice”), this Intervenor Compensation Claim (“iComp Claim”) seeks recovery of all time spent by attorney Matthew Vespa, who jointly represented Sierra Club and UCS in this proceeding as well as that of litigation assistants Mario A. Luna and Nicolas Thorpe, who assisted in the review and preparation of joint filings. The UCS Intervenor Compensation Claim will only seek recovery for the contribution of UCS witness James O’Dea. | Noted |

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

|  | **CPUC Discussion** |
| --- | --- |
| **a. Intervenor’s claim of cost reasonableness:**  Sierra Club (and UCS) joint participation in this proceeding contributed to ratepayer savings that far exceed the cost of our participation. For example, SDG&E sought $2.3 million for each of two requested NGV refueling stations, which Sierra Club and UCS successfully opposed. Similarly, the requested cost of the new NGV refueling stations was reduced from $18.799 million for TY 2019 to $7.542 million (Exh. 188 (Herrera Revised Testimony at CLH‑53); D.19‑09‑051 at 410.)  Beyond monetary savings, Sierra Club (and UCS) participation improved transparency and accountability. The Decision imposes oversight over SoCalGas’ RD&D program for the first time in response to Sierra Club and UCS’ concerns, and the Decision emphasizes the importance of SoCalGas not using ratepayer funds in a manner inconsistent with California’s climate objectives. | Noted |
| **b. Reasonableness of hours claimed:** Sierra Club (and UCS) involvement in this proceeding involved multiple data requests, an investigation to present examples of SoCalGas’ rate‑based communications, and advocacy that in Sierra Club and UCS’ view undermines state climate objectives, rebutting numerous legal and factual assertions used to justify the need for new NGVs and refueling stations, the preparation of 45 pages of detailed testimony with over 200 footnotes to provide factual support for Sierra Club and UCS positions, the need to respond to a Motion to Strike by SoCalGas that was largely rejected, briefing, and PD comments. Dual representation by attorney Matthew Vespa for both Sierra Club and UCS (pursuant to Sierra Club’s iComp Notice, Mr. Vespa’s time is only being sought in this iComp Claim), allowed for increased efficiency. Given the breadth and detail of the work in the proceeding, total request hours are reasonable.  Sierra Club (and UCS) leanly staffed this proceeding with two litigation assistants, Mario A. Luna and Nicolas Thorpe. The work product of Mr. Luna and Mr. Thorpe was at the level and skill of a person trained in the paralegal profession, in particular their ability to check citations, refine expert testimony, and proofread documents. Their time records reflect paralegal work and not clerical or administrative work, which is not compensated per the Commission’s Intervenor Compensation Guide and past decisions. (*See, e.g.*, D.98‑11‑049; D.08‑09‑034; D.12‑06‑012.) Mr. Vespa reviewed Mr. Luna and Mr. Thorpe’s time records and removed time that he thought might be construed as excessive, clerical, or administrative. | Noted |
| **c. Allocation of hours by issue:**  Issue 1 (NGV Vehicles/Refueling): 30%  Issue 2 (RD&D Program): 10%  Issue 3 (Anti‑Electrification Advocacy/Marketing): 38%  Issue 4 (North‑South Pipeline): 3%  Issue 5 (General): 19%  (Calculations included in Attachment 2: Timesheet for Matthew Vespa) | Noted |

