

Decision 22-03-032 March 17, 2022

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to
Consider Strategies and Guidance
for Climate Change Adaptation.

Rulemaking 18-04-019
(Filed April 26, 2018)

**DECISION GRANTING COMPENSATION TO LEADERSHIP
COUNSEL FOR JUSTICE AND ACCOUNTABILITY
FOR SUBSTANTIAL CONTRIBUTION TO
DECISIONS 19-10-054 AND 20-08-046**

| | |
|--|--|
| Intervenor: Leadership Counsel for Justice and Accountability | For contribution to D.19-10-054 and D.20-08-046 |
| Claimed: \$22,368.00 | Awarded: \$20,391.25 |
| Assigned Commissioner: Darcie L. Houck¹ | Assigned ALJ: Marcelo Poirier² |

PART I: PROCEDURAL ISSUES

| | |
|--|---|
| A. Brief description of Decision: | D.20-08-046 establishes a definition of Disadvantaged Vulnerable Communities and requires development of community engagement plans and climate change vulnerability assessments. D.19-10-054 adopted a working definition of climate adaptation and provided guidance on the tools, models and data relevant to climate adaptation in future utility planning. |
|--|---|

**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub.
Util. Code §§ 1801-1812³:**

¹ This proceeding was reassigned from Commissioner Randolph to Commissioner Houck on February 24, 2021.

² This proceeding was reassigned from ALJ DeAngelis to ALJ Poirier on August 11, 2021.

³ All statutory references are to California Public Utilities (Pub. Util.) Code unless indicated otherwise.

| | Intervenor | CPUC Verification |
|--|--------------------------------------|-------------------|
| Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)): | | |
| 1. Date of Prehearing Conference: | 8/6/2018 | Verified |
| 2. Other specified date for NOI: | | |
| 3. Date NOI filed: | 8/31/2018 | 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.13-02-008 | Verified |
| 6. Date of ALJ ruling: | January 9, 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.15-03-010, R.13-02-008 | Verified |
| 10. Date of ALJ ruling: | January 11, 2018, January 9, 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.20-08-046 | Verified |
| 14. Date of issuance of Final Order or Decision: | September 3, 2020 | Verified |
| 15. File date of compensation request: | November 2, 2020 | Verified |
| 16. Was the request for compensation timely? | | Yes |

| | | |
|--|---|---------------------------------|
| | <p>current and likely future climate-driven risks into utility planning, operations and communications, in order to maintain safe, reliable, affordable, and resilient operations for all customers, in alignment with state policy goals, taking into account principles of equity and prioritizing disadvantaged and vulnerable communities. <i>D.19-10-054, at 12.</i></p> <p>CEJA and the Leadership Counsel strongly believe that any definition of adaptation should explicitly include protection of disadvantaged and vulnerable communities and consideration of equity, citing the “climate gap” between the general population and low-income communities of color. The joint comments note that the proposed Commission staff definition does not specify whom the utilities should be seeking to protect.</p> <p>“While utilities may think that adaptation measures that address the needs of the general population may be sufficient to address disadvantaged communities, any “one-size-fits-all” approach would fundamentally ignore the vulnerabilities that makes [sic] these communities especially susceptible to climate disasters.” <i>D.19-10-054, at 12-13.</i></p> <p>The trade-off concept is objectionable, according to CEJA/Leadership Counsel, as it “would provide a backdoor for less</p> | <p>Verified</p> <p>Verified</p> |
|--|---|---------------------------------|

| | | |
|--|--|-----------------|
| | <p>protection of vulnerable and disadvantaged communities.” <i>D.19-10-054, at 17.</i></p> <p>NRDC agrees with CEJA/Leadership Counsel that “strategic” is an ambiguous term because it implies that cost-effectiveness should be considered in determining what adaptation measures to adopt. <i>D.19-10-054, at 18.</i></p> <p>“...our proposed hybrid definition starts with the Safeguarding California definition which leads off with “[A]djustment in natural or human systems to a new or changing environment.” This language makes clear that the main purpose for the Commission in providing guidance to utilities facing climate change in their operational and facilities planning is to protect humans. We emphasize this vital change since parties criticized the staff proposal for failing to reference any specific human protections.” <i>D.19-10-054, at 27.</i></p> | <p>Verified</p> |
| <p>2. Cal-Adapt and CalEnviroScreen</p> <p>The utilities are directed to use the California Fourth Climate Change Assessment and the studies, data, tools, and models contained in that Assessment when analyzing climate impacts, climate risk, and climate vulnerability of utility infrastructure and operations.</p> | <p>2. CEJA and Leadership Counsel urge the Commission to ensure that the climate data inputs utilized by utilities to guide their climate adaptation planning and processes allow for consideration and prioritization of disadvantaged communities. The criteria adopted by the Commission should include socio-economic data such as that provided by CalEnviroScreen, community-based data provided by</p> | <p>Verified</p> |

