

Decision 20-11-039 November 19, 2020

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

Order Instituting Rulemaking to Develop an Electricity Integrated Resource Planning Framework and to Coordinate and Refine Long-Term Procurement Planning Requirements.

Rulemaking 16-02-007

**DECISION GRANTING COMPENSATION TO  
NATURAL RESOURCES DEFENSE COUNCIL  
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 19-11-016**

<b>Intervenor:</b> Natural Resources Defense Council	<b>For contribution to Decision (D.) 19-11-016</b>
<b>Claimed:</b> \$9,295.00	<b>Awarded:</b> \$9,295.00
<b>Assigned Commissioner:</b> Liane Randolph	<b>Assigned ALJ:</b> Julie A. Fitch

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	Through D.19-11-016 the Commission takes steps to address the potential for possible resource adequacy shortages starting in 2021. The Commission’s decision aims to keep electric service reliable while maintaining the electric sector on a path toward the 2030 greenhouse gas (GHG) emissions reduction goals articulated in Senate Bill (SB) 350 (DeLeón, 2015), SB 100 (DeLeón, 2018), and Commission Decision (D.) 18-02-018.
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:**

	<b>Intervenor</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference (PHC):	2/25/14 in R.13-12-010	Verified
2. Other specified date for NOI:	n/a	

	<b>Intervenor</b>	<b>CPUC Verified</b>
3. Date NOI filed:	3/27/14 in R.13-12-010  Accepted in R.16-02-007 per OIR with further confirmation from Judge Fitch in an email communication dated June 10, 2016	Verified
4. Was the NOI timely filed?		Yes
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	A.18-05-015	Verified
6. Date of ALJ ruling:	January 10, 2019	Verified
7. Based on another CPUC determination (specify):	n/a	
8. Has the Intervenor demonstrated customer or customer-related status?		Yes
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	A.18-05-015	Verified
10. Date of ALJ ruling:	January 10, 2019	Verified
11. Based on another CPUC determination (specify):	n/a	
12. Has the Intervenor demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.19-11-016	Verified
14. Date of issuance of Final Order or Decision:	11/13/2019	Verified
15. File date of compensation request:	1/13/2020	Verified
16. Was the request for compensation timely?		Yes

**PART II: SUBSTANTIAL CONTRIBUTION**

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

<b>Intervenor’s Claimed Contribution(s)</b>	<b>Specific References to Intervenor’s Claimed Contribution(s)</b>	<b>CPUC Discussion</b>
<p><i>(C) Research and Develop Comments</i></p>	<p>D.19-11-016 adopts recommendations made by NRDC and also references NRDC’s contributions.</p> <ul style="list-style-type: none"> <li>• NRDC’s research confirmed Commission’s findings regarding future reliability shortfalls of approximately 2,000 MW. NRDC’s comments support these findings which are the basis for the decision to procure reliability resources in D.19-11-016.</li> <li>• The Decision recognizes that any procurement decision needs to be aligned with the IRP’s emission reduction goals as recommended by NRDC. Specifically, the Decision states that “<i>NRDC also opposes extensions with OTC plants that are known to impact disadvantaged communities. They also argue generally that extensions with high-emissions plants are inconsistent with California’s environmental goals.</i>” (See D.19-11-016, pages 18-19)</li> <li>• The Decision accounts for the reliability of imports for resource adequacy (RA) and recommends that the RA proceeding resolve any issues relating to the reliability of imports. Initially, the Commission recommended that imports be discounted by a factor of 3 to account for uncertainty associated with the availability of future imports. NRDC significantly contributed to this aspect of the decision in two ways. First, NRDC recommended that any reliance on imports needs to consider</li> </ul>	<p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	<p>the possibility of resource shuffling The Decision references NRDC and states that “NRDC and EDF also concerned about reliance on imports, especially when more western states are implementing their own clean energy targets and RPS requirements. They also worry about the potential for resource shuffling.” (See Decision at 27). Secondly, NRDC supported and added to comments made by the CAISO to illustrate that assurance on the availability of for reliability can be achieved through improved contracting. This is the rationale that Commission followed in deciding that these issues be dealt with in the RA proceeding. (See D.19-11-016, page 27)</p> <ul style="list-style-type: none"> <li>NRDC helped the Commission determine which load-serving entities (LSEs) should have procurement obligations to alleviate the forthcoming RA shortfall. The Commission adopted the recommendation of NRDC and other parties recommending the same. The Decision references NRDC’s suggestion as “The first issue raised by many parties was to point out that there was a logical inconsistency in the proposed decision, where a system resource adequacy need was identified, but the procurement obligation to address the system capacity need was placed only on the LSEs in the SCE TAC area. Parties identifying this issue included AReM, SCE, CalChoice, CPA, NRDC, Joint Demand Response Parties, and the City of Redondo Beach.” (D-19.11-016 at 55)</li> </ul>	

