

Decision PROPOSED DECISION OF ALJ SISTO (Mailed 4/2/2021)

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

Application of Green Power Institute for award of intervenor compensation for substantial contributions to Resolution Numbers WSD-002, WSD-003, WSD-004, WSD-005, WSD-007, WSD-008, WSD-009.

Application 20-08-007

**DECISION GRANTING INTERVENOR COMPENSATION TO THE GREEN POWER INSTITUTE FOR CONTRIBUTION TO RESOLUTIONS WSD-002, WSD-003, WSD-004, WSD-005, WSD-007, WSD-008, and WSD-009**

**Summary**

The Green Power Institute is seeking \$ 72,380 in intervenor compensation for its contribution to the public process leading to the Commission’s adoption of multiple Resolutions issued by the Wildfire Safety Division in 2020 related to the regulated utilities’ Wildfire Management Plans. We award the Green Power Institute \$54,280, plus interest, based on its contribution to the referenced resolutions. This proceeding is closed.

**1. Background**

Public Utilities Code Section 8386(b) requires each regulated electrical utility to annually prepare and submit a Wildfire Mitigation Plan (WMP) to the

Commission's Wildfire Safety Division (WSD) for review and approval.<sup>1</sup> Section 8386.3(a) requires WSD to review and approve or deny each WMP within three months of submittal and for the Commission to ratify the WSD's actions. In rendering its approval, denial, or modification of the WMPs, the WSD is required to consider public comments submitted pursuant to subdivision (d) of Section 8386.

On May 7, 2020, WSD issued Draft Resolution WSD-002 proposing the Division's guidance on the evaluation of the electrical corporations' 2020 WMPs. That same day, WSD issued separate resolutions proposing their action on Pacific Gas and Electric Company (PG&E), Southern California Edison (SCE), San Diego Gas & Electric Company (SDG&E), Liberty Utilities (CalPeco Electric), PacifiCorp, and Horizon West Transmission and Transbay Cable's WMPs in Resolutions WSD-003, WSD-004, WSD-005, WSD-007, WSD-008, and WSD-009, respectively. Comments on the referenced draft resolutions were due on May 27, 2020. The Green Power Institute (GPI) was among several parties that provided comments on the draft resolutions, which were considered by WSD in developing the final Resolutions, each of which was separately adopted by the Commission on June 11, 2020.

Sections 1801-1812 define the requirements for compensation provided to intervenors that significantly contribute to decisions or other formal actions that are ratified by the full Commission. On August 6, 2020, GPI filed Application (A.) 20-08-007 seeking intervenor compensation (ICOMP) for its contribution to Resolutions WSD-002, WSD-003, WSD-004, WSD-005, WSD-007, WSD-008, and WSD-009.

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<sup>1</sup> All code references herein refer to the Public Utilities Code unless otherwise specified.

A Prehearing Conference (PHC) was held on January 21, 2021, to address the issues of law and fact, determine the need for hearing, set the schedule for resolving the matter, and address other matters as necessary.

President Batjer issued a Scoping Memo and Ruling (scoping memo) defining the scope of the proceeding on February 10, 2021.

### **1. Issues Before the Commission**

The issues to be determined, as set forth in the February 10, 2020, scoping memo are:

1. Does A.20-08-007 satisfy all the requirements of Sections 1801-1812?
2. Did GPI make a significant contribution to Resolutions WSD-002, WSD-003, WSD-004, WSD-005, WSD-007, WSD-008, and WSD-009 as adopted by the Commission?
3. Are GPI's claimed costs and expenses reasonable and comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services?

### **2. Eligibility for ICOMP related to Resolutions and other WSD actions**

#### **2.1. Notice of Intent and Claim of Significant Hardship**

As part of A.20-08-007, GPI filed a notice of intent to claim ICOMP, and documentation to support its claim as a Category 3 customer, an organized group that represents the interest of residential investor-owned utility customers.<sup>2</sup> GPI further claims that it is a program of the Pacific Institute for Studies in Development, Environment, and Security, the bylaws for which align with Section 1802(b)'s requirement associated with non-profit, public-purpose

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<sup>2</sup> A.20-08-007, at 2 and Attachment 2.

organizations.<sup>3</sup> GPI also provides documentation claiming significant financial hardship related to its contribution to the specified WSD resolutions, referencing a finding made in D.19-12-019.<sup>4</sup>

Because the WSD resolutions GPI is seeking compensation for contributing to were not separate formal proceedings, no pre-hearing conference was held and there was no deadline for filing a notice of intent to seek ICOMP. Therefore, we find that GPI's notice of intent and claim of significant financial hardship, which were filed jointly with its ICOMP claim in Application (A.) 20-08-007, meet the requirements for ICOMP established in Sections 1801-1812.

As stated in the scoping memo, we will not accept requests for ICOMP related to the instant proceeding.<sup>5</sup>

## **2.2. GPI contribution to Resolutions WSD-002, WSD-003, WSD-004, WSD-005, WSD-007, WSD-008, and WSD-009**

GPI states that its comments on the draft resolutions issued by WSD led to modifications that improved the final language adopted by the Commission. Specifically, GPI contends that its comments led WSD to:

1. Direct the utilities to include bowtie and risk spend efficiency analyses in future WMP updates.
2. Direct the utilities to expand the metrics tracked and reported to determine effectiveness of efforts adopted through WMPs to reduce wildfire risk throughout their territories.