| | | |
|---|---|-----------------|
| <p>3. Energy utilities are directed to use the business-as-usual RCP 8.5 for planning, proposed investment and operational purposes. At</p> | <p><i>D.19-10-054, at 36.</i></p> <p>CEJA and Leadership Counsel also recommend that any climate data used to determine changes in vulnerabilities or impacts use geographic data at a fine enough resolution to account for these differences. They urge the Commission to adopt a criterion that “climate data should provide the geographical resolution and temporal resolution required for the research or planning at hand” to plan for and prioritize investments in disadvantaged communities.</p> | <p>Verified</p> |
| | <p><i>D.19-10-054, at 36</i></p> <p>CEJA and Leadership Counsel agree with PG&E that while Cal-Adapt should be endorsed as a data tool for utility adaptation planning, this endorsement should not exclude other high-quality data sets.</p> | <p>Verified</p> |
| | <p><i>D.19-10-054, at 37</i></p> <p>CEJA and Leadership Counsel agree with the PG&E and SCE requests that location-appropriate data be used for adaptation planning and that data must be location-appropriate to account for differences between communities and unique vulnerabilities.</p> | <p>Verified</p> |
| | <p><i>D.19-10-054, at 37</i></p> <p>3. In reply comments, CEJA and Leadership Counsel urge the Commission to be consistent with other state agency data sources that use RCP 8.5 as a baseline model. CEJA and</p> | <p>Verified</p> |

| | | |
|---|--|-----------------|
| <p>present, we will not direct the use of a specific planning horizon and will take that up in the forthcoming staff proposal on Topic 5 addressing climate change adaptation within the decision-making framework. <i>D.19-10-054, at 44-45</i></p> <p>4. Postpone Decision on Expert Panel</p> <p>The comments lead us to conclude that further analysis and input are necessary on the type of panel and its mandate. <i>D.19-10-054, at 49</i></p> | <p>Leadership Counsel agree with PG&E and SCE that the Commission should adopt RCP 8.5 to allow the utilities to move forward with consistent projections, noting that RCP 8.5 is consistent with other state recommendations and actions. <i>D.19-10-054, at 36-37.</i></p> <p>4. CEJA and Leadership Counsel request that the panel include either direct DAC representation or consultation with the Commission’s Disadvantaged Communities Advisory Group (DACAG). <i>D.19-10-054, at 48.</i></p> | <p>Verified</p> |
| <p><u>Decision 20-08-046</u></p> <p>1. Definition of Disadvantaged Vulnerable Communities</p> <p>We adopt the staff definition of communities that are the most vulnerable to climate change and call such communities “Disadvantaged Vulnerable Communities” or DVCs. As discussed in the “Median Income” Section below, we modify the staff proposal to include state median income and not area median income:</p> <p>A DVC for purposes of this proceeding consists of communities in the 25% highest scoring census tracts according to the most current versions of the California Communities Environmental Health Screening Tool (CalEnviroScreen), as well as</p> | <p><u>Decision 20-08-046</u></p> <p>1. CEJA and Leadership Counsel agree that the definition of disadvantaged communities proposed by Commission staff generally captures the most important factors, particularly the inclusion of tribal lands; however, the Commission should modify its proposed definition to:</p> <p>(1) Include the top 5% of polluted census tracts according to CalEnviroScreen that do not have a ranking in CalEnviroScreen because of missing data.</p> <p>(2) Limit low-income census tracts and communities to those with a median household income less than 60% of statewide median income.</p> <p><i>Joint Opening Comments of CEJA and LCJA, July 12, 2019, at 4.</i></p> | <p>Verified</p> |

| | | |
|--|--|-----------------|
| <p>2. Adaptive Capacity</p> <p>We agree with CEJA/LC that vulnerability assessments by IOUs for DVCs on utility infrastructure, operations and</p> | <p>the census tract level. For example, Tooleville is an unincorporated community with approximately 78 homes in Tulare County with an estimated median household income of \$29,455.¹³ Tooleville is in Census Tract 14 in Tulare County, which has a median household income of \$59,408, above the 60 percent statewide median household income threshold.¹⁴ Despite being a severely disadvantaged community, it appears that Tooleville would not qualify as a DVC based on census tract-level data, even though it would qualify as a low income community based on community-level data. By allowing communities like Tooleville to submit evidence that they should qualify as DVCs, the Commission will ensure that these communities do not get left behind in climate adaptation and resiliency planning.</p> <p>Second, the Commission should require the utilities to publish maps identifying DVCs. Because there are several ways that a community could qualify as a DVC, and because some data (<i>e.g.</i>, median income) is not available in a readily accessible form, it may be challenging for communities to determine whether they qualify. ...</p> <p><i>Joint Opening Comments of CEJA and LCJA, July 27, 2020, at 4-5.</i></p> <p>2. CEJA/LC ask the Commission to adopt the following definition of adaptive capacity:</p> <p>The broad range of responses and adjustments to daily and extreme climate change-related events available to communities. This includes the</p> | <p>Verified</p> |
|--|--|-----------------|

