

Decision 22-02-022 February 24, 2022

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U338E) for Approval of Its Carbon-Free Surplus Energy Transaction with Bonneville Power Administration.

Application 19-10-001

**DECISION GRANTING COMPENSATION TO
THE UTILITY REFORM NETWORK
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 20-09-020**

| | |
|--|---|
| Intervenor: The Utility Reform Network | For contribution to Decisions (D.) 20-09-020 |
| Claimed: \$78,652.30 | Awarded: \$78,652.30 |
| Assigned Commissioner: Genevieve Shiroma | Assigned ALJ: Scarlett Liang-Uejio |

PART I: PROCEDURAL ISSUES

| | |
|--|--|
| A. Brief description of Decision: | <u>D.20-09-020</u> The Decision denies the application of Southern California Edison (SCE) company for approval of a surplus energy transaction with the Bonneville Power Administration (BPA) and denies other related relief. |
|--|--|

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: | 12/5/2019 | Verified |
| 2. Other specified date for NOI: | | |

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

| | Intervenor | CPUC Verification |
|---|-------------------|--------------------------|
| 3. Date NOI filed: | 12/13/2019 | 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.19-01-011 | Verified |
| 6. Date of ALJ ruling: | 07/26/2019 | 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: | R.19-01-011 | Verified |
| 10. Date of ALJ ruling: | 07/26/2019 | 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: | D.20-09-020 | Verified |
| 14. Date of issuance of Final Order or Decision: | 10/1/2020 | Verified |
| 15. File date of compensation request: | 11/25/2020 | Verified |
| 16. Was the request for compensation timely? | | Yes |

C. Additional Comments on Part I:

| # | Intervenor’s Comment(s) | CPUC Discussion |
|----------|--|------------------------|
| 1 | TURN did not receive an affirmative ruling on its Notice of Intent in this proceeding. As explained in the Commission’s Intervenor Compensation guide, “normally, an ALJ Ruling needs not be issued unless: (a) the NOI has requested a finding of “significant financial hardship” under § 1802(g). (b) the NOI is deficient; or (c) the ALJ desires to provide guidance on specific issues of the NOI.” (page 12) Since none of these factors apply to the NOI | Noted |

| # | Intervenor’s Comment(s) | CPUC Discussion |
|---|--|-----------------|
| | submitted in this proceeding, there was no need for an ALJ ruling in response to TURN’s NOI. | |

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 |
|--|--|-----------------|
| <p>1. ENERGY EFFICIENCY</p> <p>TURN urged the Commission to reject the characterization of the transaction as a transfer of energy efficiency and identified serious concerns with the supporting evidence for the claim that the historic energy efficiency investments by BPA produced incremental savings. TURN also pointed out that the 24x7 delivery profile of imports under the transaction is not linked to identified energy efficiency measures. Finally, TURN argued that it was not appropriate to use California ratepayer funds to support out-of-state energy efficiency programs.</p> <p>The Decision rejects SCE’s representation of the transaction as “an inter-regional energy transfer” (pages 11-12) and notes that the delivery profile of imports under the PPA is not linked to “the actual characteristics” of any underlying energy efficiency resource (pages 12-13). The Decision further finds that the transaction is intended to “resolve BPA’s ratemaking issue</p> | <p><u>TURN opening brief, June 12, 2020, pages 13-19</u></p> <p><u>TURN reply brief, June 29, 2020, pages 16-20</u></p> <p><u>TURN direct testimony, February 18, 2020, pages 24-25</u></p> <p><u>TURN surrebuttal testimony, May 4, 2020, pages 3-10</u></p> <p><u>D.20-09-020, pages 11-14</u></p> | <p>Verified</p> |