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<sup>3</sup> GPI included the bylaws of the Pacific Institute for Studies in Development, Environment, and Security in its Notice of Intent to claim intervenor compensation in A.16-08-006 on February 17, 2017.

<sup>4</sup> D.19-12-019 verifies that GPI showed significant financial hardship under Section 1802(g) in D.18-07-019. GPI should submit additional support for its compliance with Section 1802(g) in any future intervenor compensation claims since its most recent approval of its showing of significant financial hardship was in July 2018.

<sup>5</sup> Scoping Memo at 4.

3. Reject a proposal to adopt a three-year cap on the term for utilities' standard offer contract.<sup>6</sup>
4. Require the utilities to better coordinate with local communities when developing best practices for public safety power shutoff events.

We find that GPI did significantly contribute to the final resolutions, but modify the time claimed and amount awarded based on Tables 1 and 2 below.

### 2.3. Reasonableness of GPI's claimed costs relative to market rates

We find that the rates sought for GPI's attorney and expert align with the market rates appropriate for intervenors. As described in Tables 1 and 2 below, we increase the proposed 2020 rates based on the COLA approved in Resolution ALJ-387.

### 2.4. Table 1: Claimed vs. Awarded ICOMP

CLAIMED					CPUC AWARD			
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Total \$	Hours	Rate \$	Total \$	
G. Morris	2020	102.50	\$330	33,825	73 [1]	\$335 [2]	\$24,455	
Z. Harrold	2020	161.75	\$220	35,585	124.75 [3]	\$220[4]	\$27,445	
<b>Subtotal: \$69,410.00</b>					<b>Subtotal: \$51,900</b>			
INTERVENOR COMPENSATION CLAIM PREPARATION								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
G. Morris	2020	18.0	\$165	½ rate for 2020	2,970	14 [5]	\$170[6]	\$2,380

<sup>6</sup> A.20-08-007 in Part II Section 5 states that GPI believes its comments on microgrids made substantial contribution to D.20-05-006 by arguing against a Joint IOU proposal related to standard offer contracts. While GPI may have contributed to the record for D.20-05-006, it does not directly tie this contribution to the seven WSD Resolutions it is seeking compensation for in the instant application.

<b>Subtotal: \$2,970.00</b>	<b>Subtotal: \$ 2,380</b>
<b>TOTAL REQUEST: \$72,380.00</b>	<b>TOTAL AWARD: \$54,280</b>

**2.5. Table 2: Commission Comments, Disallowances, and Adjustments**

Item	Reason
[1]	<p>G. Morris’ hours claimed are decreased by 28 hours to accurately reflect GPI’s contribution to the seven final WSD resolutions. Specifically:</p> <ol style="list-style-type: none"> <li>1. 10% of GPI’s time claimed was associated with “microgrids” and some related contribution to D.20-05-006. However, GPI did not explain how its contribution to that May 2020 Decision directly impacted the Commission’s consideration of the issues in the seven WSD Resolutions it is seeking compensation for in this application. To address this 10% time associated with microgrids and D.20-05-006, we reduce G. Morris’ claimed time spent drafting comments on the draft WSD Resolutions by 9.</li> <li>2. Combined, the two GPI experts in this claim to have spent more than 120 hours reviewing and preparing comments on the utilities’ WMPs. GPIs comments on the WMPs in 2020 totaled less than 25 pages. Although their general comments may have impacted the final approval of the utilities’ 2020 WMPs, their application does not directly tie the 120 hours of claimed work to the WSD’s approval of the utilities’ 2020 WMPs. GPI states that 30% of its time was spent composing “general comments” across the WMPs and the WSD resolutions. We believe a reduction of 15% of the time associated with G. Morris’ contribution to the review and comments on WMPs is appropriate, based on the length of GPI’s comments and the time claimed by Z. Harrold for similar work.</li> <li>3. G. Morris’ time on 1/21/20 associated with participating in the WSAB meeting and follow-up is disallowed because GPI does not explain how it relates to its contribution to the WSD Resolutions.</li> <li>4. G. Morris’ time claimed on 6/2/20 associated with “Initial review of WSAB recommendations” is disallowed because GPI does not explain how it was necessary for its contribution to Resolutions WSD-002 through 009.</li> </ol>
[2]	<p>The proposed decision stated that the claimed rate for G. Morris in 2020 was miscalculated. In comments, GPI pointed to the rate approved for G. Morris in D.19-12-019, which included a 5% step-up in rates and</p>

