

Decision 20-10-024 October 22, 2020

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Adopt Rules and Procedures Governing Commission-Regulated Natural Gas Pipelines and Facilities to Reduce Natural Gas Leakage Consistent with Senate Bill 1371.

Rulemaking 15-01-008

DECISION GRANTING INTERVENOR COMPENSATION TO THE ENVIRONMENTAL DEFENSE FUND FOR SUBSTANTIAL CONTRIBUTION TO RESOLUTION G-3538

Intervenor: Environmental Defense Fund	For contribution to Resolution G-3538
Claimed: \$165,746.75	Awarded: \$160,829.75 (reduced by 3%)
Assigned Commissioner: Clifford Rechtschaffen	Assigned ALJ: Colette Kersten

PART I: PROCEDURAL ISSUES

A. Brief description of Resolution:	The Resolution represents the culmination of over a year’s worth of effort by the Commission, the California Air Resources Board, the utilities, and EDF to implement Decision 17-01-015, which directed utilities to develop plans to ensure compliance with the 26 Best Practices to reduce methane leaks (“Compliance Plans”). Decision 17-01-015 also directed Commission and CARB staff to solicit and consider parties’ comments on the annual reporting data of the utilities and the annual reporting template developed by the Commission for use in a Joint Staff annual report which would be used during the consideration of Compliance Plan adoption. Resolution G-3538 approves the utilities’ Compliance Plans and forecasts as filed in their Advice Letters with some modifications. It also provides that all
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	<p>proposed Pilot and Research and Development (R&D) programs will be subject to regular progress review by the Commission Safety and Enforcement Division (SED) staff with utility representatives not less than every six months. It provides SED with the authority to direct the utilities to discontinue any project that is determined to be no longer in the ratepayers’ interest. Further, the Resolution requires each utility to submit a written evaluation of the result of each Pilot and R&D project prior to submitting the next compliance plan. Finally, the Resolution limits the term of the Compliance Plans to 2020 subject to re-evaluation every two years.</p>
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812¹:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	June 8, 2015; second PHC held for Phase 2 on August 24, 2017	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	July 6, 2015; amended Sept. 25, 2017	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.17-10-007/A.17-10-008	Verified
6. Date of ALJ ruling:	September 10, 2018	Verified
7. Based on another CPUC determination (specify):		
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.17-10-007/A.17-10-008	Verified

¹ All statutory references are to California Public Utilities Code unless indicated otherwise.

	Intervenor	CPUC Verification
10. Date of ALJ ruling:	September 10, 2018	Verified
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	Resolution G-3538	Verified
14. Date of issuance of Final Order or Decision:	October 11, 2018	Verified
15. File date of compensation request:	December 10, 2018	Verified
16. Was the request for compensation timely?		Yes

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

#	Intervenor’s Comment(s)	CPUC Discussion
1. & 3.	EDF filed a NOI in R.15-01-008 (Order Instituting Rulemaking to implement the provisions of Senate Bill (SB) 1371). During Phase I of R.15-01-008, EDF actively participated and was awarded intervenor compensation in D.18-03-033 for its substantial contribution to D.17-06-015. EDF then filed an amended NOI at the start of Phase II. As recognized in this Resolution, D.17-06-015 directed the utilities to file Advice Letters. In addition, the Decision provided for workshops and gave direction for the Compliance Plans. As this Resolution approves the utilities’ Compliance Plans and forecasts as filed in their Advice Letters, the amended NOI filed in R.15-01-008 provides the relevant information about EDF.	Verified

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
<p>EDF worked to ensure Compliance Plans effectively implemented D.17-06-015 by participating in the Best Practices Working Group, collaborating with Commission Staff and Commissioner Rechtschaffen, and working cooperatively with the utilities and other intervenors.</p>	<p>Resolution G-3538 authorizes the utilities to spend over \$300 million for the two-year natural gas leak abatement program. Resolution at 1. Over the course of 16 months since Decision D.17-06-015 and prior to the adoption of Resolution G-3538, EDF worked with PUC staff and utilities to ensure that the Compliance Plans made substantial progress in implementing Decision D.17-06-015 and achieving the goals of SB 1371. EDF was the only environmental group to participate in the proceeding and assisted the SED, the Commission, and the utilities by providing data analysis of leakage and research analysis of the science of leak-detection technology. EDF spent its time and resources to ensure that this massive investment achieves the environmental results envisioned by SB 1371 and is the best and most efficient use of resources from an environmental perspective. As it did in Phase I of R.15-01-008 where it was awarded intervenor compensation for its substantial contribution to D.17-06-015 (see 18-03-033), EDF here served as a check on the utilities regarding environmental and data issues and its requested compensation is only a small fraction of the entire cost of the comprehensive program.</p>	<p>Verified via EDF timesheets.</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	<p>Before the Compliance Plans were even submitted to the PUC, EDF had numerous conversations and meetings with PG&E, SoCalGas, and SDG&E to discuss methods to identify and repair methane leaks, to enhance leak detection, and to develop public maps of leaks and emissions. For example, as part of its environmental mission, EDF promoted finding and fixing the largest leaks as quickly as possible based on evidence that a small number of large leaks is responsible for the majority of methane emissions. EDF had multiple calls with PG&E regarding the development of its favorably referenced Super Emitter Plan (see Resolution G-3538 (Oct. 11, 2018) at 8, 24-25 (“Resolution”)) as well as its predictive analytics. See Timesheet Entries for EF and TO (12/21/17, 1/8/2018, 1/11/2018, 1/18/2018, 5/21/2018), included as Attachment 22. EDF’s work substantially contributed to the development of PG&E’s Super Emitter Plan and furthered the goal of reducing emissions of methane, a potent environmental hazard.</p> <p>EDF also had multiple calls with SoCalGas regarding its 1371 Compliance Plan. Timesheet Entries for EF and TO (2/27/2018, 3/6/18, 4/18/2018).</p> <p>Although EDF continued to push for and achieve additional improvements during the PUC’s review process, as a result of EDF’s efforts, the utilities were able to improve their Compliance Plans prior to submission.</p> <p>EDF also participated in the Best Practices Working Group.</p>	

