

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

December 24, 2021

Agenda ID #20209
Ratesetting

~~TO PARTIES OF RECORD IN RULEMAKING 19-11-009:~~

~~This is the proposed decision of Administrative Law Judge (ALJ) Debbie Chiv and ALJ Amin Nojan. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's January 27, 2022 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.~~

~~Parties to the proceeding may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure. Electronic copies of comments should also be sent to the Intervenor Compensation Program at icompeordinator@cpuc.ca.gov.~~

~~/s/ ANNE E. SIMON~~
~~Anne E. Simon~~
~~Chief Administrative Law Judge~~

~~AES:nd3~~
~~Attachment~~

ALJ/DBB/AN4/nd3

PROPOSED DECISION

Agenda ID #20209 (Rev.1)

Ratesetting
1/27/2022 Item #14

Decision **PROPOSED DECISION OF ALJ CHIV AND ALJ NOJAN (Mailed 12/24/2021)**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Oversee the Resource Adequacy Program, Consider Program Refinements, and Establish Forward Resource Adequacy Procurement Obligations.

Rulemaking 19-11-009

DECISION GRANTING COMPENSATION TO PROTECT OUR COMMUNITIES FOUNDATION FOR SUBSTANTIAL CONTRIBUTION TO DECISION 20-06-031

Intervenor: The Protect Our Communities Foundation	For contribution to Decision (D.) 20-06-031
Claimed: \$68,599.50 ¹	Awarded: \$ 41,797.00 <u>43,547.00</u>
Assigned Commissioner: Marybel Batjer ²	Assigned ALJs: Debbie Chiv and Amin Nojan ³

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	D.20-06-031 adopts 2021-2023 local capacity requirements and 2021 flexible capacity requirements to Commission-jurisdictional load-serving entities, as well as refinements to the Resource Adequacy program. The Decision requires additional review of
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¹ PCF also requests that the 2020 COLA be added to the hourly rates of Bill Powers and Tyson Siegele. The 2020 COLA is not reflected in this amount.

² Assigned Commissioner reassigned from Liane Randolph to President Batjer on February 26, 2021.

³ Administrative Law Judge Amin Nojan co-assigned on January 26, 2021.

	the CAISO’s local capacity requirements (“LCR”) and behind the meter (“BTM”) hybrid resource qualifying capacity in the next proceeding track. The Decision revised the demand response protocols to allow for testing during dispatch times. Finally, the Decision made changes to the maximum cumulative capacity (“MCC”) buckets and instructed that parties further review the MCC buckets in Track 3.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812⁴:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	12/16/2019	Verified
2. Other specified date for NOI:	N/A	N/A
3. Date NOI filed:	1/15/2020	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:	R.18-12-005	Verified
6. Date of ALJ ruling:	4/17/2019	Verified
7. Based on another CPUC determination (specify):	D.20-04-021; D.20-04-017; D.19-12-017; D.19-10-047; D.19-05-035; D.19-04-031.	Verified
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	R.18-12-005	Verified

⁴ All statutory references are to California Public Utilities Code unless indicated otherwise.

	Intervenor	CPUC Verification
number:		
10. Date of ALJ ruling:	4/17/2019	Verified
11. Based on another CPUC determination (specify):	D.20-04-021; D.20-04-017; D.19-12-017; D.19-10-047; D.19-05-035.	Verified
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.20-06-031	Verified
14. Date of issuance of Final Order or Decision:	6/30/2020	Verified
15. File date of compensation request:	8/28/2020	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor’s Comment(s)	CPUC Discussion
B.9-12	Per Pub. Util. Code § 1804(b), a “finding of significant financial hardship shall create a rebuttable presumption of eligibility for compensation in other commission proceedings commencing within one year of the date of that finding.” This proceeding was commenced on November 13, 2019, which is within one year of D.19-12-017, D.19-10-047, D.19-05-035, and D.19-04-031. In addition, the April 17, 2019 ALJ ruling at page 6 and D.20-04-017 at pages 4-5 contain significant financial hardship determinations made in this proceeding.	Noted

PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (see § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059):

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
As previously noted in this IC claim, Protect Our Communities		Noted