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

	<b>Intervenor’s Assertion</b>	<b>CPUC Discussion</b>
<b>a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?<sup>1</sup></b>	Yes	Verified
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes	Verified
<b>c. If so, provide name of other parties:</b> Sierra Club, California Environmental Justice Alliance, Union of Concerned Scientists, Environmental Defense Fund, CEERT		Verified
<b>d. Intervenor’s claim of non-duplication:</b> NRDC’s advocacy was not duplicative as we worked closely with other parties to collaborate regularly to reduce the time required by each party. NRDC had regular calls and meetings with Sierra Club, California Environmental Justice Alliance, Union of Concerned Scientists, Environmental Defense Fund, and CEERT. These organizations have staff with different expertise and we were able to focus on the pieces that each staff knew best to inform the rest. For example, NRDC staff had experience with modeling and analysis relating to production cost modeling, while the California Environmental Justice Alliance and Sierra Club had experience analyzing the air quality impacts on disadvantaged community and a long history with previous LTPP proceedings. We were able to share information, drafts of comments, and other resources in ways that allowed us to avoid duplicating the effort and expertise of other groups.  All calls and meetings with other parties were focused on resolving any key issues ahead of time and were kept as brief as possible. This resulted in fewer unresolved items in comments, thereby reducing the time needed by the staff, judge, and commissioner to read and respond. NRDC also generally did not charge for the full amount of time conferring with other parties, even though that time resulted in the parties avoiding duplication of effort. We also did not charge for time reviewing or editing portions of documents drafted by other parties, to minimize the possibility that we might be claiming time for duplicative work. While NRDC took these steps, we do not expect all parties that are eligible for intervenor comp to		Noted

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<sup>1</sup> 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.

	<b>Intervenor’s Assertion</b>	<b>CPUC Discussion</b>
<p>do the same as NRDC is uniquely situated with supplemental funding to help cover costs for our advocacy at the CPUC.</p> <p>In addition, NRDC took steps to ensure no duplication of work within our organization by assigning specific issues, tasks, and workshops/meetings to one team member, despite multiple hours of policy development and strategy discussions of additional staff.</p>		

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

	<u>CPUC Discussion</u>
<p><b>a. Intervenor’s claim of cost reasonableness:</b></p> <p>NRDC consistently advocates for policies to maximize cost-effective procurement and use of clean energy resources, ensure that the benefits of clean energy resources are properly accounted for, and that policies and goals align to enable the utilities to use clean energy as their first energy resource choice (as required by California law) and serve the needs of all Californians, including customers living in disadvantaged communities. NRDC’s continued focus in this and other proceedings is on policies that ensure a reliable, affordable, and environmentally sustainable energy resource portfolio that should have lasting benefits to all customers.</p> <p>NRDC contributed substantially toward this final decision, through which the Commission takes steps to address the potential for possible resource adequacy shortages starting in 2021. The Commission’s decision aims to keep electric service reliable while maintaining the electric sector on a path toward the 2030 greenhouse gas (GHG) emissions reduction goals articulated in Senate Bill (SB) 350 (DeLeón, 2015), SB 100 (DeLeón, 2018), and Commission Decision (D.) 18-02-018.</p>	<p>Noted</p>
<p><b>b. Reasonableness of hours claimed:</b></p> <p>The substantial contributions to Commission policy described above would not have been possible without the individual contributions of Mohit Chhabra, who has extensive experience in the demand side management industry and focuses on the analysis and strategic guidance to advance clean energy.</p> <p>The amounts claimed are further conservative for the following reasons: (1) No time is claimed for internal coordination, only for substantive policy development; (2) we do not claim time for substantive review by NRDC staff other than the active staff noted above, even though their</p>	<p>Noted</p>

<p>expertise was critical to ensuring productive recommendations; and (3) we claim no time for travel.</p> <p>In addition, the rates requested by NRDC are purposefully conservative and low on the ranges approved by the Commission, even though the levels of expertise of would justify higher rates. NRDC maintained detailed time records indicating the number of hours that were devoted to proceeding activities. All hours represent substantive work related to this proceeding.</p> <p>In sum, NRDC made numerous and significant contributions on behalf of environmental and customer interests, through research and analysis. We took every effort to coordinate with other stakeholders to reduce duplication, resolve differences ahead of formal filings, and increase the overall efficiency of the proceeding. Since our work was efficient, hours extremely conservative, and billing rates low, NRDC’s request for compensation should be granted in full.</p>	
<p><b>c. Allocation of hours by issue:</b>                  Issue A- Review Commission Rulings, Decisions - 29%                  Issue B- Meetings (Internal and External) - 8%                  Issue C- Research and Develop Comments - 63%</p>	<p>Noted</p>