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	<p>“SED reviewed the PG&E Compliance Plan in collaboration with California Air Resources Board (CARB) and considered comments received from members of the Best Practices Working Group⁸.” “fn8: Working Group members who gave informal comments are the Environmental Defense Fund (EDF) and the Coalition for Utility Employees (CUE).” Resolution at 21-22 (Attachment A: SED Evaluation Report For Pacific Gas and Electric Company 2018 Leak Abatement Compliance Plan).</p> <p>Similar citations at Resolution at 29, 34 (Attachment B: SED Evaluation Report For San Diego Gas & Electric Company 2018 Leak Abatement Compliance Plan and Attachment C: SED Evaluation Report For Southern California Gas Company 2018 Leak Abatement Compliance Plan, respectively).</p> <p>EDF also urged the Commission to ensure that environmental considerations continue to inform its review of the Compliance Plans moving forward.</p> <p>“We acknowledge EDF’s drive to eliminate the utilities’ Grade 3 backlog leaks, but we are concerned about the continued increasing rates imposed on ratepayers.” Resolution at 9.</p> <p>Despite not authorizing the full amount for the Grade 3 leak backlog program requested by PG&E, the Commission</p>	

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	<p>and SED will continue to monitor PG&E’s Grade 3 leak backlog and address it again in the 2020 Compliance Plan: “SED is concerned that the Grade 3 below-ground leak backlog repair program is excessively costly relative to the expected emission reduction, especially compared to the Super Emitter program. As explained further below, SED recommends that PG&E should modify BP-21 so that the Grade 3 below-ground program will spend no more than half the requested ratepayer funding while collecting data on repair costs and emissions reduction for evaluation of cost effectiveness for remaining backlog repairs in the next compliance plan period.” Resolution at 21.</p> <p>“Further evaluation will also allow comparison with other ways to reduce methane emissions that may be identified through the R&D/pilots, and that may be more cost-effective. Therefore, pursuant to D.17-06-015, SED grants an exemption to the goal of eliminating the backlog of Grade 3 leaks within 3 years due to costly repairs (Order, ¶ 5 at p.159) and recommends that the Commission should authorize one-half the requested funds for this program. With those funds, PG&E should prioritize repairs of Grade 3 leaks based on highest emission reduction for lowest cost, where possible. The remaining backlog of Grade 3 leaks should be addressed in the 2020 Compliance Plan based on actual cost-effectiveness experience learned from this initial effort, combined with</p>	

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	information gained from the various research projects.” Resolution at 25.	
EDF developed comprehensive analysis on utility leak reports for use and incorporation into CARB and Commission annual staff report and consideration in adoption of Compliance plans.	See timesheets for experts Hillary Hull, Renee McVay, and Scott Roycroft showing their preparation and presentation to CARB Staff on July 31, 2017 prior to development and submission of Compliance Plans. EDF also provided formal written comments to the Commission dated December 12, 2017, included as Attachment 7.	Verified via EDF timesheets.
Participated in Technical Workshops – EDF attended and actively participated in the August 1, 2017 and April 19, 2018 workshops in the proceeding, and its ideas were fundamental to shaping the workshops and subsequent outcomes, as detailed below.	<p>“SED held a workshop on August 1, 2017 to develop a standardized template for the Compliance Plans and to review the Commission requirements for R&D and Pilot Projects.” Resolution at 4.</p> <p>“The utilities also presented a review of the major elements of their individual Compliance Plans at the April 19th workshop, which was attended by both EDF and CUE.” Resolution at 7.</p> <p>See timesheet entries for Timothy O’Connor (TO) on 7/4/2017, 7/5/2017, 7/7/2017, 7/12/2017, 7/13/2017, 7/20/2017, 8/1/2017 showing EDF’s preparation for and attendance at the August 1, 2017 workshop. EDF helped SED and the utilities develop the standardized reporting template. See Resolution at 4.</p> <p>See timesheet entries for Ellison Folk (EF) and TO from 4/8/2018 to 4/19/2018 showing EDF’s preparation for and attendance at the April 19, 2018 workshop.</p>	Verified via EDF timesheets.