| Intervenor’s Claimed Contribution(s) | Specific References to Intervenor’s Claimed Contribution(s) | CPUC Discussion |
|---|---|-----------------|
| <p>and to compensate a federal agency for its energy efficiency programs by charging ratepayers in California.” (page 14)</p> | | |
| <p>2. POWER PURCHASE AGREEMENT</p> <p>TURN argued that the proposed transaction is a standard Power Purchase Agreement (PPA) that would result in delivery of energy from a portfolio of both carbon-free and carbon-emitting resources controlled by BPA. TURN noted that the PPA does not offer “any unique features” and does not represent a new approach to procurement from out-of-state sellers. Finally, TURN argued that controlling federal law permits BPA to reduce or eliminate deliveries with 60 days advance notice if continued performance would impair its ability to serve northwest customers.</p> <p>The Decision agrees that the transaction “is a standard purchase of surplus power from BPA’s system portfolio” (page 11). Specifically, the Decision finds that the PPA sources the power from a portfolio of hydroelectric and nuclear resources and, “as TURN correctly points out”, cannot be attributed to individual demand or supply side resources. (page 17)</p> <p>The Decision also notes that “the only unique element of this</p> | <p><u>TURN opening brief, June 12, 2020, pages 3-6, 9-12</u></p> <p><u>TURN reply brief, June 29, 2020, pages 1-2, 5.</u></p> <p><u>TURN direct testimony, February 18, 2020, pages 10-11</u></p> <p><u>D.20-09-020, pages 11, 14, 17, 23-24.</u></p> | <p>Verified</p> |

| Intervenor’s Claimed Contribution(s) | Specific References to Intervenor’s Claimed Contribution(s) | CPUC Discussion |
|--|---|-----------------|
| <p>Transaction is that it is at a premium price” (page 14).</p> <p>The Decision also agrees with TURN that “the transaction has not overcome BPA’s legal barrier” since the requirements of federal law include a 60-day cancellation provision which means that BPA “cannot guarantee the delivery of the around the clock surplus power” (pages 23-24)</p> | | |
| <p>3. CARBON FREE RESOURCE</p> <p>TURN noted that the electricity delivered under the contract is not “carbon free”, would incur Greenhouse Gas (GHG) compliance costs under California regulations, and is sourced from a portfolio that included various amounts of GHG-emitting resources over the years. TURN urged the Commission to reject SCE’s repeated characterizations of the transaction as “carbon free”.</p> <p>The Decision finds that “SCE’s characterization of the electricity as surplus carbon-free hydroelectric power is both false and inconsistent with the Contract.” (page 11) The Decision agrees with TURN that a portion of the power provided from the ACS portfolio comes from fossil resources and market purchases “that may not be carbon-free.” (pages 18-19) The Decision agrees with TURN that actual carbon emissions from this portfolio have varied significantly over the past decade. (page 17) Moreover, the</p> | <p><u>TURN opening brief, June 12, 2020, pages 23-26</u></p> <p><u>TURN reply brief, June 29, 2020, pages 7-9</u></p> <p><u>TURN direct testimony, February 18, 2020, pages 10-11</u></p> <p><u>TURN surrebuttal testimony, May 4, 2020, pages 12-13</u></p> <p><u>D.20-09-020, pages 11, 17-20</u></p> | <p>Verified</p> |

| Intervenor’s Claimed Contribution(s) | Specific References to Intervenor’s Claimed Contribution(s) | CPUC Discussion |
|---|--|-----------------|
| <p>Decision notes that deliveries under the Transaction are treated by the California Air Resources Board as having GHG emissions. (pages 18-19). Consistent with these findings, the Decision finds that SCE improperly characterized the transaction as “carbon free” in its application. (page 20)</p> | | |
| <p>4. PROOF OF CONCEPT</p> <p>TURN urged the Commission to reject the claim that the transaction represents a valid “proof of concept” that would produce specific new “learnings” and justifies the significant above-market costs. Specifically, TURN notes that SCE has not identified any meaningful results to be achieved via its participation in the BPA evaluation process or in the development of a final report. TURN also questioned whether the transaction would accelerate commitments to energy efficiency outside of California. Instead of approving the costly PPA, TURN urged SCE to perform any relevant studies and present the results in the Integrated Resource Planning (IRP) process.</p> <p>The Decision finds that “the proposed ‘proof of concept’ transaction does not produce sufficient policy benefits to justify the costs” and “is misleading” (pages 11, 36). The Decision further agrees with the TURN that insufficient evidence was presented to demonstrate that the transaction</p> | <p><u>TURN opening brief, June 12, 2020, pages 16-23, 39-40</u></p> <p><u>TURN reply brief, June 29, 2020, pages 10-11, 14-16, 31-33</u></p> <p><u>TURN surrebuttal testimony, May 4, 2020, pages 17-20.</u></p> <p><u>D.20-09-020, pages 11, 26, 34-36.</u></p> | <p>Verified</p> |