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>Foundation’s preferred acronym is now PCF.</p> <p>While PCF is our new acronym, we did not modify any of quotes from D.20-06-031. Thus, for the purpose of this substantial contribution section, PCF and POC are interchangeable.</p> <p style="text-align: center;">PCF = POC</p>		
<p>Issue: Local and Flexible Capacity Requirements</p>	<p>Issue: Local and Flexible Capacity Requirements</p>	
<p>PCF argued that CAISO uses LCR standards that are more stringent than those required by NERC and WECC. PCF stated “[f]or each given condition, CAISO applies the most stringent of the three standards – NERC, WECC, or CAISO’s own standards. POC noted in its comments on the Draft LCR Report that the CAISO’s multilayered standards have led to California bearing much higher transmission costs than the rest of the U.S.”</p> <p>PCF Comments on the LCR Report (May 8, 2020) p. 5.</p> <p>The Commission agreed with POC and ordered a working group to review CAISO's reliability standards.</p>	<p>“POC also raises concerns about the Greater Bay Area LCR evaluation and asserts that the problem arises from CAISO’s application of the most stringent standards, which leads to unnecessary and expensive over procurement. POC states that in addition to the NERC and WECC reliability standards, CAISO applies its own 'Applicable Reliability Criteria' and that this third set is not necessary. 'POC encourages evaluation of CAISO’s reliability standards to determine if they result in higher transmission costs to ratepayers as compared to the rest of the country.’“ D.20-06-031, pp. 11-12.</p> <p>The Decision agreed with PCF by issuing Ordering Paragraph (OP) 5 and 6 which ordered the formation of a working group (WG) to evaluate the CAISO’s reliability standards. D.20-06-031, OP 5 and 6, pp. 91-92.</p>	<p>Verified</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>PCF argued that “energy storage information aids LSEs’ understanding of storage needs and limitations in local capacity areas. However, POC recommends a reframing of the 2021 LCR Report’s storage discussion to highlight the path necessary to attain the SB 100 targets of 100% renewable energy.”</p> <p>PCF Comments on the LCR Report (May 8, 2020) p. 6.</p>	<p>The Decision highlighted PCF’s contribution:</p> <p>“Several parties, including ... POC ... comment on CAISO’s inclusion of battery storage limits in the Final LCR Study.” and “POC supports the new energy storage data for assisting LSEs’ understanding of storage needs in local areas but recommends that the storage discussion be reframed to ‘highlight the path necessary to attain the SB 100 targets of 100% renewable energy.’” D.20-06-031, p. 13-14.</p> <p>The Decision agreed with PCF by issuing OP 6(e) which ordered the future WG to “Inclusion of energy storage limits in the LCR report and its implications on future resource procurement”. D.20-06-031, OP 6(e), p. 91.</p>	Verified
<p>PCF highlighted the inconsistency found in CAISO’s reliability standards versus other balancing authorities as well as the excessively high standards which fail to serve ratepayers.</p> <p>“POC encourages the Commission to evaluate CAISO’s overly conservative application of reliability standards and to determine if those standards are in fact resulting in California’s abnormally high transmission costs compared to the rest of the country. POC requests that the Commission conduct an independent determination of the</p>	<p>The Commission agreed with PCF’s analysis of the CAISO LCR Report and declined to adopt CAISO’s proposals. The Decision established a working group to review the CAISO’s reliability criteria more fully.</p> <p>“While CAISO states that the revised reliability criteria are intended to align with current mandatory reliability standards developed by NERC and WECC, the Commission has not directly considered this newly adopted local reliability criteria and the costs to ratepayers associated with this dramatic increase in the Greater Bay Area LCR. Therefore, the Commission declines to adopt the</p>	Verified