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>EDF influenced the Commission and SED in its requirement for all the utilities to provide a more comprehensive analysis of how each intends to meet the 2030 40% reduction goal.</p>	<p>“SDG&E’s Compliance Plan includes estimated reduction by 2020 but does not discuss how the 40% by 2030 reduction will be impacted. SDG&E should provide a comprehensive in-depth analysis in its 2020 Compliance Plan on meeting the 2030 goals...” Resolution at 11-12.</p> <p>“SED expects the 2020 Compliance plan will provide a comprehensive in-depth analysis for how SDG&E plans to meet the 2030 goal. While the 2018 Plan discusses best-practice reduction programs and gives short-term reduction estimates, the steps to achieve the 40% reduction by 2030 goal are not sufficiently addressed. There should be a continuing effort to identify new opportunities for reduction including ideas that go beyond the current set of Best Practices. SED expects the 2020 Compliance plan will provide a comprehensive in-depth analysis for how SDG&E plans to meet the 2030 goal...” Resolution at 28.</p> <p>“While estimated reductions by 2020 are presented, SDG&E does not discuss how the 40% by 2030 reduction will be achieved as required in the Decision. SED expects the 2020 Compliance plan will provide a comprehensive in-depth analysis for how SDG&E plans to meet the 2030 goal...” Resolution at 30.</p> <p>“However, PG&E does not specify how the 40% by 2030 reduction will be achieved as required in the Decision. SED expects the 2020 Compliance plan</p>	<p>Verified via EDF timesheets.</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	<p>will provide a more comprehensive analysis for how PG&E plans to meet the 2030 goal...” Resolution at 21.</p> <p>“SoCalGas does not specify how the 40% by 2030 reduction will be achieved as required in the Decision. SED expects the 2020 Compliance plan will provide a more comprehensive analysis for how SoCalGas plans to meet the 2030 goal...” Resolution at 36.</p> <p>“The Plans Need to Show Greater Progress Toward Reaching the 40 Percent Target for Reductions in Emissions. Although it declined to set a hard target for emissions reductions, in D.17-06-015 the Commission agreed to establish an initial goal of 40 percent reductions in emissions over 2013 levels. This decision was based on consideration of briefs submitted by the parties, including EDF, and supported by the notion that the Commission may make the reduction goal an enforceable standard in the future. Unfortunately, none of the plans come close to the mark of reaching 40% reduction goal. Based on this gap between utility planned reductions and the 40% goal, it appears that the plans as written do not set the stage for the Commission to move forward with an enforceable standard at the next plan update, and therefore do a disservice to the Commission’s stated long-term interest in emissions reductions from the sector.” Informal Comments of the Environmental Defense Fund on utilities 1371 Compliance Plans (June 1, 2018)</p>	

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	<p>at 1-2 (“EDF Comments on 1371 Plans”), included as Attachment 3.</p> <p>“In general, EDF believes that PG&E’s 1371 Plan represents an important step forward in addressing methane emissions. However, as noted above, EDF is concerned that PG&E’s plan—like those of the other utilities—does not come close to meeting the 40 percent reduction target.” EDF Comments on 1371 Plans at 21.</p> <p>“Although it declined to set a hard target for emissions reductions in Decision 17-06-015, the Commission agreed to establish an initial goal of 40 percent reductions in emissions over 2013 levels. This decision recognized the goal of SB 1383 to achieve a 40 percent reduction in methane emissions by 2030. The plans from the 3 major utilities indicate that they anticipate methane reductions between 16 and 18 percent by 2020. Because this is still far from the 40 percent reduction goal, the Resolution recognizes the importance continuing to evaluate and improve on the plans by providing that the next round of plans in 2020 “provide a comprehensive, in-depth analysis for additional details for meeting the 2030 goal.” EDF agrees that the success of the plans depends on an iterative process whereby utilities implement identified measures, assess their effectiveness, and adopt new measures, incorporate new technologies, or improve upon existing ones to ensure that emissions reductions continue to occur. For this reason, it is critical that utilities and the Commission</p>	