| | | |
|---|--|---------------------------------|
| <p>services shall include an analysis of their adaptive capacity, and we define the term as CEJA/LC propose. When IOUs begin to seek funding to adapt their infrastructure, operations and services to DVCs, such requests may include extra treatment, including funding, outreach and education, to promote equity between communities with low adaptive capacity and those outside of DVCs with higher incomes or with higher adaptive capacity.</p> <p><i>D.20-08-046, at 16.</i></p> | <p>ability and resources communities have to moderate potential damages, take advantage of opportunities, and cope with consequences.</p> <p><i>D.20-08-046, at 16.</i></p> | |
| <p>3. Tools to Identify DVCs</p> <p>Staff's reliance on CalEnviroScreen with modifications is appropriate for definitional purposes in this proceeding. To the extent the CCHViz/CalBRACE tool that SCE and PG&E rely upon in their comments assist in determining DVCs, the IOUs may use that tool as well. Similarly, Cal-Adapt tools may be used, as CEJA/LC suggest. However, tools such as CCHViz or Cal-Adapt should not be used to exclude communities from the definition of DVCs adopted by this decision.</p> <p><i>D.20-08-046, at 19.</i></p> | <p>3. CEJA/LC advocate using Cal-Adapt as a primary data tool for adaptation planning given its ability to overlay the CalEnviroScreen data. This data includes evaluation of pollution sources and community vulnerability given socioeconomic criteria, and scores census tracts in California based on their combined pollution burden and population characteristics. Users of Cal-Adapt are able to view and compare predicted climate changes within and between disadvantaged communities.</p> <p><i>D.20-08-046, at 19.</i></p> <p>CEJA/LC also state that community-based organizations (CBOs) can provide more specific information about differences in community vulnerabilities and adaptation needs than provided by CalEnviroScreen, and that utilities should use such information in their climate adaptation planning when</p> | <p>Verified</p> <p>Verified</p> |

| | | |
|--|--|-----------------|
| <p>4. Tribal and Rural Communities</p> | <p>considering community vulnerabilities and prioritization of disadvantaged and vulnerable communities.</p> <p><i>D.20-08-046, at 19.</i></p> | <p>Verified</p> |
| <p>We agree with staff's proposal to expand on the output of CalEnviroScreen in order to capture tribal lands and the low or sparsely populated census tracts that score in the highest 5% of Pollution Burden within CalEnviroScreen but do not receive an overall CalEnviroScreen score due to unreliable public health and socioeconomic data, including all California tribal lands. While the populations of these communities may be small, certain rural and tribal communities may be equally in need of climate adaptation regarding the utility infrastructure, operations and services as larger communities in appropriate situations.</p> <p><i>D.20-08-046, at 20.</i></p> | <p>4. Most parties agree with staff that CalEnviroScreen alone is insufficient to identify all DVCs for purposes of climate adaptation. CEJA/LC state that many communities – especially disadvantaged unincorporated communities (DUCs) in rural areas – are too small to be identified by the census-level data relied on in CalEnviroScreen. CEJA/LC assert that DUCs are some of the most vulnerable communities in the state and therefore request that they be included in any definition the Commission establishes here. CEJA/LC point to tools to aid in this identification in their comments.</p> <p><i>D.20-08-046, at 20.</i></p> | <p>Verified</p> |
| <p>5. Median Income Requirement</p> <p>Despite the disagreement between CEJA/LC and GRID, both strong advocates for disadvantaged communities, we opt for CEJA/LC's</p> | <p>5. The staff report proposes that DVCs include census tracts with median household incomes less than 80% of area or state median income. CEJA/LC recommend that in evaluating low-income communities, the Commission should use statewide median household income only, rather than area and state median household income as staff</p> | <p>Verified</p> |

| | | |
|--|--|---------------------------------|
| <p>proposal, removing the requirement of using area incomes and retain only statewide incomes. We do this to ensure that resources are concentrated in communities most at need. Hence, the definition of DVCs conforms to the third row in Table 1 above, which is reproduced below:</p> <p>Census Tracts with Median Household Incomes of less than 60% Statewide Median Household Incomes only</p> <p><i>D.20-08-046, at 23.</i></p> <p>6. Community Engagement Plans</p> <p>We will require each IOU to prepare, file, and serve a Community Engagement Plan one year before the filing date of their vulnerability assessments. ...</p> <p>...</p> <p>We clarify now, however, that community engagement should be an on-going process, with the IOUs engaging with DVCs before, during, and after the preparation of their vulnerability assessments. In this manner, we expect the vulnerability assessments to be informed by and reflect community engagement and, in addition, the vulnerability assessments will be used by the IOUs to inform DVCs of their utility climate adaption measures. We also clarify that IOUs should involve all DVCs</p> | <p>proposes. CEJA/LC also recommend changing the percentage to 60% rather than using the 80% figure staff proposes.</p> <p><i>D.20-08-046, at 21.</i></p> <p>6. CEJA and Leadership Counsel maintain that the Commission should require IOUs to develop community engagement plans and update them at least every three years; this would ensure that such plans are at least roughly synchronized with the update cycle for vulnerability plans themselves, which should also be three years. Community engagement plans should focus on how to best meet community needs; they should be sufficiently granular as to engagement strategies and their rationales to produce relevant processes; and they should include interim reports subject to public comment to produce accountability. Documents alone are not sufficient; the plans must actually lead to meaningful community engagement, which in turn must inform utility decisions.</p> <p><i>Joint Comments of CEJA and LCJA, February 18, 2020, at 18; see also Joint Opening Comments of CEJA and LCJA, July 12, 2019, at 21.</i></p> | <p>Verified</p> <p>Verified</p> |
|--|--|---------------------------------|