1. **Specific Claim:\***

| **Claimed** | | | | | | | | | **CPUC Award** | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **ATTORNEY, EXPERT, AND ADVOCATE FEES** | | | | | | | | | | | |
| **Item** | **Year** | **Hours** | | **Rate $** | **Basis for Rate\*** | | **Total $** | | **Hours** | **Rate $** | **Total $** |
| Matthew Vespa | 2017 | 19.7 | | $380 | D.19‑05‑015 | | $7,486 | | 19.70 | $380.00 | $7,486.00 |
| Matthew Vespa | 2018 | 365.5 | | $390 | D.19‑05‑015 | | $142,545 | | 365.50 | $390.00 | $142,545.00 |
| Matthew Vespa | 2019 | 28 | | $400 | Comment 1 | | $11,200 | | 28.00 | $400.00  [1] | $11,200.00 |
| Alison Seel | 2018 | 181.3 | | $240 | D.19‑05‑015 | | $43,512 | | 181.30 | $240.00 | $43,512.00 |
| ***Subtotal: $204,743.00*** | | | | | | | | | ***Subtotal: $204,743.00*** | | |
| **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 $** |
| Mario A. Luna | 2017 | 2 | | $100 | Comment 2 | | $200 | | 2.00 | $100.00  [2] | $200.00 |
| Mario A. Luna | 2018 | 33.5 | | $100 | Comment 2 | | $3,350 | | 33.50 | $100.00 | $3,350.00 |
| Mario A. Luna | 2019 | 6 | | $105 | Comment 3 | | $630 | | 6.00 | $105.00  [3] | $630.00 |
| Nicolas Thorpe | 2017 | 1.5 | | $100 | Comment 4 | | $150 | | 1.50 | $100.00  [4] | $150.00 |
| Nicolas Thorpe | 2018 | 42.2 | | $100 | Comment 4 | | $4,220 | | 42.20 | $100.00 | $4,220.00 |
| ***Subtotal: $8,550.00*** | | | | | | | | | ***Subtotal: $8,550.00*** | | |
| **INTERVENOR COMPENSATION CLAIM PREPARATION \*\*** | | | | | | | | | | | |
| **Item** | | | | | | | | | | | |
|  | **Year** | **Hours** | | **Rate $** | **Basis for Rate\*** | | **Total $** | | **Hours** | **Rate** | **Total $** |
| Matthew Vespa | 2018 | 0.4 | | $195 | ½ rate | | $78 | | 0.40 | $195.00 | $78.00 |
| Matthew Vespa | 2019 | 8.6 | | $200 | ½ rate | | $1,720 | | 8.60 | $200.00 | $1,720.00 |
| Mario A. Luna | 2019 | 2 | | $50 | ½ rate | | $100 | | 2.00 | $50.00 | $100.00 |
| Nicolas Thorpe | 2019 | 8 | | $50 | ½ rate | | $400 | | 8.00 | $50.00  [5] | $400.00 |
| ***Subtotal: $2,298.00*** | | | | | | | | | ***Subtotal: $2,298.00*** | | |
| ***TOTAL REQUEST: $215,591*** | | | | | | | | | ***TOTAL AWARD: $215,591.00*** | | |
| \*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[[3]](#footnote-3)** | | | **Member Number** | | **Actions Affecting Eligibility (Yes/No?)**  **If “Yes”, attach explanation** | | | |
| Matthew Vespa | | | 2002 | | | 222265 | | No | | | |
| Alison Seel | | | 2014 | | | 300602 | | No | | | |