| Intervenor’s Claimed Contribution(s) | Specific References to Intervenor’s Claimed Contribution(s) | CPUC Discussion |
|--|---|-----------------|
| <p>would “substantially add” to the incentives for exploring future transactions that provide mutual benefits to California and the Northwest. (pages 34-36) Finally, the Decision notes that although it rejects the transaction, SCE is encouraged to “study the benefits of increased out-of-state low or GHG-free electricity with RA value and bring relevant information and contracts to the Commission for assessment, particularly in the context of the IRP proceeding.” (page 26)</p> | | |
| <p>5. COSTS</p> <p>TURN opposed the recovery of above-market costs associated with the contract on the basis that they are not offset by any demonstrated GHG abatement benefits or other value provided to SCE’s ratepayers. TURN also argued that the transaction compares unfavorably to the costs and value of incremental energy efficiency in SCE’s own service territory. TURN raised questions about the reasonableness of the negotiated energy price. Finally, TURN pointed out that SCE omitted GHG compliance costs required to import electricity from BPA’s portfolio into California.</p> <p>The Decision finds that “the costs associated with approving this application are too high and are not justified by the uncertain policy benefits.” (page 30) Specifically, the Decision notes that the excessive</p> | <p><u>TURN opening brief, June 12, 2020, pages 31-36</u></p> <p><u>TURN reply brief, June 29, 2020, pages 24-29</u></p> <p><u>TURN direct testimony, February 18, 2020, pages 11-23</u></p> <p><u>TURN surrebuttal testimony, May 4, 2020, pages 12-17</u></p> <p><u>D.20-09-020, pages 30-32, 34, 37, Conclusion of Law 9.</u></p> | <p>Verified</p> |

| Intervenor’s Claimed Contribution(s) | Specific References to Intervenor’s Claimed Contribution(s) | CPUC Discussion |
|--|--|-----------------|
| <p>contract price is “too high and unjustified” because it does not provide the benefits claimed by SCE. (page 32, Conclusion of Law 9) The Decision finds that it is inappropriate to compare the costs of the Proposed transaction with SCE’s own EE that “provides additional carbon-free energy efficiency resources, counts towards its EE goals and has RA value.” (page 32) As a result, the Decision declines to find that the contract is cost effective in comparison to in-state energy efficiency resources. (page 37) The Decision finds that SCE failed to demonstrate that the bilaterally negotiated energy price “reflects the market or is otherwise reasonable.” (page 32) The Decision agrees with TURN that SCE omitted the GHG emission compliance costs resulting from the import of BPA’s ACS energy into California, cites TURN’s estimate that such costs could be as high as \$63,311 in the third year of the contract, and concludes that “the true price of the Transaction is understated.” (page 34)</p> | | |
| <p>6. RESOURCE SHUFFLING</p> <p>TURN asserted that the transaction constitutes resource shuffling because it remarkets existing supplies of low carbon generation without yielding incremental production of GHG free energy or incremental reductions in demand. Since this outcome conflicts with the statutory prohibitions on resource</p> | <p><u>TURN opening brief, June 12, 2020, pages 1, 7-9, 27-31</u></p> <p><u>TURN reply brief, June 29, 2020, pages 20-23</u></p> <p><u>TURN direct testimony, February 18, 2020, pages 7-10</u></p> | <p>Verified</p> |