| | | |
|--|--|---------------------------------|
| <p>in community engagement, not just those DVCs that the IOU has identified as having impacted infrastructure, operations or services. We find that, given the firsthand knowledge that some community members have of their surrounding environment, they may be aware of climate issues that the IOUs fail to observe. Accordingly, all DVCs should have the opportunity be involved in the process of identifying needed utility climate adaptation. However, IOUs have discretion in determining the extent and timing of DVC community engagement, unless prescribed otherwise.</p> <p><i>D.20-08-046, at 29.</i></p> | <p>The Commission should adopt—and utility staff should follow—best practices for community engagement, as outlined in CEJA and Leadership Counsel’s comments on Topic 4.</p> <p><i>Joint Comments of CEJA and LCJA, February 18, 2020, at 18-20; see also Joint Opening Comments of CEJA and LCJA, July 12, 2019, at 16-21.</i></p> <p>The utilities should engage with communities at the outset when identifying vulnerabilities and preparing community impact assessments. IOUs should not only use existing data frameworks but also integrate quantitative measures with first-hand information sourced directly from community members. While many existing tools can assist in identifying vulnerabilities of various communities, they cannot fully capture the cumulative effects of intersecting components of vulnerability. Community participation in identifying vulnerabilities will further the goal of utilizing a “regional and climate impact-specific lens” in making vulnerability assessments. Beyond the vulnerability assessment stage, communities should also be a driving force in decision-making regarding resiliency measures. These measures include siting for storage technologies and specifications for community resilience centers. IOUs should prioritize actions based on community feedback about which services and assets are critical to them, and continue to engage community member through the stages of adaptation planning and implementation.</p> <p><i>Joint Comments of CEJA and LCJA, February 18, 2020, at 18.</i></p> | <p>Verified</p> <p>Verified</p> |
|--|--|---------------------------------|

| | | |
|---|---|---------------------------------|
| <p>7. Training for Community Engagement</p> <p>We agree that training is essential to meaningful community engagement. Funding will have to be considered as well, either in IOUs' GRCs or a separate proceeding. In the IOUs' Community Engagement Plans required by this decision, IOUs shall set forth how their personnel or consultant have been or will be trained in community engagement so that their interactions with disadvantaged communities are productive and engender trust. <i>D.20-08-046, at 31.</i></p> <p>8. CBO Involvement</p> <p>We agree that CBOs should be involved in all aspects of the community engagement process. We also agree that trusted and experienced CBOs</p> | <p>CEJA/LC ask the Commission to review the Community Engagement Plans so that there is regulatory oversight ensuring that IOUs' community engagement is consistent with best practices. They suggest the Commission require the IOUs to develop these plans to be submitted for approval in an Advice Letter subject to discretionary approval within 45 days of this decision. <i>D.20-08-046, at 27.</i></p> <p>7. Several parties urge the Commission to ensure 1) Commission and IOU staff receive training in community engagement, 2) that communities themselves have a regular source of funding for their involvement in community engagement, and 3) that communities receive clear information on the purposes and goals of their involvement. These parties note that successful community engagement requires each of these elements. ...</p> <p>CEJA/LC assert it is essential for the Commission to ensure adequate funding for these collaborative efforts. At a minimum, the Commission should work with CBOs to develop resources that can provide funding for continued outreach and engagement post-Commission decisions to ensure adequate implementation. <i>D.20-08-046, at 31.</i></p> <p>8. CEJA and Leadership Counsel request that the data criteria established by this Working Group be flexible enough to include local analysis as well as community-based data directly from</p> | <p>Verified</p> <p>Verified</p> |
|---|---|---------------------------------|

| | | |
|--|---|---------------------------------|
| <p>should be considered for meaningful leadership roles, both in gathering information related to the IOUs' vulnerability assessments and in considering implementation of actual climate adaptation measures.</p> <p><i>D.20-08-046, at 35.</i></p> | <p>DACs or community-based organizations. As discussed above, as IOUs determine how to prioritize DACs in their climate adaptation processes, data inputs must provide indicators of climate impacts on communities' and community vulnerabilities. While socio-economic data sources like CalEnviroScreen provide useful quantitative indicators, local data and direct community input must also be incorporated to get a complete picture of conditions and vulnerabilities.</p> <p><i>Joint Comments of CEJA and LCJA, March 29, 2019, at 7.</i></p> <p>As detailed further below, the Commission and IOUs should consult CBOs on how communities define themselves, because CBOs have existing knowledge about community relations that will lead to "broader community-based . . . recommendations" and are better able to "translate issues into relevant questions/framing and accessible language."</p> <p><i>Joint Comments of CEJA and LCJA, July 12, 2019, at 19.</i></p> <p>The Commission should require IOUs to follow best practices from the San Joaquin Valley Affordable Energy Proceeding in places where communities already partner with trusted CBOs. This model provides for frequent stakeholder involvement, maintaining "community preference" as a guiding principle, and utilizing a "community energy navigator" role for continual community engagement throughout project deployment. Where communities lack trusted CBOs, IOUs</p> | <p>Verified</p> <p>Verified</p> |
|--|---|---------------------------------|