1. **Attachments Documenting Specific Claim and Comments on Part III:**

| **Attachment or Comment #** | **Description/Comment** |
| --- | --- |
| Comment 1 | The 2019 hourly rate for Matthew Vespa reflects a 2.35% cost‑of‑living adjustment (“COLA”) to his approved 2018 rate of $390, rounded to the nearest $5 increment, as approved in Resolution ALJ‑357. |
| Comment 2 | Sierra Club requests that the Commission adopt new hourly rates for first‑time representative and paralegal Mario A. Luna, a Senior Litigation Assistant for the Clean Energy Program at Earthjustice, at $100 per hour for 2017 and 2018 and $105 per hour for 2019. Earthjustice is a non‑profit public interest law firm dedicated to protecting people’s health, to preserving magnificent places and wildlife, to advancing clean energy, and to combatting climate change. Earthjustice receives no compensation for its representation and will only receive compensation for its services based on the award of intervenor compensation.  As noted in D.08‑04‑010, intervenor representatives who have not previously appeared before the Commission must make a showing in the compensation request to justify their proposed hourly rate. Mr. Luna has been a paralegal/legal assistant for eightyears and has spent 2.5 years working in the energy field at Earthjustice assisting attorneys, experts, and clients at public utility commissions across the country, including this Commission in over 14 utility applications, rulemakings, and investigations. As a paralegal, Mr. Luna has been assigned and completed various projects, such as drafting motions; editing data requests and responses; cite checking, proofreading, and reviewing expert testimony, briefs, comments, and other filings; ensuring all commission rules are being met; as well as conducting factual and technical research. As such, Mr. Luna’s requested rates of $100 per hour for 2017 and 2018 and $105 per hour for 2019 are reasonable, especially considering the rates awarded other representatives with comparable training and experience, and performing similar services. (*See, e.g.*, D.08‑04‑010; D.05‑11‑031; Pub. Util. Code § 1806.)  Mr. Luna holds a Bachelor’s degree in Political Science and Sustainable Development from Columbia University in 2011 and is currently pursuing a Juris Doctorate degree at Georgetown University Law Center (expected 2022). Please see Attachment 6 for Mr. Luna’s full resume. |
| Comment 3 | The 2019 hourly rate for Mario A. Luna reflects a 2.35% COLA approved in Resolution ALJ‑357 to his requested 2018 hourly rate of $100 and also factors in the 2.30% COLA approved in Resolution ALJ‑352, rounded to the nearest $5 increment. |
| Comment 4 | Sierra Club requests that the Commission adopt new hourly rates for first‑time representative and paralegal Nicolas Thorpe, a Senior Litigation Assistant for the Clean Energy Program at Earthjustice, at $100 per hour for 2017 and 2018 and $105 per hour for 2019.  As noted in D.08‑04‑010, intervenor representatives who have not previously appeared before the Commission must make a showing in the compensation request to justify their proposed hourly rate. Mr. Thorpe has two years of paralegal experience in the energy field and two years of research and policy experience in the environmental field. As a paralegal at Earthjustice, Mr. Thorpe has assisted attorneys, experts, and clients at public utility commissions across the country, including this Commission in over 11 utility applications, rulemakings, and investigations. As a paralegal, Mr. Thorpe has been assigned and completed various projects, such as drafting motions; editing data requests and responses; cite checking, proofreading, and reviewing expert testimony, briefs, comments, and other filings; ensuring all commission rules are being met; as well as conducting factual and technical research. As such, Mr. Thorpe’s requested rates of $100 per hour for 2017 and 2018 and $105 per hour for 2019 are reasonable, especially considering the rates awarded other representatives with comparable training and experience, and performing similar services. (*See, e.g.*, D.08‑04‑010; D.05‑11‑031; Pub. Util. Code § 1806.)  Mr. Thorpe holds a Bachelor’s degree in Political Science and Environmental Policy from Rice University in 2015. Please see Attachment 7 for Mr. Thorpe’s full resume. |
| Comment 5 | The 2019 hourly rate for Nicolas Thorpe reflects a 2.35% COLA approved in Resolution ALJ‑357 to his requested 2018 hourly rate of $100 and also factors in the 2.30% COLA approved in Resolution ALJ‑352, rounded to the nearest $5 increment. |
| Attachment 1 | Certificate of Service |
| Attachment 2 | Timesheet for Matthew Vespa |
| Attachment 3 | Timesheet for Alison Seel |
| Attachment 4 | Timesheet for Mario A. Luna |
| Attachment 5 | Timesheet for Nicolas Thorpe |
| Attachment 6 | Resume of Mario A. Luna |
| Attachment 7 | Resume of Nicolas Thorpe |