| Intervenor’s Claimed Contribution(s) | Specific References to Intervenor’s Claimed Contribution(s) | CPUC Discussion |
|---|---|-----------------|
| <p>shuffling in SB 100, TURN proposed that SCE be directed to propose proposals addressing the SB 100 resource shuffling prohibition in the Integrated Resources Planning (IRP) docket.</p> <p>The Decision agrees with TURN that the proposal represents resource shuffling and finds that “this is very likely to be true because the Transaction is not tied to additional investments in demand or supply measures.” (page 27) The Decision further cites TURN’s testimony to support the finding that the transaction will merely result in BPA backfilling sales of “carbon free” energy to SCE with market purchases of fossil generation (page 28). The Decision directs SCE to bring issues relating to future GHG reduction products for review in the IRP proceeding to further define the applicability of SB 100’s prohibitions on resource shuffling. (page 29)</p> | <p><u>TURN surrebuttal testimony, May 4, 2020, pages 10-12</u></p> <p><u>D.20-09-020, pages 27-29</u></p> | |

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

| | Intervenor’s Assertion | CPUC Discussion |
|---|------------------------|-----------------|
| <p>a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?²</p> | <p>Yes</p> | <p>Verified</p> |
| <p>b. Were there other parties to the proceeding with positions similar to yours?</p> | <p>Yes</p> | <p>Verified</p> |

² 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 |
|--|-------------------------------|------------------------|
| c. If so, provide name of other parties: Direct Access Customer Coalition/Alliance for Retail Energy Markets (DACC/AReM) | | Verified |
| d. Intervenor’s claim of non-duplication: TURN and the Public Advocates Office (CalPA) were aligned in opposition to SCE’s transaction but took different approaches to their advocacy. TURN performed significant unique analysis on the cost-effectiveness of the transaction, the underlying energy efficiency commitments made by BPA, the cost effectiveness of the transaction, and the specific “proof of concept” elements claimed by SCE. TURN coordinated with CalPA throughout the proceeding and collaborated on the development of various case management documents. TURN also coordinated with DACC/AReM with respect to legal issues governing the transaction except for cost allocation (where the parties took different positions). TURN participated in a joint <i>ex parte</i> meeting with DACC/AReM to support the Proposed Decision. In testimony and briefs, TURN presented unique factual, policy and legal issues that were intended to complement the showings of CalPA and DACC/AReM. To the extent that duplication occurred, it was unavoidable given the need to participate on key issues of interest to TURN and its members. TURN worked diligently to ensure that its involvement efficiently influenced the outcome of the final Decision. | | Verified |

C. Additional Comments on Part II:

| # | Intervenor’s Comment | CPUC Discussion |
|----------|--|------------------------|
| 1 | In denying the proposed transaction, the Decision declines to reach any findings with respect to the appropriate methodology for allocating above-market costs because no such recovery is authorized. The cost allocation issues addressed by TURN were within the scope of the proceeding. The December 20, 2019 scoping memo (pages 3-6) identified the scope as including the reasonableness of allocating costs through the Public Purpose Programs Charge or other mechanisms. TURN relied on the scoping memo, and the significant volumes of | Noted |