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>appropriate LCR reliability standard to apply to California IOUs, and not leave this critically important consideration exclusively to the discretion of CAISO.” POC Comments on the Final LCR Report (May 8, 2020) p. 5.</p>	<p>reliability criteria presented in CAISO’s Final 2021 LCR Report at this time.... Parties should also have an opportunity to weigh in on the associated impacts of adopting the new reliability criteria, especially with regards to the added reliability and potential costs to ratepayers.” D.20-06-031, p. 14-15</p>	
<p>PCF argued for a revision to the selection of proposed co-chairs for the local RA working group.</p> <p>“POC recommends that CAISO not be appointed co-chair of this working group. Allowing CAISO to control the discussion from a position of co-chair ignores the inherent bias CAISO possesses to defend its own reliability standards.” POC Comments on the PD (June 11, 2020) p. 3.</p>	<p>The Commission agreed with PCF and revised the co-chair assignments according to PCF’s recommendation.</p> <p>“We agree that a local RA working group should be established to evaluate CAISO’s updated criteria and other LCR related issues and propose improvements to the local RA requirement process. This working group shall be co-led by Energy Division and a consumer advocacy or environmental advocacy group.” D.20-06-031, p. 15</p> <p>“POC states that CAISO or an IOU should not serve as co-chairs and that Energy Division should serve with a customer user group. We find it reasonable that Energy Division and a consumer or environmental advocacy group should serve as co-leads of the LCR working group.” D.20-06-031, p. 79.</p>	<p>Verified</p>
<p>PCF argued in favor of including each of the 4 issues (listed in D.20-06-031 and detailed to the right) in the working group scope.</p> <p>Issues 1 and 2: POC argued that</p>	<p>The Commission agreed to review the CAISO standards compared to the NERC and WECC standards as PCF recommended.</p>	<p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>the CAISO standards on top of NERC and WECC standards creates an excessive and expensive web of reliability standards which fails to serve ratepayers' interests. POC recommended that the Commission should review the issue further.</p> <p>POC Comments on the Draft LCR Report (April 17, 2020) p. 3; POC Comments on the Final LCR Report (May 8, 2020) p. 5.; POC Comments on the PD (June 11, 2020) p. 3; POC Reply Comments on the PD (June 16, 2020) pp. 1-3.</p> <p>Issue 3: POC argued that an independent determination of reliability would be needed to find the most appropriate criteria - Category C, Category D, or other criteria to be determined. POC Reply Comments on the PD (June 16, 2020) pp. 1-3.</p> <p>Issue 5: POC argued for a review of the CAISO's LCR report storage evaluation and highlighted the importance of the storage evaluation on future resource procurement.</p> <p>POC Comments on the Final LCR Report (May 8, 2020) p. 6-8.</p>	<p>“The working group should focus its immediate efforts on evaluating and providing recommendations on the following issues. (1) Evaluation of the newly adopted CAISO reliability criteria in relation to NERC and WECC mandatory reliability standards; (2) Interpretation and implementation of CAISO’s reliability standards, mandatory NERC and WECC reliability standards, and the associated reliability benefits and costs;...” D.20-06-031, p. 15</p> <p>The Commission accepted PCF’s points about evaluating the Category C reliability criteria.</p> <p>“...(3) Benefits and costs of the change from the old reliability criteria ‘Option 2/Category C’ to CAISO’s newly adopted reliability criteria;...” D.20-06-031, p. 15</p> <p>The Commission accepted PCF’s recommendation to review energy storage limits and its relationship to future resource procurement:</p> <p>“...(5) Inclusion of energy storage limits in the LCR report and its</p>	

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	implications on future resource procurement;...” D.20-06-031, p. 15	
PCF advocated for the full range of CAISO’s reliability criteria to be examined and the Commission agreed to a wide scope of issues.	As a result of PCF’s arguments, the Decision set out a wide scope for the CAISO reliability criteria to be reviewed. D.20-06-031, p. 15 “POC disagrees to limiting the scope of issues, stating that examination of the reliability criteria is overdue and the updated criteria should be examined against standard utility reliability metrics.” D.20-06-031, p. 78.	Verified, however, disallow without prejudice for citing the decision’s summary of party comments (pp. 77-86 of D.20-06-031) as the primary source of claimed substantial contribution.
Issue: Hybrid Resource Qualifying Capacity	Issue: Hybrid Resource Qualifying Capacity	
POC supported the Working Group definitions of hybrid and co-located resources. POC Comments on Working Group Reports (March 23, 2020) p. 7.	The Commission agreed with PCF’s and other parties’ recommendations as to the key and critical definitions important in these analyses. “We agree that the Commission and the CAISO should be aligned on terminology to the extent possible, and find that the CAISO and the Working Group’s proposed definition of ‘hybrid’ and ‘co-located’ resources is reasonable. Therefore, the following definitions are adopted: a hybrid resource is ‘two or more resources (one of which is a storage project) located at a single point of interconnection with a single resource ID.’ Co-located resources are ‘two or more resources (one of which is a storage project) located at a single point of interconnection with two or more resource IDs.’” D.20-06-031, p. 28.	Verified, however, while PCF agreed with parties’ comments in the Working Group Report, the bulk of PCF’s comments discussed issues that did not substantially contribute to the decision.