| | | |
|---|--|-----------------|
| <p>9. Best Practices for Community Engagement</p> <p>We agree that to the extent the Commission has already adopted community engagement practices that are effective and that empower local communities, the IOUs should use them in the climate adaptation context. For example, in the context of Wildfire Mitigation Plans (R.18-10-007 and Commission Resolution WSD-001),²⁷ and Public Safety Power Shutoff (PSPS, R.18-12-005),²⁸ the Commission has already adopted significant community engagement requirements. To the extent these proceedings lead to community networks that have an interest in longer term climate adaptation, the IOUs should leverage and build upon these networks in connection with the community engagement work for climate adaptation that we order here.</p> <p><i>D.20-08-046, at 39.</i></p> | <p>should be required to engage with non-profits working in sectors such as housing or community development, or other local service providers.</p> <p><i>Joint Comments of CEJA and LCJA, February 18, 2020, at 19.</i></p> <p>9. Several parties urge study of best practices for community engagement and modeling of any community engagement carried out in connection with climate adaptation in the utility context to be modeled after best practices.</p> <p>CEJA/LC cite the Commission’s experience in the San Joaquin Valley Affordable Energy Proceeding as an example of proven meaningful community engagement. They note that “community preference” formed a guiding principle for the authorization of affordable energy pilot projects and that a “community energy navigator” role is poised to continue community engagement throughout deployment of pilot projects. They assert the benefits of such a community “liaison” are clear and consistent with the CEC’s Barriers Study, and include centralizing a source of feedback for IOUs, improving efficiencies and decreasing transaction costs. The Barriers Study includes the key R.18-04-019 COM/LR1/avs - 38 - recommendation to “encourag[e] collaboration with community-based organizations in new and existing programs.”</p> <p>CEJA/LC note that other relevant best practices may also be learned from the implementation of SB 160 (Jackson, Ch. 402, Stats. 2019), which would integrate community input in emergency protocols and promote engagement and coordination with community-based</p> | <p>Verified</p> |
|---|--|-----------------|

| | | |
|---|---|--|
| <p>10. IOU Role in Community Engagement</p> <p>The staff proposal for Topic 4 suggests that the Commission and local government take the lead on climate adaptation affecting IOU infrastructure, operations and services in disadvantaged communities, and we agree that this Commission and local</p> | <p>organizations. CEJA/LC agree with the West Oakland Environmental Indicators Project (WOEIP) observation that stakeholders must be brought in early and often, which the SJV Affordable Energy Proceeding's outreach and engagement model accomplished.</p> <p>In communities that lack a trusted community-based organization, CEJA/LC state the Commission should require the IOUs to collaborate with non-profits in other sectors (for instance, housing and community development), faith-based organizations, or other local service providers.</p> <p>CEJA/LC echo a concern expressed by WOEIP at the second Working Group 4 meeting. They state that local government may not adequately represent the interests of their constituent vulnerable and disadvantaged communities, and to address this would require collaboration with other recommended local service providers. The Public Advisor and the Commission's other environmental justice staff could also assist in efforts to mirror best practices with a trusted CBO.</p> <p><i>D.20-08-046, at 37-39.</i></p> <p>CEJA/LC ask the Commission to oversee community engagement and adopt best practices for community engagement. They ask that the staff proposal for guidelines governing community engagement be modified to require translated materials and translation during outreach events.</p> <p>In contrast to the utilities' assertions, CEJA/LC agree that the IOUs should coordinate with local governments to ensure that solutions are cross-</p> | <p>Verified</p> <p>Noted</p> <p>Verified</p> |
|---|---|--|

| | | |
|---|--|-----------------|
| <p>governments have a role to play. However, the IOUs must be deeply involved in the effort to bring climate change adaptation measures affecting their infrastructure, operations and services to disadvantaged communities. <i>D.20-08-046, at 48.</i></p> | <p>referenced, complementary and consistent. However, they state, leaving this task to only local government will produce a far less robust assessment, particularly specific to the energy sector. While CEJA/LC appreciate the IOUs’ willingness to coordinate information-sharing with local government under SB 379, as noted above, this narrow partnership will miss several opportunities to develop disadvantaged and vulnerable community-specific solutions in partnership with community-based organizations or community residents. They note that certain local governments may not adequately represent the interests of disadvantaged and vulnerable communities, many having demonstrated in our experience a lack of interest and/or outright hostility to planning and investment focused on low-income communities of color. Local governments also lack the knowledge that the IOUs have regarding existing and future Commission programs and proceedings that should be leveraged. <i>D.20-08-046, at 47-48.</i></p> | |
| <p>11. Infrastructure, Operations and Services</p> <p>The IOUs’ assessments should be broader than simply focusing on what modifications to infrastructure will be required. We find that the assessments should consider climate risks to operations and service as well as to utility assets over which energy IOUs have direct</p> | <p>11. CEJA/LC comment that “operations” should include, but not be limited to, the utilities’ demand response programs, rate-setting measures, and other general non-infrastructure programs that impact customers. Thus, CEJA/LC urges the Commission to consider all customer-facing services and operations in the assessments, focusing on programs and services that could be impacted by utility decision-making.</p> | <p>Verified</p> |