| # | Intervenor's Comment | CPUC Discussion |
|---|---|-----------------|
| | <p>testimony submitted by the utilities on these exact topics, in developing its testimony and briefs.</p> <p>The fact that the Commission did not reach findings and conclusions related to these issues should not serve as the basis for denying or reducing TURN's request for compensation. TURN properly relied upon the Commission's scoping ruling to perform analysis on SCE's proposal and present recommendations at the core of the proceeding. The only reason the Commission did not address the calculation of such costs is because it adopted TURN's primary recommendation to reject the transaction. It would be wholly unreasonable to penalize TURN for the fact that the Commission adopted its primary recommendation.</p> <p>The standard for an award of intervenor compensation is whether TURN made a substantial contribution to the Commission's decision, not whether TURN prevailed on each particular issue (see D.08-04-004, D.09-04-027). In D.11-09-034, the Commission awarded full compensation for TURN's work on a number of specific issues identified in the scoping memo that were not resolved in the final decision because they were mooted by the rejection of PG&E's application (TURN's primary recommendation). In D.17-12-021, the Commission granted full compensation for work by TURN on issues included in the scoping memo but not resolved in the final decision. In D.20-05-050, the Commission granted full compensation for work on issues identified in the scoping memo that were not expressly addressed in the final decision because the overall proposals submitted by the utilities were denied.</p> <p>In this case, the Commission should find that TURN's work relating to cost allocation was reasonable, necessary for effective participation in the case, and fully eligible for compensation.</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>As demonstrated in the substantial contribution section, TURN’s participation had a significant impact on the Commission’s decision to reject SCE’s transaction. This rejection saved ratepayers from bearing the above-market costs of the transaction. Although the exact amount of above market costs is confidential (<i>see</i> TURN opening brief, CONFIDENTIAL version, page 34), the Decision notes that approval of the application would have resulted in annual fees equal to \$108/MWh in the third year of the transaction.</p> <p>Moreover, the Commission’s rejection of the transaction prevented SCE and other Load Serving Entities from pursuing ‘copycat’ transactions that monetize “excess” out-of-state energy efficiency in a manner that fails to produce incremental GHG reductions. As a result of TURN’s proposals, the Decision directs further consideration of the concept to occur in the IRP process.</p> <p>TURN’s contributions were significant and justified its comprehensive participation in this proceeding. The Commission relied on TURN’s testimony and briefs to support the resolution of the disputed issues. Given the specific and substantial contributions that result in immediate savings for SCE ratepayers, the benefits associated with TURN’s participation far exceed the cost of TURN’s participation in this proceeding. TURN’s claim should be found to be reasonable.</p> | <p>Noted</p> |
| <p>b. Reasonableness of hours claimed:</p> <p>Given TURN’s highly substantive showings on the issues where it made contributions, the amount of time devoted by its staff is fully reasonable. TURN devoted the minimum number of hours to reviewing rulings, drafting pleadings, developing discovery, reviewing evidence, drafting briefs, and evaluating the proposed decision. TURN participated in a single ex parte meeting.</p> <p>The number of hours devoted to the wide range of issues and process in this case demonstrates the efficiency of TURN’s staff. Moreover, the time devoted to each task was reasonable in light of the complexity of the issues presented. Given the success achieved by TURN in this</p> | <p>Noted</p> |

| | CPUC Discussion |
|---|-----------------|
| <p>proceeding, the amount of time devoted by staff to the process should be found to be fully reasonable.</p> <p>Reasonableness of Staffing</p> <p><u>Matthew Freedman</u> TURN’s lead attorney was Matthew Freedman. Mr. Freedman drafted all pleadings, reviewed and drafted data requests, worked with expert witnesses to develop testimony, coordinated with other parties, attended prehearing conferences, and drafted TURN’s briefs.</p> <p><u>Kevin Woodruff</u> TURN relied upon Kevin Woodruff to sponsor prepared direct and surrebuttal testimony. Mr. Woodruff worked with Mr. Freedman to draft discovery, develop case strategy, respond to other pleadings, review SCE’s direct and rebuttal testimony, and provide feedback on TURN’s briefs.</p> <p><u>Hayley Goodson</u> TURN attorney Hayley Goodson provided input on issues relating to energy efficiency programs and policies. As TURN’s lead attorney on those topics, it was important to consult with Ms. Goodson regarding pending issues in this proceeding that could have an impact on broader energy efficiency policy.</p> <p><u>Cynthia Mitchell</u> TURN consultant Cynthia Mitchell assisted Kevin Woodruff with his analysis of the energy efficiency savings reported by BPA that served as the basis for the claim that the transaction constituted a transfer of energy efficiency. As an established expert on energy efficiency programs, Ms. Mitchell was able to assist Mr. Woodruff with the development of his testimony.</p> <p><u>Stephen Green</u> TURN legal assistant Stephen Green provided assistance relating to the formatting and preparation of documents in the proceeding. TURN relied on Mr. Green to perform certain tasks that did not require the involvement of an attorney.</p> <p><u>Compensation Request</u> TURN’s request also includes hours devoted to the preparation of compensation-related filings. The time devoted to this compensation request is appropriate and should be found to be reasonable.</p> | |