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>POC recommended improvement of SCE’ proposal regarding hybrid and co-located resources but ultimately “agreed with Southern California Edison’s initial hybrid proposal in Track 2 to replace the existing methodology as a workable solution that addresses the main flaw of the existing interim methodology, which is undercounting the QC of the hybrid resource.” POC Comment on Track 2 and Working Group Reports (April 2, 2020) p. 3</p>	<p>The Commission agreed with SCE and PCF and found that “SCE’s proposal offers an appropriate method for derating the renewable component of the resource.” D.20-06-031, p. 29.</p>	<p>Verified, however, PCF’s comments did not substantially contribute to the decision’s outcome. PCF’s comments largely restated other parties’ comments and/or the Working Group Report.</p>
<p>PCF argued in favor of valuing hybrid and co-located resources equally:</p> <p>“POC recommends revising the SCE proposal to align with the SEIA-LSA comments, which adjust the proposal in two important ways. First, SCE’s proposal must be adapted to apply to single or multiple resource IDs as SEIA-LSA proposes. California Independent System Operator (“CAISO”) has already proposed a technical solution for opening the new methodology to single resource ID hybrids by use of a specific meter configuration. The configuration allows tracking of solar charging of the storage component - for ITC reporting purposes - and still works within the SCE hybrid proposal framework. POC recommends that the Commission accept</p>	<p>The Commission agreed with PCF's position hybrid and co-located resources, stating:</p> <p>“...if a hybrid and a co-located resource have identical physical characteristics and charging restrictions, the same QC value should apply to both. The Commission agrees with this view.” D.20-06-031, p. 29.</p> <p>“SCE’s methodology is adopted for valuation of all IFM hybrid and co-located resources planning to access the ITC.” D.D.20-06-031, p. 30.</p>	<p>Verified, however, PCF’s comments did not substantially contribute to the decision’s outcome. PCF’s comments largely restated other parties’ comments and/or the Working Group Report.</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
SCE's Hybrid Counting proposal with single or multiple resource IDs." POC Comment on Track 2 and Working Group Reports (April 2, 2020) p. 3		
<p>PCF argued that the Commission should expand hybrid NQC values to apply to BTM resources stating that "At the least, just as the PD directs unresolved issues on other topics to be taken up by working groups, the PD should direct further review and investigation into ways to access the opportunities and value presented by hybrid BTM resources."</p> <p>POC Comments on the PD (June 11, 2020) p. 10.</p>	<p>The Commission agreed with PCF's position that BTM resources warranted further investigation and requested a joint public workshop, stating:</p> <p>"The Commission will request CAISO and CEC participation in a joint public workshop later this calendar year to plan the joint agency steps necessary to establish NQC values for hybrid BTM storage/solar resources with the goal of counting these resources in the RA program." D.20-06-031, p. 33.</p>	Verified, however, PCF's comments did not substantially contribute to the decision's outcome.
Issue: ELCC Value - Average vs. Marginal - renewable resources	Issue: ELCC Value - Average vs. Marginal - renewable resources	
The Decision specifically references PCF's arguments and contributions as noted.	"Other parties support an average ELCC calculation, including CAISO, Cal Advocates, POC, and SEIA-LSA." D.20-06-031, p. 35.	Verified
PCF provided extensive analysis why the current methodology - the average ELCC methodology - for valuing generating resources provides accurate assessment of value of the resource to the grid and should be retained and not changed or scrapped as other parties argued. POC provided explanations and	<p>The Commission agreed and retained average ELCC as the ELCC methodology for valuing generating resources.</p> <p>"The Commission recognizes parties' substantial discussions on ELCC in Track 2. However, based on comments and the Working Group report, there is insufficient consensus</p>	Verified

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>information detailing how the average ELCC puts all generators on a level playing field.</p> <p>POC Comments on Working Group Reports (March 23, 2020) p. 7. pp. 12-17.; POC Comment on Track 2 and Working Group Reports (April 2, 2020) pp.5-7.</p>	<p>among parties to expand or revise the ELCC methodology at this time. We acknowledge the rationale behind support for marginal ELCC values, although it is largely inconsistent with past practice regarding RA qualifying capacity values and requires further development.” D.20-06-031, p. 36</p>	
<p>Issue: Demand Response Protocols</p>	<p>Issue: Demand Response Protocols</p>	
<p>PCF successfully argued that testing of DR resources should also provide DR value.</p> <p>“POC disagrees with Energy Division’s and Cal Advocates’ approach. DR provides a much-needed peaking resource and such extensive testing would exhaust much of the resource’s potential and value by using it on testing rather than at annual peak demand instances.” POC Comment on Track 2 and Working Group Reports (April 2, 2020) p. 8.</p> <p>“[R]ather than testing DR in an unrealistic manner, DR should be used during actual peak, dispatched as needed, and penalized for non-performance.”</p> <p>POC Comment on Track 2 and Working Group Reports (April 2, 2020) p. 8.</p>	<p>The Commission agreed with PCF’s arguments and analysis that a DR provider can use a market dispatch of its resource to count as the DR resource's quarterly test dispatch:</p> <p>“While we agree with Energy Division that DR resources should demonstrate that they are able to meet the minimum four-hour dispatch requirement for all RA resources, it is inefficient to mandate uneconomic dispatches unnecessarily.” D.20-06-031, p. 40.</p> <p>“...beginning with the 2021 RA compliance year, all third-party DR resources procured by non-IOU LSEs are required to dispatch for four consecutive hours during the RA measurement hours in every quarter of the delivery year. This requirement can be fulfilled either through a CAISO market dispatch or an out-of-market test with a preference</p>	<p>Verified, however, PCF’s comments did not substantially contribute to the decision’s outcome. PCF’s comments also largely restated other parties’ comments and/or the Working Group Report.</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<p>for market dispatches.” D.20-06-031, p. 40.</p> <p>“The Commission finds insufficient record support for adopting a minimum dispatch requirement at this time.” D.20-06-031, p. 41.</p>	
Issue: MCC Buckets	Issue: MCC Buckets	
<p>The Decision specifically acknowledges its consideration of PCF's arguments.</p>	<p>“Several parties oppose Energy Division's proposal or recommend consideration in Track 3, including the Joint DER Parties, Joint Environmental Parties, SEIA/LSA, AWEA-CA, CEERT, CLECA, POC, and Sunrun.” D.20-06-031, p. 53</p>	<p>Verified</p>
<p>PCF noted the limitations to all resources contained in Bucket 4 including nuclear, CHP, natural gas, biomass/biogas, hydro, and pumped hydro. PCF Comment on Track 2 and Working Group Reports (April 2, 2020) p. 11-12.</p> <p>While the Commission did not adopt POC's recommendation, the Commission considered and recognized the value of the information PCF submitted.</p>	<p>The Decision highlighted that parties, such as PCF, correctly evaluated the limits of Category 4 resources.</p> <p>“although parties correctly assert that some Category 4 resources have limitations, it is not necessary to identify and assess each particular limitation or to differentiate between regulatory and contractual limitations. Rather, market participants should categorize any individual dispatchable resource according to how its limitations affect its ability to meet the minimum requirements of each MCC bucket.” D.20-06-031, p. 55.</p>	<p>Verified, however, PCF's comments did not substantially contribute to the decision's outcome.</p>
<p>The Commission agreed with PCF's argument that “[d]ue to the complicated interactions between MCC buckets, rather</p>	<p>D.20-06-031 included the possibility of MCC bucket revision in Track 3, as PCF had recommended.</p> <p>“Some parties recommend that the</p>	<p>Verified, however, PCF's comments did not substantially</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
than make a last-minute change, the PD should eliminate revisions to MCC buckets for now and direct further review of changes to the bucket categories within later tracks of the proceeding.” POC comments on the PD (June 11, 2020) p. 11	MCC bucket rules should be interim and reconsidered in Track 3, including ... POC... We agree that the MCC buckets adopted in this decision may be reconsidered and refined in Track 3 of this proceeding and we clarify this in the decision.” D.20-06-031, p. 83-84.	contribute to the decision’s outcome.