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	<p>remain committed to ensuring the plans are actually effective in achieving meaningful reductions in methane emissions year after year.” EDF Comments on Draft Resolution G-3538 (Oct. 1, 2018) at 2 (footnotes omitted) (“EDF Comments on Draft Resolution”), included as Attachment 2.</p> <p>Slides 6 and 29, discussing the reduction target and the utilities’ lack of plans to achieve a 40% reduction below 2013 levels by 2030. EDF/CUE Presentation re SB 1371 Compliance Plans Review (Presentation before CPUC and parties in R.15-01-008), April 19, 2018 (“EDF Workshop Presentation”), included as Attachment 6.</p> <p>See EDF’s Scorecard of 1371 Compliance Plans, rows 1 and 2 (“EDF Scorecard”), submitted to the SED on June 19, 2018, included as Attachment 5. The scorecard shows that none of the plans as proposed laid out a road map to achieve a 40% reduction by 2030.</p>	
<p>EDF influenced the Commission and SED in its decision to require detailed project summaries for the pilot and R&D programs.</p>	<p>“SED reviewed the proposed Pilot and R&D projects according to PU Code 740.1 and considered suggestions and comments made by interested parties. SED asked PG&E to present detailed Project Summaries to provide project information in a standardized format developed jointly by SED, PG&E, and SCG.” Resolution at 26.</p> <p>“SED reviewed the proposed Pilot and R&D projects according to PU Code</p>	<p>Verified via EDF timesheets.</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	<p>740.1 and considered suggestions and comments made by interested parties. SED asked SoCalGas to present detailed Project Summaries to provide project information in a standardized format, developed jointly by SED, PG&E and SoCalGas.” Resolution at 40.</p> <p>“Given the large number of pilot programs and the fact that utilities will rely on them as their primary mode of compliance for BPs 17-20a, the Commission must require more rigorous criteria for evaluating these programs. As a potential model for the Commission to assess pilot programs, PG&E includes in its draft plan a template of questions to ask about each pilot and how it fits with existing practices. Issues addressed by the PG&E template include whether the project will provide data that can serve as the basis for future actions and how the pilot relates to existing work. While the general framework of this template (a series of ex-ante questions aimed at each pilot individually) could serve as a model for all of the utilities in so far as it requires the utility to evaluate each pilot project in a transparent manner, the PG&E template, like all other utility proposals for pilots falls far short of expectations because it does not any include specific metrics for conducting ex-post assessments of the effectiveness of pilot programs. Without specifying up front what data will be analyzed to assess the effectiveness of each pilot, the Commission cannot be sure the data will be collected, or that it will be in a form useable by the Commission for comparative assessments between</p>	

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	<p>utilities.” EDF Comments on 1371 Plans at 5-6.</p> <p>“Although SED, CARB, and the utilities have discussed a template to assess the effectiveness of pilot programs and R&D, the draft template is still too vague, and to the best of our knowledge, was developed without input from parties to the proceeding, like EDF and the Coalition for Utility Employees (“CUE”), or with the help of outside experts knowledgeable in the field of emerging technology for utility leak inspection. EDF, in consultation with Joe von Fischer at Colorado State University, therefore developed an initial series of metrics that should be applied when assessing the value of various research proposals. These metrics, which are set forth in table 2 below, ask specific questions relevant to the issue the technology is designed to address.” EDF Comments on 1371 Plans at 6 (See Table 2 in the attached Comments).</p> <p>“EDF recommends therefore that any decision by the Commission to adopt utility leak reduction plans that include pilots should specify that prior to adopting any plan update in 2020, any extension of a pilot project, or any alternate pilot project, each existing pilot must be rigorously assessed for effectiveness based on, at a minimum the metrics developed for that class of pilot.” EDF Comments on 1371 Plans at 8.</p>	

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	<p>“EDF also believes that PG&E could improve its template for evaluating pilot and research programs to include more specific and quantifiable data assessment and it should not neglect institutional changes, such as job descriptions, that support methane reduction efforts.” EDF Comments on 1371 Plans at 21-22.</p> <p>“All of the 1371 plans also incorporate a number of pilot programs and research and development to test new technologies. At their core, research and pilot programs being conducted by utilities as an alternative to implementing a particular best practice should afford both the Commission and utility implementing it with enough information to know whether the piloted activity would be effective as a permanent wide-spread practice going forward. Throughout the development of the 1371 plans, EDF has pushed to ensure that if utilities are testing new technology and methods, they should only do so for the time period necessary to evaluate the practice, and they should provide the metrics upon which to base their decision to adopt new technologies or not. The Resolution recognizes the importance of holding utilities accountable for the expenditure of ratepayer funds on research and pilot programs and ensuring that these programs are closely monitored and evaluated.” EDF Comments on Draft Resolution at 3-4.</p> <p>Slide 7: discussing the fact that the pilot programs were required to include</p>	