| | CPUC Discussion |
|--|------------------------|
| <p>c. Allocation of hours by issue:</p> <p>TURN has allocated all of our attorney and consultant time by issue area or activity, as evident on our attached timesheets. The following codes relate to specific substantive issue and activity areas addressed by TURN. TURN also provides an approximate breakdown of the number of hours spent on each task and the percentage of total hours devoted to each category (note that the numbers do not equal 100% due to rounding).</p> <p>General Participation (GP) – 28.25 hours – 13% of total</p> <p>General Participation work essential to participation that typically spans multiple issues and/or would not vary with the number of issues that TURN addresses. This includes reading the initial application, reviewing Commission rulings, preliminary data requests, review of NDAs, the development of the Joint Case Management statement, case management tasks and reviewing pleadings submitted by other parties. Also includes time spent participating at Prehearing conferences, all-party meet and confer sessions, and participation in an ex parte meeting.</p> <p>Coordination (COORD) – 1.75 hours – 1% of total</p> <p>Time spent on coordination with other parties in the proceeding to minimize duplication of effort.</p> <p>Energy Efficiency (EFFICENCY) – 40 hours – 19% of total</p> <p>Work relating to evaluating the characterization of the transaction as a transfer of energy efficiency including investigating BPA programs, measurement and verification protocols, and valuation of energy efficiency resources.</p> <p>Power Purchase Agreement (PPA) – 29 hours – 14% of total</p> <p>Work relating to the characterization of the Power Purchase Agreement (PPA) including the identified generation resources, the terms/conditions, and legal issues governing the agreement.</p> <p>Carbon Free (CARBON) – 32 hours – 15% of total</p> <p>Work relating to investigating claims relating to the “carbon free” nature of the transaction.</p> | <p>Noted</p> |

| | CPUC Discussion |
|--|-----------------|
| <p>Resource Shuffling (SHUFFLE) – 17 hours – 8% of total</p> <p>Work determining the extent to which the transaction constitutes resource shuffling under relevant state law and policy.</p> <p>Proof of Concept (PROOF) – 15 hours – 7% of total</p> <p>Work relating to assessing the elements of the transaction that SCE asserts would allow for a “proof of concept” demonstration.</p> <p>Costs (COST) – 47 hours – 22% of total</p> <p>Work relating to the quantification of total costs, above-market costs, the cost-effectiveness of the transactions, and the appropriate method for allocating and collecting costs from customers.</p> <p>Compensation – 9 hours</p> <p>Time spent on the notice of intent to claim compensation and the preparation of this compensation request.</p> <p>-----</p> <p>TURN used two different multi-issue codes to describe time devoted to a mix of issues. The following codes were used to allocate hours:</p> <p># = 15% EFFICIENCY, 15% PPA, 25% CARBON, 10% SHUFFLE, 5% PROOF, 30% COST</p> <p>% = 25% EFFICIENCY, 20% PPA, 10% CARBON, 10% SHUFFLE, 15% PROOF, 20% COST</p> <p>These hours have been incorporated to the totals listed above.</p> <p>TURN submits that under the circumstances this information should suffice to address the allocation requirement under the Commission’s rules. Should the Commission wish to see additional or different information on this point, TURN requests that the Commission so inform TURN and provide a reasonable opportunity for TURN to supplement this showing accordingly.</p> | |