| | | |
|--|--|-----------------|
| <p>control. In addition to reviewing their infrastructure, IOUs should conduct an exposure analysis on all their services and operations as a means of identifying which operations and services they should include for further analysis in their vulnerability assessments. In addition, the assessments should include an array of options for dealing with vulnerabilities, ranging from easy fixes, where applicable, to more complicated, longer term mitigation, and an indication of the IOUs' plans for potential next steps.</p> <p><i>D.20-08-046, at 61.</i></p> | <p>D.20-08-046, at 61.</p> | |
| <p>12. DWR Approach</p> <p>We support using DWR's two-step vulnerability assessment methodology that 1) combines exposure and sensitivity to determine risk, and 2) combines risk and adaptive capacity to determine vulnerability. DWR's assessment process utilizes a generally accepted risk assessment paradigm, aligns with existing state guidance for climate adaptation, and includes operations and staff activities. We will use it as a starting point for our guidance to energy utilities.</p> | <p>12. CEJA/LC comment that DWR's methodology can provide a starting place but does not ensure that communities are consulted and their specific climate vulnerabilities considered. GPI also asks that IOUs engage early with affected communities in designing the assessment and selecting objectives. CEJA/LC point out a fundamental difference between DWR and the energy IOUs – DWR does not serve any residential customers. Thus, according to CEJA/LC, using DWR's methodology would result in an incomplete assessment of climate vulnerability with respect to electric utility assets, services, operations, and customers.</p> | <p>Verified</p> |

| | | |
|--|---|-----------------|
| <p><i>D.20-08-046, at 63.</i></p> <p>13. Flexible Adaptation Pathway</p> <p>The flexible adaptation pathway approach shows promise for dealing with the uncertainties inherent in long-term planning, but we decline to adopt it as a utility requirement at this time. We require more information on how the approach fits in with the vulnerability assessments we require today and with the Commission’s existing regulatory processes.</p> <p><i>D.20-08-046, at 71.</i></p> | <p><i>D.20-08-046, at 63.</i></p> <p>13. CEJA/LC suggest that a flexible adaptation pathway may be appropriate for future long-term adaptation planning, but state it is less suited to shorter time frames. Using a flexible adaptation pathway approach from the outset could hamper the near-term implementation of projects or actions that could provide immediate benefits to vulnerable communities.</p> <p><i>D.20-08-046, at 71.</i></p> | <p>Verified</p> |
| <p>14. Regarding the appropriate interval for the vulnerability assessments, we find that assessments should be performed every four years – the same time interval currently applicable to the IOUs’ GRCs.</p> <p><i>D.20-08-046, at 75.</i></p> | <p>14. Several parties support a requirement that the IOUs update climate vulnerability assessments ordered in this proceeding on a regular basis – with the most common interval being three years. CalPA, CEJA/LC and GRID all support such a requirement, asserting that updates will allow for feedback and the ability to adapt faster to new research or lessons learned.</p> <p><i>D.20-08-046, at 73.</i></p> | <p>Verified</p> |
| <p>15. Existing Vulnerability Assessments</p> <p>We agree with the general consensus that existing vulnerability assessments</p> | <p>15.....while CEJA/LC agree that they can be used as a starting point, so long as the analysis is relevant to the requirements adopted in this proceeding. In this regard, CEJA/LC</p> | <p>Verified</p> |

| | | |
|---|---|-----------------|
| <p>should be used as a reference, but that future vulnerability assessments should not simply update what the IOUs have already submitted. <i>D.20-08-046, at 78.</i></p> | <p>note that the existing assessments are highly variable as to the topics included, and that the Commission’s guidance in this proceeding is critical to ensuring the IOUs are analyzing the vulnerabilities. <i>D.20-08-046, at 78.</i></p> | <p>Verified</p> |
| <p>16. Climate Risks to Assess</p> <p>Below, we provide the minimum set of criteria we expect the energy IOUs to consider in their vulnerability assessments, followed by examples that provide illustrative context but do not constitute a comprehensive list:</p> <ul style="list-style-type: none"> <p>Temperature: Analyzing hourly maximum temperature is necessary but insufficient, and the utilities should also evaluate other temperature changes for their impacts on infrastructure, operations and personnel. Some infrastructure is able to tolerate high temperatures so long as nighttime temperatures remain sufficiently low to enable passive cooling.</p> <p>...</p> <p><i>D.20-08-046, at 86.</i></p> | <p>15. In their Topic 4 comments, CEJA/LC suggest that the Commission require the IOUs’ vulnerability assessments to include daily and not just “extreme” events. For example, higher temperatures, while not extreme, will require more frequent use of air conditioning units—a climate adaptation mechanism that may be easier for some communities to utilize than others. As such, the Commission and IOUs should consider daily climate-related events, and not only extreme events, when defining vulnerability so as to account for communities’ differing degrees of vulnerability. <i>D.20-08-046, at 86.</i></p> | <p>Verified</p> |