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	<p>implementation timelines and evaluation criteria. “D.17-06-015: recognizes that pilot projects may be useful for overcoming challenged with some BPs, but also says that that the outcome of the pilots must allow for review lessons learned and outcomes with the intent to analyze whether full-scale deployment or alternative Best Practices or other research may be desirable. For any proposed R&D and/or Pilot programs, <u>implementation timelines, and evaluation criteria shall be proposed.</u> Approval of pilots will require the submission of cost and emission reduction information” EDF Workshop Presentation at Slide 7.</p> <p>EDF Scorecard, pg. 1 rows 4-5. The scorecard rates the plans as proposed as to whether there are sufficient metrics for project evaluation on emissions, cost, and technological feasibility grounds.</p>	
<p>While the Commission did not fully adopt EDF’s recommendation to require SoCalGas to complete 3-year leak surveys under BP 15, it did strongly caution SoCalGas that if it failed to achieve the targeted reductions, a more stringent approach would be warranted.</p>	<p>“We approve SoCalGas’ proposed large leak repair program, but again caution that, should the program fail to achieve the targeted results, a more stringent approach may be adopted in the future.” Resolution at 11.</p> <p>“SED approves the proposed approach to BP 15, but cautions that should the program fail to achieve targeted reductions, there might be a more stringent approach adopted for the future.” Resolution at 38.</p> <p>“Given the lack of evidence to support SoCalGas’s request for an exception,</p>	<p>Verified via EDF timesheets.</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	<p>lack of any alternative proposal such as meaningful use of predictive tools and combined with new information indicating that even a three-year cycle may not be adequate, the Commission should deny SoCalGas’s request for an exception to BP 15.” EDF Comments on 1371 Plans at 13.</p> <p>“While EDF supports adoption of Resolution G-3538, it remains concerned that SED is recommending approval of an exemption from the three year survey requirement for Southern California Gas for plastic pipes installed after 1986 and its protected steel pipe. More frequent surveys are a critical element of the 1371 plans because, as noted by SED/CARB, “[i]ncreasing the frequency of leak surveys, as ordered by the CPUC in D.17-06-015, should reduce graded pipeline emissions, because leaks will be detected and repaired more quickly.” Frequent leak inspections reduce the time from leak initiation to discovery and enhance the overall safety of the system. For this reason, if SoCalGas’s request for an exemption is approved now, it should not continue indefinitely, and will need to be included in the next round of plans if SoCalGas is to be successful in reaching a 40 percent reduction by 2030.” EDF Comments on Draft Resolution at 3 (footnotes omitted).</p>	
<p>Protested the Advice Letters in order to require the utilities to add more pertinent information as noted by the Commission.</p>	<p>“On November 20, 2018, PG&E AL 3902-G, SDG&E AL 2621-G, and SoCalGas AL 5211-G were protested by . . . the Environmental Defense Fund (EDF). EDF also protested SoCalGas</p>	<p>Verified. Reference to EDF comments on Draft Resolution G-3538.</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	<p>AL 5211-G-B and SDG&E AL 2621-G-B.” Resolution at 5.</p> <p>“EDF argues in its protest to PG&E AL 3902-G that PG&E does not provide enough detail to evaluate whether the funding for the implementation of individual best practices is appropriate. EDF asks that more details be provided publicly on how the money is spent to allow parties to offer more concrete recommendations. In addition, while EDF recognizes that “super emitter” leaks should be prioritized, EDF recommends that Grade 3 backlog leaks should also be scheduled for repair if they are above a certain level.” Resolution at 5.</p> <p>“In its protests to SoCalGas AL 5211-G and SDG&E AL 2621-G, EDF argues that SoCalGas’ and SDG&E’s proposal to continue the five-year leak survey cycle for all but a subset of their pipelines is contrary to the finalized best practices in D.17-06-015. In addition, EDF argues that focusing increased leak surveys on pre-1986 pipelines will not ensure that plastic pipes will be in compliance with General Order 112-F. Finally, EDF requests additional details justifying costs provided by SoCalGas and SDG&E in their AL filings.” Resolution at 5-6.</p> <p>“On August 20, 2018, EDF filed a protest to SoCalGas’ Supplemental AL filing 5211-G-B and SDG&E’s Supplemental AL filing 2621-G-B. The Supplemental AL filings updated the</p>	

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	<p>total cost estimates in previous filings, due in part to the delayed implementation of their proposed two-year Compliance Plans which would now go beyond 2019. EDF reiterated its argument that SoCalGas and SDG&E do not provide enough details to evaluate the cost estimates associated with each BP in the Compliance Plans and references several areas of cost difference between previous filings and the Supplemental. EDF also argues that SoCalGas and SDG&E’s proposal for BP 15 does not comply with the Commission’s directive.” Resolution at 6.</p>	
<p>Commented on the draft Resolution.</p>	<p>“Comments to the Draft Resolution were filed on October 1, 2018 by PG&E, SoCalGas, SDG&E, CUE and EDF. Revisions were made in response to the comments received as discussed below.” Resolution at 13.</p> <p>“We share EDF’s concerns regarding cost effectiveness, however, SED has the authority to discontinue any project determined to be no longer in the ratepayers’ interest. As EDF noted in its comments to the draft resolution, we acknowledge that these Compliance Plans have a limited term through 2020 subject to re-evaluation every two years.” Resolution at 7.</p> <p>“EDF supports the draft resolution with minor revisions to provide additional guidance on the term of these Compliance Plans and the continued implementation of SB 1371.” Resolution at 13.</p>	<p>Verified. Reference to EDF comments on Draft Resolution G-3538.</p>