B. Specific Claim:*

| CLAIMED | | | | | | CPUC AWARD | | |
|---|------|--------|----------|--|-------------|------------------------------|--------------|-------------|
| ATTORNEY, EXPERT, AND ADVOCATE FEES | | | | | | | | |
| Item | Year | Hours | Rate \$ | Basis for Rate* | Total \$ | Hours | Rate \$ | Total \$ |
| Matthew Freedman, Staff Attorney | 2019 | 6.25 | \$445.00 | D.19-10-013 | \$2,781.25 | 6.25 | \$445.00 | \$2,781.25 |
| Matthew Freedman, Staff Attorney | 2020 | 102.50 | \$455.00 | D.20-10-022 | \$46,637.50 | 102.50 | \$455.00 | \$46,637.50 |
| Hayley Goodson, Staff Attorney | 2020 | 0.50 | \$455.00 | D.20-09-032 | \$227.50 | 0.50 | \$455.00 | \$227.50 |
| Cynthia Mitchell, consultant | 2020 | 5.00 | \$250.00 | D.19-10-016 + 2.35% COLA + 2.55% COLA (see Comment #1) | \$1,250.00 | 5.00 | \$250.00 [1] | \$1,250.00 |
| Kevin Woodruff, consultant | 2019 | 0.75 | \$270.00 | D.20-05-050 | \$202.50 | 0.75 | \$270.00 | \$202.50 |
| Kevin Woodruff, consultant | 2020 | 93.50 | \$270.00 | D.20-05-050 (adopting 2019 rate) | \$25,245.00 | 93.50 | \$270.00 | \$25,245.00 |
| Subtotal: \$76,343.75 | | | | | | Subtotal: \$76,343.75 | | |
| OTHER FEES | | | | | | | | |
| Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.): | | | | | | | | |
| Item | Year | Hours | Rate \$ | Basis for Rate* | Total \$ | Hours | Rate \$ | Total \$ |
| Stephen Green, Legal Assistant | 2020 | 1.75 | \$125.00 | D.20-06-016 + 2.55% COLA (see Comment) | \$218.75 | 1.75 | \$125.00 | \$218.75 |
| Subtotal: \$218.75 | | | | | | Subtotal: \$218.75 | | |
| INTERVENOR COMPENSATION CLAIM PREPARATION ** | | | | | | | | |
| Item | Year | Hours | Rate \$ | Basis for Rate* | Total \$ | Hours | Rate \$ | Total \$ |
| Matthew Freedman | 2019 | 1.00 | \$222.50 | 50% of 2019 rate | \$222.50 | 1.00 | \$222.50 | \$222.50 |
| Matthew Freedman | 2020 | 8.00 | \$227.50 | 50% of 2020 rate | \$1,820.00 | 8.00 | \$227.50 | \$1,820.00 |
| Subtotal: \$2,042.50 | | | | | | Subtotal: \$2,042.50 | | |

| CLAIMED | | | | CPUC AWARD |
|---|--------------------------------------|--------------------------------------|---|--|
| COSTS | | | | |
| # | Item | Detail | Amount | Amount |
| 1. | Copies | Copies for pleadings and hearings | \$33.50 | \$33.50 |
| 2. | Postage | Costs of mailing copies of pleadings | \$13.80 | \$13.80 |
| <i>Subtotal: \$47.30</i> | | | | <i>Subtotal: \$47.30</i> |
| <i>TOTAL REQUEST: \$78,652.30</i> | | | | <i>TOTAL AWARD: \$78,652.30</i> |
| <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> | | | | |
| ATTORNEY INFORMATION | | | | |
| Attorney | Date Admitted to CA BAR ³ | Member Number | Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation | |
| Matthew Freedman | March 29, 2001 | 214812 | No | |
| Hayley Goodson | December 2003 | 228535 | No | |