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Mohit Chhabra	2019	41.25	\$220	Resolution ALJ 357 on 2018 Requested Rate	\$9,075	41.25	\$220.00 [1]	\$9,075.00
<b>Subtotal: \$9,075.00</b>						<b>Subtotal: \$9,075.00</b>		

CLAIMED						CPUC AWARD		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
M. Chhabra Expert	2019	2	\$110	Half of 2019 rate per Resolution ALJ 357 on 2018 Requested Rate	\$220	2.00	\$110.00	\$220.00
<i>Subtotal: \$220.00</i>						<i>Subtotal: \$220.00</i>		
<b>TOTAL REQUEST: \$9,295.00</b>						<b>TOTAL AWARD: \$9,295.00</b>		
<p>**We remind all intervenors that Commission staff may audit their records related to the award and that 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 typically compensated at 1/2 of preparer's normal hourly rate</p>								
ATTORNEY INFORMATION								
Attorney		Date Admitted to CA BAR <sup>2</sup>		Member Number		Actions Affecting Eligibility (Yes/No?)		
n/a								

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

Attachment or Comment #	Description/Comment
Attachment 1	Staff Hours and Issue Areas
Comment #1	Mr. Chhabra's 2019 rate request of \$220 is reasonable given his nearly 12 years of experience in the demand side management industry.

<sup>2</sup> 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
	<p>2019 Rate: We request a rate of \$220, which includes the approved COLA of 2.35% per Resolution ALJ-357 on Mr. Chhabra’s requested 2018 rate of \$215. Mr. Chhabra now has 12 years of experience. This is still well below the top range of rates for experts with 8-12 years of experience. The 2018 rate, which informs Mohit’s 2019 rate is consistent with NRDC’s June 20, 2019 request in R.16-02-007, we request \$215 for Mr. Chhabra. This includes the 2018 COLA of 2.3% per Resolution ALJ-352 on Chhabra’s 2017 rate of \$200 per D.18-10-016. In addition, we add the first of two allowable 5% increases within a single band per D.08-04-010, p.8.</p> <p>In his current role at NRDC, Mohit Chhabra focuses on affecting policy to accelerate the transition to a sustainable and clean energy future. He provides analysis and strategic guidance to policymakers and other stakeholders at the state, regional, and national levels. Chhabra has a wide range of experience in the energy sector, having helped develop the 2011 and 2013 statewide investor-owned utilities (IOU) potential goals and targets model for the California Public Utilities Commission (CPUC). As a contract analyst to the Northwest Power and Conservation Council’s Regional Technical Forum (RTF), he conducted measure assessments and research, and provided input to regional energy-efficiency efforts. He holds a master's in civil environmental and architectural engineering from the University of Colorado, Boulder and a bachelor's in mechanical engineering from the University of Pune in India.</p>

**D. CPUC Disallowances and Adjustments:**

Item	Reason
[1]	Adopting \$220 rate for 2019. New rate based on Mr. Chhabra’s 2018 rate adjusted to reflect Resolution ALJ-352 (2.3% COLA) and Resolution ALJ-357 (2.35% COLA) plus a 5% step increase.

**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))**

<b>A. Opposition: Did any party oppose the Claim?</b>	No
<b>B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?</b>	Yes

**FINDINGS OF FACT**

1. Natural Resources Defense Council has made a substantial contribution to D.19-11-016.
2. The requested hourly rates for Natural Resources Defense Council'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 are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$9,295.00.

**CONCLUSION OF LAW**

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

**ORDER**

1. Natural Resources Defense Council shall be awarded \$9,295.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company shall pay Natural Resources Defense Council their respective shares of the award, based on their California-jurisdictional electric revenues for the 2019 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data is unavailable, the most recent 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 March 28, 2020, the 75<sup>th</sup> day after the filing of Natural Resource Defense Council'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 November 19, 2020, at San Francisco, California.

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

**APPENDIX****Compensation Decision Summary Information**

<b>Compensation Decision:</b>	D2011039	<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D1911016		
<b>Proceeding(s):</b>	R1602007		
<b>Author:</b>	ALJ Fitch		
<b>Payer(s):</b>	Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company		

**Intervenor Information**

<b>Intervenor</b>	<b>Date Claim Filed</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/ Disallowance</b>
Natural Resources Defense Council	1/13/2020	\$9,295.00	\$9,295.00	N/A	See CPUC Section D Comments, Disallowances, and Adjustments above

**Hourly Fee Information**

<b>First Name</b>	<b>Last Name</b>	<b>Attorney, Expert, or Advocate</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Mohit	Chhabra	Expert	\$220.00	2019	\$220.00

**(END OF APPENDIX)**