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? ²	The Public Advocate’s Office has not actively participated in Phase 2 of R.15-01-008.	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified
c. If so, provide name of other parties: Coalition of California Utility Employees (CUE)		Verified
d. Intervenor’s claim of non-duplication: As the only environmental organization in the proceeding, EDF’s advocacy was not duplicative of other parties’ efforts. EDF produced and delivered stand-alone analysis, documents, and comments during the proceeding, both informally with Commission and CARB staff and in protests, which focused on the issues of best practices, reporting requirements, natural gas leak targets, methane emissions, and remediation within the natural gas distribution system. EDF also coordinated with CUE to ensure that any presentations and comments were complementary and avoided duplication of effort.		Verified

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
a. Intervenor’s claim of cost reasonableness: EDF’s costs were reasonable for the extensive investigation, which lasted for over 16 months and involved attendance and participation in workshops, meeting and conferral with utilities on leak reduction plans as they were being developed, review of voluminous leak reports by all natural gas companies in CA, and coordination with two regulatory agencies overseeing the wholesale adoption of a first-of-its-kind natural gas leak abatement program. EDF carefully considered its advocacy and attempted to use cost-effective methods, and relevant experts, over the course of the proceeding.	Noted – as adjusted herein.

² 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.

	CPUC Discussion
b. Reasonableness of hours claimed: EDF worked diligently throughout the process to only spend a reasonable and prudent amount of time.	Noted – as adjusted herein.
c. Allocation of hours by issue: All of EDF’s work involved the overarching issues of best practices and reporting requirements under SB 1371. All of EDF’s work was designed to facilitate the adoption of best practices to minimize natural gas leakage and consequent methane emissions.	Noted – as adjusted herein.

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Ellison Folk (attorney)	2017	2.9	\$585	ALJ-345	\$1,696.50	2.9	\$585	\$1,696.50
Ellison Folk (attorney)	2018	119.5	\$585	ALJ-352	\$69,907.50	119.5	\$585	\$69,907.50
Timothy O’Connor (attorney)	2017	57.8	\$330	D.15-11-037 D.16-10-014 D.18-03-033	\$19,074.00	57.8	\$330	\$19,074.00
Timothy O’Connor (attorney)	2018	115.8	\$335	D.15-11-037 D.16-10-014 D.18-03-033 ALJ-352	\$38,793.00	115.8	\$335	\$38,793.00
Caitlin Brown (attorney)	2018	20.3	\$210	ALJ-352	\$4,263.00	20.3	\$210	\$4,263.00
Hillary Hull (expert)	2017	12.5	\$165	D.18-03-033	\$2,062.50	12.5	\$165	\$2,062.50
Scott Roycroft (expert)	2017	71.5	\$100	ALJ-345	\$7,150.00	71.5	\$100	\$7,150.00

CLAIMED						CPUC AWARD		
Renee McVay (expert)	2017	43.5	\$165	ALJ-345	\$7,177.50	43.5	\$165	\$7,177.50
Joe Von Fischer	2018	20.8	\$415	D.18-03-033 ALJ-345 ALJ-352	\$8,632.00	20.8	\$415	\$8,632.00
Subtotal: \$158,756.00						Subtotal: \$158,756.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Caitlin Brown (attorney)	2018	42.8	\$105	½ of 2018 Rate	\$4,494.00	12.7 [1]	\$105	\$1,333.50
Ellison Folk (attorney)	2018	5.1	\$292.50	½ of 2018 Rate	\$1,491.75	1.5 [1]	\$292.50	\$438.75
Timothy O'Connor (attorney)	2018	6	\$167.50	½ of 2018 Rate	\$1,005.00	1.8 [1]	\$167.50	\$301.50
Subtotal: \$6,990.75						Subtotal: \$2,073.75		
TOTAL REQUEST: \$165,746.75						TOTAL AWARD: \$160,829.75		
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate</p>								

CLAIMED			CPUC AWARD
ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR ³	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Timothy O'Connor	July 2007	250490	No
Ellison Folk	December 1990	149232	No
Caitlin Brown	December 2017	319210	No

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

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	EDF Comments on the Draft Resolution G-3538 (Oct. 1, 2018)
3	EDF Comments on the Utilities' 1371 Plans (June 1, 2018)
4	EDF/CUE Workshop Presentation (April 19, 2018)
5	EDF Scorecard of 1371 Plans (June 19, 2018)
6	EDF Presentation of Leak Data Analysis to CARB Staff (July 31, 2017)
7	EDF Comments on ALJ Ruling Entering CARB and PUC Joint Staff Annual Report on Analysis of June 2017 Utilities' Reports (Dec. 12, 2017)
8	EDF Response to SoCalGas Advice Letter 5211 (Nov. 20, 2017)
9	EDF Response to PG&E Advice Letter 3902-G (Nov. 20, 2017)
10	EDF Response to SDGE Advice Letter 2621-G (Nov. 20, 2017)
11	EDF Protest to SoCalGas AL 5211-B (Aug. 20, 2018)
12	EDF Protest to SDGE AL 2621-G-B (Aug. 20, 2018)
13	EDF Notice of Intent to Claim Intervenor Compensation in R.15-01-008 (July 6, 2015)