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?⁵	Yes.	Yes
b. Were there other parties to the proceeding with positions similar to yours?	Yes.	Yes
c. If so, provide name of other parties: Public Advocate’s Office, SEIA-LSA, CalCCA, and others.		Verified
d. Intervenor’s claim of non-duplication: To the extent PCF’s arguments were similar to other parties’ arguments, they supplemented, complemented, and contributed to the presentations by other parties; and they were neither unproductive nor unnecessary. To reduce duplication and coordinate effectively with other parties, PCF participated in various calls with parties discussing RA issues. In addition, PCF provided critical analyses to and identified deficiencies within CAISO’s draft and final LCR study, encouraging evaluation to minimize costs to ratepayers that was supported by technical data and		Noted

⁵ The Office of Ratepayer Advocates was renamed the Public Advocate’s Office of the Public Utilities Commission pursuant to Senate Bill 854, which the Governor approved on June 27, 2018.

	Intervenor’s Assertion	CPUC Discussion
<p>recommendations, which other parties did not provide. Some unique positions were PCF’s recommendation for further review of LCR in Southern California, broad review of CAISO reliability criteria, and selection of the LCR working group’s leads. PCF’s comments containing alternatives and adjustments that enriched the Commission’s record and contributed to their deliberations and decision-making. PCF’s comments were neither unproductive nor unnecessary because they substantially enriched the Commission’s deliberations and assisted its decision-making.</p>		

C. Additional Comments on Part II:

#	Intervenor’s Comment	CPUC Discussion
<p>II.A</p>	<p>Substantial Contribution Includes Enriching Deliberations and the Record.</p> <p>As a threshold matter, many of PCF’s arguments and detailed analyses were considered and adopted by the Commission. However, the Commission considered and evaluated some of PCF’s information and advocacy and chose not to proceed in the manner advocated by PCF. The Commission’s past decisions recognize that the Commission does not need to adopt an intervenor’s position on a particular issue for that intervenor to make a substantial contribution. D.08-04-004, p. 4-5; D.19-10-019, p.3; D.03-03-031, p.6 (“substantial contribution includes evidence or argument that supports part of the decision even if the Commission does not adopt a party’s position in total”). Rather, intervenors substantially contribute when they have “provided a unique perspective that enriched the Commission’s deliberations and the record.” D.05-06-027, p. 5. Intervenors also substantially contribute when they provide a full discussion of the matters at issue so as to allow the Commission “to fully consider the consequences of adopting or rejecting” the parties’ proposals, and when they “assist the Commission in the decision-making process.” D.08-04-004, p. 5-6; D.19-10-019, p. 4.</p>	<p>Noted</p>
<p>II.B.</p>	<p>No Duplication.</p> <p>No reduction to PCF’s compensation due to duplication is warranted given the standard adopted by the Commission in D.03-03-031 and consistent with Public Utilities Code Sections 1801.3(b) & (f), 1802(j), 1802.5, and 1803. Section</p>	<p>Noted</p>