| | | |
|--|---|-----------------|
| <p>17. Climate Change Teams</p> <p>We will require the energy IOUs to designate “climate change teams” across departments to ensure a comprehensive approach to risk is developed. <i>D.20-08-046, at 90.</i></p> <p>Accordingly, we adopt a requirement that each energy utility designate a -cross-departmental climate change team and have that team report directly to an executive at a senior vice president level or above. <i>D.20-08-046, at 90.</i></p> <p>We considered CEJA/LC’s proposal that we only approve those projects over a certain dollar amount in the GRC if the utility has considered climate change risks and mitigations. We agree that this requirement would get attention at the senior executive and board level. However, we find this recommendation redundant to our requirement that the energy IOUs include a chapter in their GRC filing addressing climate change risks and options for mitigation for which the IOU requests funding, regardless of dollar amount. It also appears unnecessary in view of our</p> | <p>17. CEJA/LC support IOUs creating climate change teams, given the multidisciplinary nature of the effects of climate change. <i>D.20-08-046, at 89.</i></p> <p>CEJA/LC believe that senior level executives and board members should be tasked with climate change adaptation. Further, CEJA/LC suggest that the Commission establish a new requirement for GRCs that projects over a certain dollar amount will only be approved as just and reasonable if the utility has considered climate adaptation in developing that project. By linking consideration of climate change to approval of projects, the Commission will ensure that senior executives and board members are aware of the importance of climate change planning. <i>D.20-08-046, at 89.</i></p> | <p>Verified</p> |
|--|---|-----------------|

| | | |
|---|---|-----------------|
| <p>requirement that the IOUs create climate action teams and designate a senior level executive to oversee the climate change team and report to the board on a regular basis on vulnerability assessment activities. <i>D.20-08-046, at 92.</i></p> <p>18. Green Alternatives While green improvements appear to be at least one level above what we contemplate as the focus for the vulnerability assessments, at the same time we direct the utilities to consider green and sustainable remedies for the vulnerable infrastructure identified in assessing mitigation measures in their vulnerability assessments. Raising green and sustainable alternatives early in the risk assessment and mitigation process will help ensure that green alternatives will be considered in higher level Commission proceedings such as the GRC that will fund climate adaptation projects or by other agencies in their approval processes or in proceedings held by other agencies such as the Coastal Commission. <i>D.20-08-046, at 96.</i></p> | <p>18. CEJA/LC urge the Commission to require the IOUs to analyze green alternatives when proposing climate adaptation measures and suggests working with other state agencies developing such projects. GPI strongly supports requiring utilities to consider green and sustainable alternatives to mitigate climate risks. <i>D.20-08-046, at 94.</i></p> | <p>Verified</p> |
|---|---|-----------------|

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

| | Intervenor's Assertion | CPUC Discussion |
|---|-------------------------------|------------------------|
| a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding? ⁴ | Yes | Verified |
| b. Were there other parties to the proceeding with positions similar to yours? | Yes | Verified |
| c. If so, provide name of other parties: California Environmental Justice Alliance | | Verified |
| d. Intervenor's claim of non-duplication: Leadership Counsel coordinated with the California Environmental Justice Alliance to avoid duplication, submitting comments on the proposed decision and an application for rehearing jointly with the above-mentioned parties. The communities and interests Leadership Counsel represents in this proceeding are complimentary but distinct from those represented by CEJA and Public Advocates, as detailed in the notice of intent. In particular, Leadership Counsel works with many urban and rural disadvantaged communities in the San Joaquin and East Coachella Valleys, the interests of which would not have been adequately represented or considered absent Leadership Counsel's intervention and engagement. | | Noted |

PART III: REASONABLENESS OF REQUESTED COMPENSATION**A. General Claim of Reasonableness (§ 1801 and § 1806):**

| | CPUC Discussion |
|---|------------------------|
| a. Intervenor's claim of cost reasonableness: The decisions in this proceeding will improve climate adaptation planning in disadvantaged vulnerable communities throughout the state and require community engagement in climate adaptation planning. This will likely have a significant impact on disadvantaged communities, which are disproportionately impacted by climate change. The costs claimed here are reasonable in the context of the need to ensure that the interests of disadvantaged communities in the San Joaquin and East Coachella Valleys that Leadership Counsel works with are properly represented in this proceeding. | Noted |

⁴ The Office of Ratepayer Advocates was renamed the Public Advocate's Office of the Public Utilities Commission pursuant to Senate Bill No. 854, which the Governor approved on June 27, 2018.

| | |
|---|-------|
| b. Reasonableness of hours claimed: Work was delegated internally to ensure the level of experience was appropriate for the assigned tasks and reduce internal duplication of work. Additionally, the total hours billed by Leadership Counsel in this proceeding came in well under our anticipated budget set forth in the notice of intent. | Noted |
| c. Allocation of hours by issue: Inform outreach and engagement: 40% Inform climate change adaptation and resiliency policies related to vulnerable and disadvantaged communities in the San Joaquin and East Coachella Valleys: 40% Inform and evaluate policies with respect to climate change adaptation and resiliency generally: 20% | Noted |