³ 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
14	EDF Amended Notice of Intent to Claim Intervenor Compensation in R. 15-01-008 (Sept. 25, 2017)
15	Resume of Timothy O'Connor
16	Resume of Ellison Folk
17	Resume of Caitlin Brown
18	Resume of Hillary Hull
19	Resume of Renee McVay
20	Resume of Scott Roycroft
21	Resume of Joe von Fischer
22	Timesheets of Folk, O'Connor, Brown, Hull, McVay, Roycroft, and von Fischer
23	<p data-bbox="456 947 1422 982">EDF requests an hourly rate of \$585 for Ellison Folk's work in 2017-2018.</p> <p data-bbox="456 1003 1487 1291">Ms. Folk joined SMW in 1990 and is a partner with the firm. She represents public agencies and environmental organizations on a wide range of proceedings currently before the Public Utilities Commission, including CPUC Docket A.09-09-022 (representing The Utility Reform Network), A.14-11-016 (representing the City of Oxnard), R.14-07-002 (representing the Interstate Renewable Energy Council), R.16-02-007 (representing EDF), R.17-06-026 (representing Protect Our Communities), I.17-02-002 (representing EDF), A.17-01-007/17-01-008 (representing EDF), A.18-07-024 (representing EDF).</p> <p data-bbox="456 1312 1487 1705">Ms. Folk also represents public agencies and environmental organizations on environmental and land use issues, including CEQA, the California Coastal Act, Proposition 65, and general plan and zoning law. Ms. Folk also advises and defends public agencies in litigation raising takings and related constitutional challenges to land use and environmental regulations. Ms. Folk has been named as a Northern California Super Lawyer every year since 2012 and is the lead author for several publications regarding takings law, including Chapter 65: Takings and Other Constitutional Controls in California Environmental Law and Land Use Practice (Matthew Bender), and articles for the California Environmental Law Reporter. She regularly speaks at conferences regarding land use and environmental issues.</p> <p data-bbox="456 1726 1487 1862">Ms. Folk received her law degree from UC Berkeley Law School and has been a member of California Bar since 1990. She also holds a Masters in City and Regional Planning from the University of California at Berkeley. Ms. Folk graduated magna cum laude from Princeton University in 1984.</p>

Attachment or Comment #	Description/Comment
	<p>The requested hourly rate of \$585 is at the top of the range adopted by the Commission in Resolution ALJ-345 for attorneys with 13+ years of experience in 2017, which is \$325-\$585. The Commission has previously authorized a rate of \$585 for work in 2017 conducted by attorneys who, like Ms. Folk, have decades of experience and who are widely regarded as experts in their fields. For instance, in D.18-08-025, the Commission authorized a 2017 rate of \$585 for Robert Gnaizda of the National Asian American Coalition. In D.17-11-029, the Commission authorized a 2017 rate of \$585 for Thomas Long of TURN. In D.17-11-027, the Commission authorized a rate slightly above the range, \$590, for John Geesman (representing the Alliance for Nuclear Responsibility). The Commission has likewise authorized hourly rates at the top of the adopted range for attorneys with 13+ years of experience in years prior to 2017. For instance, in D.13-08-021, the Commission authorized a 2011 hourly rate of \$535 for then-TURN attorney Michel Florio, which was at the top of the \$300-\$535 range adopted for that year in Resolution ALJ-267.</p> <p>Given Ms. Folk’s 28 years of experience and widely-regarded expertise on a full range of environmental and energy issues, EDF submits that a rate of \$585 is reasonable for her work in 2017 and 2018.</p> <p>Timothy O’Connor is a Senior Attorney at EDF and the Senior Director of EDF’s Energy Program in California. His rate for 2017 was established in D.18-03-033 and the rate requested for 2018 is in line with the 2.30% cost of living adjustment adopted in Resolution ALJ-352. Since joining EDF in 2007, Mr. O’Connor has represented EDF before the CPUC in numerous proceedings related to natural gas and electric ratesetting, power plant divestment, smart grids, energy storage, electric vehicles, etc. Similarly, Mr. O’Connor regularly appears before other agencies in California on matter related to energy, including the California Energy Commission and California Air Resources Board. Furthermore, Mr. O’Connor had consistently represented EDF before the Commission since the start of this proceeding - R. 15-01-008.</p> <p>Caitlin Brown is a fellow at Shute, Mihaly, and Weinberger and has been practicing environmental and energy law since her admission to the State Bar last December. She has participated in several PUC proceedings including I.17-02-002 (Aliso Canyon, representing EDF), A.18-07-024 (the SoCalGas Triennial Cost Allocation Proceeding, representing EDF), A.17-01-007/17-01-008 (representing EDF), and A.15-09-013 (the application of SDG&E and SoCalGas for a certificate of convenience and necessity for a new pipeline, representing Protect Our Communities Foundation). Her hourly</p>