#	Intervenor’s Comment	CPUC Discussion
	<p>1803 sets forth the requirements for awarding intervenor compensation. Pub. Util. Code, § 1803; D.03-03-031, p. 12-14. An award of compensation for reasonable fees for participation in a proceeding is required when an intervenor (1) complies with Section 1804 and (2) “satisfies both of the following requirements: (a) The customer’s presentation makes a substantial contribution to the adoption, in whole or in part, of the Commission’s order or decision. (b) Participation or intervention without an award of fees or costs imposes a significant financial hardship.” Pub. Util. Code., § 1803. Section 1801.3(f) seeks to avoid only (1) “unproductive or unnecessary participation that duplicates the participation of similar interests otherwise adequately represented” or (2) “participation that is not necessary for a fair determination of the proceeding.” Pub. Util. Code, § 1801.3, subd. (f); D.03-03-031, p. 15-18. The “duplication language contained in the first dependent clause requires the compensation opponent to establish three elements – duplication, similar interests, and adequate representation.” D.03-03-031, p. 18. Section 1802.5 provides for full compensation where participation “materially supplements, complements, or contributes to the presentation of another party.” Pub. Util. Code, § 1802.5; <i>see also</i> D.03-03-031, p. 14. Additionally, the intervenor compensation statutory scheme is intended to “be administered in a manner that encourages the effective and efficient participation of all groups that have a stake in the public utility regulation process.” Pub. Util. Code, § 1801.3(b).</p>	<p>Noted</p>

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
<p>a. Intervenor’s claim of cost reasonableness:</p> <p>PCF’s advocacy reflected in this request for compensation substantially contributed to a decision that will impact California utility ratepayers and the public at large. Party review of the Track 2 proposals and working group reports provided valuable additional perspectives and information which aided the Commission’s decision making and the implementation of local capacity obligations and the resource adequacy program. Through participating in the evaluation of these obligations</p>	<p>Noted</p>

	CPUC Discussion												
<p>and programs, PCF assisted the Commission’s review and broadened the analytical choices available to the Commission which benefitted California utility ratepayers. PCF consciously worked with cost-effectiveness foremost in mind. For example, PCF advocate Julia Severson, whose hourly rate is significantly lower than PCF’s expert and general counsel rates, assisted in the preparation of this claim to keep costs as low as possible. PCF’s fees are small in comparison to the financial benefits that California ratepayers will ultimately realize from PCF’s contributions.</p>													
<p>b. Reasonableness of hours claimed:</p> <p>PCF’s comments both identified deficiencies in LCR studies and reports and provided alternative adjustments that enriched the Commission’s record and contributed to their decision-making, supported by technical data and well-developed recommendations. PCF’s hours expended are reasonable and the total amount is substantially lower than if PCF used an outside expert. Time spent on general participation by PCF representatives enhanced PCF’s comments on various issues presented in PCF’s comments. PCF is not claiming any time spent by its board member, attorney Loretta Lynch, who has extensive PUC and utility regulatory experience and who reviewed PCF’s comments. Nor is PCF claiming any time spent on administrative matters. All of the hours claimed in this request were reasonably necessary to PCF’s participation in this proceeding.</p>	Noted												
<p>c. Allocation of hours by issue:</p> <p>Based on the detail in the time sheets and the personal knowledge of PCF’s experts, the approximate allocation of time in this proceeding is as follows:</p> <table border="1"> <tbody> <tr> <td>MCC Buckets</td> <td>20%</td> </tr> <tr> <td>Local and Flex Capacity Requirements</td> <td>30%</td> </tr> <tr> <td>ELCC Methodology</td> <td>20%</td> </tr> <tr> <td>Hybrid Resource Qualifying Capacity</td> <td>10%</td> </tr> <tr> <td>Demand Response</td> <td>10%</td> </tr> <tr> <td>General Participation</td> <td>10%</td> </tr> </tbody> </table>	MCC Buckets	20%	Local and Flex Capacity Requirements	30%	ELCC Methodology	20%	Hybrid Resource Qualifying Capacity	10%	Demand Response	10%	General Participation	10%	Noted
MCC Buckets	20%												
Local and Flex Capacity Requirements	30%												
ELCC Methodology	20%												
Hybrid Resource Qualifying Capacity	10%												
Demand Response	10%												
General Participation	10%												