	<p>was referenced in A.20-08-007.7 Upon further review, we agree that the claimed rate by G. Morris, as authorized in D.19-12-019 is appropriate. We increase the claimed rate by 2.55% to reflect the 2020 COLA, which rounds up to \$335 when considering the nearest \$5 increment.</p>
[3]	<p>Z. Harrold's hours claimed are decreased by 37 hours to account for the following disallowances:</p> <ol style="list-style-type: none"> <li>1. As described in [1] above, GPI claims that 10% of its time spent contributing to these seven WSD resolutions was related to comments on D.20-05-006. GPI does not specifically tie this work back to its contributions to the seven WSD resolutions identified in A.20-08-007. Therefore Z. Harrold's hours claimed for reviewing and drafting comments on the draft resolutions are reduced by 15 hours to reflect this 10% of time claimed associated with work on microgrids related to D.20-05-006.</li> <li>2. Z. Harrold's time is further reduced because GPI claims its two experts spent more than 90 hours reviewing and providing comments related to the seven WSD resolutions, on top of the more than 120 hours spent reviewing and providing comments on the IOUs' WMPs. We find this amount of time claimed excessive, as GPI's comments on the WMPs totaled only 25 pages, and its comments on the WSD resolutions totaled 21 pages. We therefore reduce Z. Harrold's time claimed by an incremental 15%, representing <math>\frac{1}{2}</math> of the time spent by Z. Harrold on "general comments" as described in A.20-08-007 at 21, based off of her time sheet. That results in an incremental deduction of 20 hours.</li> <li>3. Z. Harrold's time on 4/15/20 attending the Wildfire Safety Advisory Board meeting is disallowed because GPI failed to directly tie that time spent with its contribution to Resolutions WSD-002 through 009.</li> </ol>
[4]	<p>The proposed decision stated that the claimed rate for Z. Harrold in 2020 was miscalculated. In comments, GPI pointed to the 2019 \$215 rate approved for Z. Harrold in D.19-12-019.<sup>8</sup> Upon further review, we agree that the claimed rate by Z. Harrold, as authorized in D.19-12-019 is appropriate. We increase the claimed rate by 2.55% to reflect the 2020 COLA, which rounds to \$220 when considering the nearest \$5 increment.</p>

<sup>7</sup> D.19-12-019 at 21-23.

<sup>8</sup> D.19-12-019 at 21-23.

[5]	G. Morris did not adequately provide information to support the hours claimed for G. Morris or Z. Harrold. The hours claimed for ICOMP preparation are therefore reduced by 4 hours to more accurately represent the work presented in A.20-08-007.
[6]	G. Morris' ICOMP preparation rate is adjusted to be 50% of the appropriate 2020 hourly rate described in [2] above.

### 3. Conclusion

Upon review of the final WSD resolutions and GPI's comments, we find the appropriate compensation for GPI's contribution to be \$54,280, plus interest, recoverable from PG&E, SCE, SDG&E, Liberty Utilities (CalPeco Electric), PacifiCorp, and Horizon West Transmission and Transbay Cable's ratepayers.

### 4. Comments on Proposed Decision

The proposed decision of Administrative Law Judge (ALJ) Sisto in this matter was mailed to the parties in accordance with Section 311 of the Pub. Util. Code and comments were allowed under Rule 14.3 of the Rules. Comments were filed by GPI on April 16, 2021.

### 5. Assignment of Proceeding

Marybel Batjer is the assigned Commissioner and Carolyn M. Sisto is the assigned Administrative Law Judge in this proceeding.

### Findings of Fact

1. WSD received comments from GPI related to Resolutions WSD-002, WSD-003, WSD-004, WSD-005, WSD-007, WSD-008, and WSD-009, that resulted in modifications in the final resolution language as adopted by the Commission on June 11, 2020.
2. GPI's attorney and expert comments significantly contributed to the final resolution language.
3. The hours claimed in A.20-08-007 for Attorney Morris and Expert Harrold do not reflect the contribution GPI offered to WSD's resolution process and are



reduced, as described in Section 2.5 above, to align with GPI's contribution to the seven resolutions.

4. Resolution ALJ-387, adopted by the Commission on October 8, 2020, grants a cost of living adjustment for work conducted in 2020 of 2.55% above the rates authorized in 2019.

5. The rates claimed by GPI's attorney and expert, as adjusted in Table 1 above, align with market rates paid to experts and advocates with comparable expertise conducting similar work and are adjusted to reflect the 2020 cost of living adjustment adopted in Resolution ALJ-387.

6. The reasonable amount of compensation for GPI's contribution to Resolutions WSD-002, WSD-003, WSD-004, WSD-005, WSD-007, WSD-008, and WSD-009 is \$54,280.

### **Conclusions of Law**

1. GPI's claim, with the adjustments established in Section 2 above, satisfies the requirements of Sections 1801-1812.

### **O R D E R**

**IT IS ORDERED** that:

1. The Green Power Institute shall be awarded \$54,280.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, Liberty Utilities (CalPeco Electric), PacifiCorp, and Horizon West Transmission and Transbay Cable shall pay the Green Power Institute their respective shares of the award, based on their California-jurisdictional electric revenues for the 2020 calendar year, to reflect the year in which the proceedings were primarily litigated. 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 October 20, 2020, the 75th day after the filing of Application 20-08-007, and continuing until full payment is made.

3. The comment period for today's decision was not waived.
4. Application 20-08-007 is closed.

This order is effective today.

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