Attachment or Comment #	Description/Comment
	<p>compensation requested is in line with the ALJ resolutions on compensation including ALJ-352. Her requested compensation is also in line with the compensation rate awarded to Allison Johnson, another former fellow at Shute, Mihaly, and Weinberger with a similar amount of experience in 2017, in D.18-07-034.</p> <p>Renee McVay is a Research Analyst at Environmental Defense Fund. She received her M.S. in Chemical Engineering from the California Institute of Technology in 2014 and received her PhD in Chemical Engineering in 2016. Her requested compensation is in line with ALJ resolutions on compensation including ALJ-345 and the compensation rate set for Hillary Hull, another of EDF's experts with similar experience, in D.18-03-033.</p> <p>Scott Roycroft was a Stanford University Schneider Fellow at EDF during the summer of 2017. He received his masters in Earth System Science from Stanford in 2017 with coursework in data analysis and climate science. The rate requested is the same as the rate awarded to another EDF intern with a similar amount of experience, Luis Bourgeois, in D.18-03-33 for his work in 2016.</p> <p>Joe von Fischer is a paid consultant for EDF and a prominent researcher at Colorado State University focusing on finding natural gas leaks using mobile-mounted detection equipment. His rates for 2015 and 2016 were set at \$400 and \$405 respectively in D.18-03-033. The requested rate of \$415 for his work in 2018 reflects the 2.14% cost of living adjustment adopted in 2017 in ALJ-345 and the 2.30% cost of living adjustment adopted in 2018 in ALJ-352.</p>

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1]	<p>EDF’s claim requests recovery for costs incurred regarding Resolution G-3538.</p> <ol style="list-style-type: none"> 1. Preparation of Claim <ol style="list-style-type: none"> a. EDF requests 53.9 hours for preparation of its claim, which, in comparison to its recent requests is exorbitant (See D.18-10-047 claimed/received 16 hours for Icomp preparation; D.18-10-018 claimed received 24 hours for Icomp preparation). b. Given the prior level of time spent by EDF on its claim, and the exorbitant number of hours spent on the current claim, we adjust down the time spent preparing the current claim to 16 hours. 2. Conclusion <ol style="list-style-type: none"> a. We adjust EDF’s claim as follows: b. Grant 16 hours to prepare its current claim, allocated to each person based on percentage of original hours spent. <ol style="list-style-type: none"> i. 2018 – Caitlin Brown (79.4% * 16 = 12.7); ii. 2018 – Ellison Folk (9.5% * 16 = 1.5) ; and iii. Timothy O’Connor (11.1% *16 = 1.8) 3. Grants EDF recovery of \$160,829.75, which is a reduction of \$4,917.00, or 2.97% from the requested \$165,746.75.

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

1. Environmental Defense Fund has made a substantial contribution to Resolution G-3538.
2. The requested hourly rates for Environmental Defense Fund’s representatives 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 \$160,829.75.

CONCLUSION OF LAW

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

ORDER

1. Environmental Defense Fund shall be awarded \$160,829.75.
2. Within 30 days of the effective date of this decision, Commission-regulated natural gas pipeline and facility operators: Alpine Natural Gas Operating Company No. 1 LLC; Pacific Gas and Electric Company; San Diego Gas & Electric Company; Southern California Edison Company; Southern California Gas Company; Southwest Gas Corporation; West Coast Gas Company; Central Valley Gas Storage, LLC; Gill Ranch Storage, LLC; Lodi Gas Storage, LLC; and Wild Goose Storage Inc., shall pay Environmental Defense Fund their respective shares of the award, based on their California-jurisdictional natural 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 natural gas utility 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 23, 2019, the 75th day after the filing of Environmental Defense Fund's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated October 22, 2020, at San Francisco, California.

MARYBEL BATJER
President
LIANE M. RANDOLPH
MARTHA GUZMAN ACEVES
CLIFFORD RECHTSCHAFFEN
GENEVIEVE SHIROMA
Commissioners

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:	D2010024	Modifies Decision?	No
Contribution Decision(s):	Resolution G-3538		
Proceeding(s):	N/A; related to R.15-01-008		
Author:	ALJ Kersten		
Payer(s):	Alpine Natural Gas Operating Company No. 1 LLC; Pacific Gas and Electric Company; San Diego Gas & Electric Company; Southern California Edison Company; Southern California Gas Company; Southwest Gas Corporation; West Coast Gas Company; Central Valley Gas Storage, LLC; Gill Ranch Storage, LLC; Lodi Gas Storage, LLC; and Wild Goose Storage Inc.		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Environmental Defense Fund	12/10/2018	\$165,746.75	\$160,829.75	N/A	<i>See Part III.D of this Decision.</i>

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Timothy	O'Connor	Attorney	\$330	2017	\$330
Timothy	O'Connor	Attorney	\$335	2018	\$335
Ellison	Folk	Attorney	\$585	2017	\$585
Ellison	Folk	Attorney	\$585	2018	\$585
Caitlin	Brown	Attorney	\$210	2018	\$210
Hillary	Hull	Expert	\$165	2017	\$165
Renee	McVay	Expert	\$165	2017	\$165
Scott	Roycroft	Expert	\$100	2017	\$100
Joe	von Fischer	Expert	\$415	2018	\$415

(END OF APPENDIX)