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

| Attachment or Comment # | Description/Comment |
|-------------------------|--|
| Attachment 1 | Certificate of Service |
| Attachment 2 | Daily Time Records for Attorneys and Experts |
| Attachment 3 | Cost/Expense Details |
| Comment #1 | <p>2020 Hourly Rate for Cynthia Mitchell</p> <p>TURN requests an hourly rate of \$250 for expert Cynthia Mitchell. This rate results from the application of the 2019 and 2020 COLAs for intervenor rates to her approved 2018 hourly rate (\$240). Applying a 2.35% COLA to her 2018 rate (pursuant to Resolution ALJ-357) and a 2.55% COLA to her adjusted 2019 rate (pursuant to Resolution ALJ-387) yields a 2020 hourly rate of \$250.</p> |

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 |
|-------------------------|--|
| Comment #2 | <p>2020 Hourly Rate for Stephen Green</p> <p>TURN requests an hourly rate of \$125 for TURN legal assistant Stephen Green. This rate results from the application of the 2020 COLA (2.55% pursuant to Resolution ALJ-387) for intervenor rates to his adopted 2019 hourly rate (\$120).</p> |

D. CPUC Comments, Disallowances, and Adjustments (*CPUC completes*)

| Item | Reason |
|------|---|
| [1] | Commission finds reasonable increases of Cynthia Mitchell’s 2018 rate 2.35% for 2019 and 2.55% for 2020 to reflect COLAs for each year. |
| [2] | Commission finds reasonable an increase of Stephen Green’s 2019 rate by 2.55% for 2020 to reflect a COLA for that year. |

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 (<i>see Rule 14.6(c)(6)</i>)? | Yes |

FINDINGS OF FACT

1. The Utility Reform Network has made a substantial contribution to D.20-09-020.
2. The requested hourly rates for The Utility Reform Network 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 \$78,652.30.

CONCLUSION OF LAW

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

ORDER

1. The Utility Reform Network shall be awarded \$78,652.30.
2. Within 30 days of the effective date of this decision, Southern California Edison Company shall pay The Utility Reform Network total award. 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 8, 2021, the 75th day after the filing of The Utility Reform Network'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 February 24, 2022, at San Francisco, California.

ALICE REYNOLDS
President
CLIFFORD RECHTSCHAFFEN
GENEVIEVE SHIROMA
DARCIE HOUCK
JOHN R.D. REYNOLDS
Commissioners

APPENDIX

Compensation Decision Summary Information

| | | | |
|----------------------------------|------------------------------------|---------------------------|----|
| Compensation Decision: | D2202022 | Modifies Decision? | No |
| Contribution Decision(s): | D2009020 | | |
| Proceeding(s): | A1910001 | | |
| Author: | ALJ Liang-Uejio | | |
| Payer(s): | Southern California Edison Company | | |

Intervenor Information

| Intervenor | Date Claim Filed | Amount Requested | Amount Awarded | Multiplier? | Reason Change/ Disallowance |
|----------------------------|-------------------------|-------------------------|-----------------------|--------------------|--|
| The Utility Reform Network | 11/25/20 | \$78,652.30 | \$78,652.30 | N/A | See CPUC Comments, Disallowances and Adjustments above |

Hourly Fee Information

| First Name | Last Name | Attorney, Expert, or Advocate | Hourly Fee Requested | Year Hourly Fee Requested | Hourly Fee Adopted |
|-------------------|------------------|--------------------------------------|-----------------------------|----------------------------------|---------------------------|
| Matthew | Freedman | Attorney | \$445 | 2019 | \$445 |
| Matthew | Freedman | Attorney | \$455 | 2020 | \$455 |
| Hayley | Goodson | Attorney | \$455 | 2020 | \$455 |
| Cynthia | Mitchell | Expert | \$250 | 2020 | \$250 |
| Kevin | Woodruff | Expert | \$270 | 2019 | \$270 |
| Kevin | Woodruff | Expert | \$270 | 2020 | \$270 |

(END OF APPENDIX)