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

| **Item** | **Reason** |
| --- | --- |
| [1] | Adopting $400 rate for 2019. New rate based on $390 2018 rate adjusted to reflect ALJ‑357 (2.35% COLA). |
| [2] | Adopting $100 rate for 2017. Luna’s rate was based on his 8 years of experience as a legal assistant and 2.5 years of experience working in the energy field assisting attorneys, experts and public utilities commissions customers across the country. Rate requested is below the tier for an expert for 2017, hence we find it reasonable. |
| [3] | Adopting $105 rate for 2019. New rate based on $100 2018 rate adjusted to reflect ALJ‑357 (2.35% COLA). |
| [4] | Adopting $100 rate for 2017. Thorpe’s rate was based on his 2 years of paralegal, energy field and research and policy experience. Rate requested is below the tier for an expert for 2017, hence we find it reasonable. |
| [5] | Adopting $105 rate for 2019. New rate based on $102 2018 rate (rounded off to nearest five which equaled to $100 and was adopted) adjusted to reflect ALJ‑357 (2.35% COLA). |

**PART IV: OPPOSITIONS AND COMMENTS**

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

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

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

**FINDINGS OF FACT**

1. Sierra Clubhas made a substantial contribution to D.19‑09‑051.
2. The requested hourly rates for Sierra Club’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 $215,591.00.

**CONCLUSION OF LAW**

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

**ORDER**

1. Sierra Club shall be awarded $215,591.00.
2. Within 30 days of the effective date of this decision, San Diego Gas & Electric Company, and Southern California Gas Company shall pay Sierra Club their respective shares of the award, based on their California‑jurisdictional, electric and gas revenues for the 2018 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data is unavailable, the most recent, electric and gas 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 February 3, 2020, the 75th day after the filing of Sierra Club’srequest, and continuing until full payment is made.
3. The comment period for today’s decision is waived.

This decision is effective today.

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

**APPENDIX**

**Compensation Decision Summary Information**

|  |  |  |  |
| --- | --- | --- | --- |
| **Compensation Decision:** |  | **Modifies Decision?** | No |
| **Contribution Decision(s):** | D1909051 | | |
| **Proceeding(s):** | A1710007, A1710008 | | |
| **Author:** | ALJ Rafael Lirag & ALJ Manisha Lakhanpal | | |
| **Payer(s):** | San Diego Gas & Electric Company & Southern California Gas Company | | |

**Intervenor Information**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Intervenor** | **Date Claim Filed** | **Amount Requested** | **Amount Awarded** | **Multiplier?** | **Reason Change/Disallowance** |
| Sierra Club | Nov. 20, 2019 | $215,591 | $215,591.00 | N/A | *See* CPUC Comments, Disallowances, and Adjustments above. |

**Hourly Fee Information**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **First Name** | **Last Name** | **Attorney, Expert, or Advocate** | **Hourly Fee Requested** | **Year Hourly Fee Requested** | **Hourly Fee Adopted** |
| Matthew | Vespa | Attorney | $380 | 2017 | $380.00 |
| Matthew | Vespa | Attorney | $390 | 2018 | $390.00 |
| Matthew | Vespa | Attorney | $400 | 2019 | $400.00 |
| Alison | Seel | Attorney | $240 | 2018 | $240.00 |
| Mario A. | Luna | Paralegal | $100 | 2017 | $100.00 |
| Mario A. | Luna | Paralegal | $100 | 2018 | $100.00 |
| Mario A. | Luna | Paralegal | $105 | 2019 | $105.00 |
| Nicolas | Thorpe | Paralegal | $100 | 2017 | $100.00 |
| Nicolas | Thorpe | Paralegal | $100 | 2018 | $100.00 |
| Nicolas | Thorpe | Paralegal | $105 | 2019 | $105.00 |

**(END OF APPENDIX)**

1. All statutory references are to California Public Utilities Code unless indicated otherwise. [↑](#footnote-ref-1)
2. The Office of Ratepayer Advocates was renamed the Public Advocates Office of the Public Utilities Commission pursuant to Senate Bill No. 854, which the Governor approved on June 27, 2018.  [↑](#footnote-ref-2)
3. This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>. [↑](#footnote-ref-3)