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Bill Powers (Expert)	2020	4.5	\$291.00 + 2020 COLA	See comment #1.	\$1,309.50	4.5	\$295.00 [1]	\$1,327.50
Tyson Siegele (Expert)	2020	234	\$280.00 + 2020 COLA	See comment #2.	\$65,520	136.8 <u>139.3</u> [2]	\$290.00 [2]	\$39,672.00 <u>\$40,397.00</u>
Subtotal: \$66,829.50						Subtotal: \$40,999.50 <u>\$41,724.50</u>		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Julia Severson	2020	6	\$50.00	½ of hourly rate, see comment #3.	\$300	0.0 6	\$50.00	\$0.00 <u>\$300.00</u>
Tyson Siegele	2020	10.5	\$140.00	½ of hourly rate.	\$1,470	5.5 6 <u>10.5</u>	\$145.00 [2]	\$797.50 <u>\$1522.50</u>
Subtotal: \$1,770						Subtotal: \$797.50 <u>\$1,822.50</u>		
TOTAL REQUEST: \$68,599.50⁶						TOTAL AWARD: \$41,797.00 <u>\$43,547.00</u>		
<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>								

⁶ PCF also requests that the 2020 COLA be added to the hourly rates of Bill Powers and Tyson Siegele. The 2020 COLA is not reflected in this amount.

CLAIMED			CPUC AWARD
ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR ⁷	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation

C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
Attmt #1	Certificate of Service
Attmt #2	Expert Time Sheet and Categorization
Attmt #3	Tyson Siegele Biography
Attmt #4	Julia Severson Resume
Comment #1	<p>Basis for rate of Bill Powers:</p> <p>D.19-04-031 established a rate of \$258 for 2018, PCF requested a 5% step increase for Mr. Powers for 2018 which is \$271 for 2018. For 2019, PCF requests the 2.35% COLA adjustment per ALJ-357, plus second 5% step increase.</p> <p>2018: \$258 + 5% step increase = \$271 2019: \$271 + COLA = 278 + 5% step increase = \$291</p> <p>Both hourly rates are pending decision in proceeding R.16-02-007 on an intervenor compensation claim that PCF filed on June 28, 2019.</p> <p>2020: \$291 + COLA to be added for 2020 when COLA is issued.</p>
Comment #2	<p>Basis for rate of Tyson Siegele:</p> <p>2018: PCF requested an hourly rate for Mr. Siegele per ALJ-357 = \$260 2019: PCF requested an hourly rate for MR. Siegele equal to the 2018 requested rate + 2.35% COLA = \$266</p> <p>Both hourly rates are pending decision in proceeding R.16-02-007 on an intervenor compensation claim that PCF filed on June 28, 2019.</p> <p>2020: \$266 + 5% step increase = \$280 (rounded to nearest \$5) + COLA to</p>

⁷ 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
	be added for 2020 when COLA is issued.
Comment #3	<p>Basis for rate of Julia Severson: Julia Severson is an advocate at The Protect Our Communities Foundation. Recent rates approved for similar positions have been \$130 or higher (D.18-10-017, Paralegal; D.18-09-039, D.19-05-035, D.19-04-031, Law Clerk). Given Ms. Severson’s experience, PCF’s claimed rate falls within, and at the lower end of, rates provided to persons with similar abilities. Ms. Severson’s resume is attached.</p>

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1]	Bill Powers’ 2020 Rate of \$295.00 was verified with D.21-08-018
[2]	<p>During the verification process of the claimed substantial contributions in Part II.A, a number of the claimed contributions were found to not substantially contribute to the decision and/or citing the decision’s summary of party comments as the primary source of claimed substantial contribution. In particular, the Hybrid Resource Qualifying Capacity and Demand Response issues largely restated other parties’ comments and/or the Working Group Report and we have disallowed the issues, containing 10% of requested hours per issue.</p> <p>Similarly, the MCC Bucket issue also contained claimed contributions found not to contribute to the overall decision, therefore we are reducing the hours associated with the issue by 50%, to which MCC Bucket represents 20% of the total claimed hours.</p> <p>Hour Allocation Reduction Breakdown (10% per Issue):</p> <p>Total Requested Hours: 234</p> <p>MCC Buckets = 23.4 hours</p> <p>Hybrid Resource Qualifying Capacity = 23.4 hours</p> <p>Demand Response = 23.4 Hours</p> <p>Total Hour Reduction for MCC, HRQC and DR issues is 70.2 Hours for failure to make a substantial contribution.</p>

Item	Reason
[3]	<p>Upon verification of the submitted timesheets, entries from 4/3 to 4/12 contained work associated to Track 1 and other works in a different proceeding, totaling 24.5 hours. We disallow for work performed in another proceeding or track.</p> <p><u>Track 1 issues were addressed in a separate decision, D.20-06-028, which was issued in a separate rulemaking, R.17-09-020. A March 20, 2020 ruling notified that a decision on Track 1 issues would be issued in R.17-09-020. PCF was a party to R.17-09-020. This decision addresses substantial contributions for D.20-06-031, and PCF’s claimed contributions to Track 1 for D.20-06-028 are not applicable.</u></p>
[4]	<p>Upon verification of the submitted timesheets, entry 6/11 claims “RA – review, update, and add content to PD comments based on edits/suggestions from colleague” for 2.5 hours. We disallow for work clerical in nature.</p>
[5][4]	<p>Tyson Siegele’s 2019 Rate of \$270.00 was verified with D.21-03-039. Using the 2019 Rate as a basis, we apply the requested 5% step increase and the 2020 2.55% COLA, bringing Tyson Siegele’s 2020 Rate to \$290.00. The calculations are:</p> <p>$\\$270.00 * .05 = 13.5 + 270 = \\283.50</p> <p>$\\$283.50 * 0.0255 = \\$7.23 + 283.50 = \\$290.72$</p> <p>Rounding to the nearest \$5 increment brings Tyson Siegele’s 2020 Rate to \$290.00.</p>
[6]	<p>Submitted timesheets only reflect time associated with Intervenor Compensation Claim Preparation for Tyson Siegele, totaling 5.5 hours for NOI Preparation on 1/14 – 1/15. We disallow the requested time for Julia Severson and 5 hours for Tyson Siegele without prejudice.</p>

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))?	No

If not:

<u>Party</u>	<u>Comment</u>	<u>CPUC Discussion</u>
<u>PCF</u>	<u>PCF disagrees with the PD's reductions for these three issue areas because the PD's reductions do not align with statutory requirements for the intervenor compensation program, do not align with established commission precedent, and do not align with the only decision thus far that has issued an award for a intervenor's contribution to D.20-06-031.</u>	<u>The fact that a Commission decision summarizes a party's comments or identifies a party's comments does not, in and of itself, necessarily mean that the Commission finds that the party substantially contributed to a decision. Indeed, in numerous instances, a party may merely agree with other party's comments and/or duplicate other party's comments, without providing any substantial contribution.</u>
<u>PCF</u>	<u>24.5 hours for Track 1 work should be reinstated. Because PCF became a party to the RA proceeding at the beginning of R.19-11-009 and was not a party of the prior RA proceeding, PCF had no other option but to submit its substantial contributions on Track 1 of R.19-11-009 under the first decision within proceeding R.19-11-009.</u>	<u>We have confirmed PCF to be a party of R.17-09-020, therefore work performed should have been submitted with corresponding proceeding.</u>
<u>PCF</u>	<u>The PD incorrectly categorized hours of PCF's submitted time as clerical and PCF updates its timesheets to adhere to the format required by Commission rules.</u>	<u>The Commission finds the explanation reasonable and have awarded the 2.5 hours associated with the 6/11/2020 entry.</u> <u>The Commission also accepts the updated timesheet, however, an additional 5.5 hours have been added to the original request of 10.5 hours for Tyson Siegele. Including the 6 hours awarded to Julia Severson, we find a total of 22.5 hours excessive and award the original request of 6 hours for Julia Severson and 10.5 hours for Tyson Siegele.</u>

FINDINGS OF FACT

1. Protect Our Communities Foundation has made a substantial contribution to D.20-06-031.
2. The requested hourly rates for Protect Our Communities Foundation'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 \$~~41,797.00~~43,547.00.

CONCLUSION OF LAW

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

ORDER

1. Protect Our Communities Foundation shall be awarded \$~~41,797.00~~43,547.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company and San Diego Gas & Electric Company shall pay Protect Our Communities Foundation 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 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 November 11, 2020 the 75th day after the filing of Protect Our Communities Foundation's request, and continuing until full payment is made.
3. The comment period for today's decision is not waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D2006031		
Proceeding(s):	R1911009		
Author:	ALJ Chiv and ALJ Nojan		
Payer(s):	Pacific Gas and Electric Company, Southern California Edison Company and San Diego Gas & Electric Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/ Disallowance
Protect Our Communities Foundation	08/28/2020	\$68,599.50 ¹	\$41,797.00 <u>\$43,547.00</u>	N/A	See CPUC Comments, Disallowances, and Adjustments

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Bill	Powers	Expert	\$291	2020	\$295.00
Tyson	Siegele	Expert	\$280	2020	\$290.00
Julia	Severson	Advocate	\$100	2020	\$100.00

(END OF APPENDIX)

¹ PCF also requests that the 2020 COLA be added to the hourly rates of Bill Powers and Tyson Siegele. The 2020 COLA is not reflected in this amount.

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Description	Workshare ORIGINAL R1911009 PCF IComp PD
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