B. Specific Claim:*

| CLAIMED | | | | | | CPUC AWARD | | |
|-------------------------------------|------|-------|---------|-------------------|-----------|-----------------------|-----------|-------------|
| ATTORNEY, EXPERT, AND ADVOCATE FEES | | | | | | | | |
| Item | Year | Hours | Rate \$ | Basis for Rate* | Total \$ | Hours | Rate \$ | Total \$ |
| Michael Claiborne, Attorney | 2018 | 11.1 | 330 | ALJ-387 | 3,663.00 | 10.2 [7] | \$315 [1] | \$3,213.00 |
| Phoebe Seaton, Attorney | 2018 | 0.3 | 380 | ALJ-387 | 114.00 | 0.3 | \$330 [2] | \$99.00 |
| Leslie Martinez, Advocate | 2019 | 3.0 | 170 | Hourly Rate Chart | 510.00 | 3.0 | \$170 | \$510.00 |
| Michael Claiborne, Attorney | 2019 | 36.2 | 350 | ALJ-387 | 12,670.00 | 36.2 | \$320 [3] | \$11,584.00 |
| Shayda Azamian, Advocate | 2019 | 5.0 | 170 | Hourly Rate Chart | 850.00 | 5.0 | \$155 [4] | \$775.00 |
| Michael Claiborne, Attorney | 2020 | 6.4 | 370 | ALJ-387 | 2,368.00 | 6.4 | \$330 [5] | \$2,112.00 |
| Shayda Azamian, Advocate | 2020 | 6.4 | 180 | Hourly Rate Chart | 1,152.00 | 6.4 | \$160 [6] | \$1,024.00 |
| Subtotal: \$21,327.00 | | | | | | Subtotal: \$19,317.00 | | |

| 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 \$ |
| Olivia Faz, Office Manager/Paralegal | 2018 | 0.8 | 150 | Hourly Rate Chart D1909012 | 120.00 | 0.8 | \$150 | \$120.00 |
| Subtotal: \$120.00 | | | | | | Subtotal: \$120.00 | | |
| INTERVENOR COMPENSATION CLAIM PREPARATION ** | | | | | | | | |
| Item | Year | Hours | Rate \$ | Basis for Rate* | Total \$ | Hours | Rate | Total \$ |
| Michael Claiborne, Attorney | 2018 | | | | | 0.9 [7] | \$157.50 | \$141.75 |
| Michael Claiborne, Attorney | 2020 | 2.7 | 185 | ALJ-387 | 499.50 | 2.7 | \$165 [5] | \$445.50 |
| Shayda Azamian, Advocate | 2020 | 2.0 | 90 | Hourly Rate Chart | 180.00 | 2.0 | \$80 [6] | \$160.00 |
| Kaylon Hammond, Director of Operation | 2020 | 2.3 | 105 | Hourly Rate Chart | 241.50 | 2.3 | \$90 [8] | \$207.00 |
| Subtotal: \$921.00 | | | | | | Subtotal: \$954.25 | | |
| TOTAL REQUEST: \$22,368.00 | | | | | | TOTAL AWARD: \$20,391.25 | | |
| <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. Intervenor’s 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 ⁵ | Member Number | Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation |
| Phoebe Seaton | November 2005 | 238273 | No |
| Michael Claiborne | November 2011 | 281308 | No |

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

| Attachment or Comment # | Description/Comment |
|-------------------------|------------------------|
| 1 | Certificate of Service |
| 2 | Time Records |
| 3 | Resumes |

D. CPUC Comments, Disallowances, and Adjustments

| Item | Reason |
|--|---|
| [1] Michael Claiborne (Claiborne) 2018 Rate Adjustment | D.19-09-012 approved a 2018 hourly rate of \$315 for Claiborne. We note that LCJA is requesting the application of Resolution ALJ-387. As Resolution ALJ-387 approves the 2020 Cost of Living Adjustment (COLA), it is not appropriate for it be applied to Claiborne's 2018 approved hourly rate. |
| [2] Phoebe Seaton (Seaton) 2018 Rate Adjustment | D.19-09-012 approved a 2018 hourly rate of \$330 for Seaton. We note that LCJA is requesting the application of Resolution ALJ-387. As Resolution ALJ-387 approves the 2020 COLA, it is not appropriate for it to be applied to Seaton's 2018 approved hourly rate. |
| [3] Claiborne 2019 Rate | We apply the 2019 COLA of 2.35% per Resolution ALJ-357 for an approved 2019 rate of \$320. |
| [4] Shayda Azamian (Azamian) 2019 Rate Adjustment | LCJA requests a 2019 rate of \$170 for Azamian. After reviewing the resume for Azamian, we note that most of the work experience listed is not related to regulatory affairs until after joining LCJA in October 2019. We find the 2019 rate of \$155 reasonable and commensurate with Resolution ALJ-357 for Azamian based on the resume provided. |

⁵ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

| | |
|--|---|
| [5] Claiborne 2020 Rate | We apply the 2020 COLA of 2.55% per Resolution ALJ-387 for an approved 2020 rate of \$330. |
| [6] Azamian 2020 Rate | We apply the 2020 COLA of 2.55% per Resolution ALJ-387 for an approved 2020 rate of \$160. |
| [7] 2018 Reallocation of Hours for Claiborne | We reallocate 0.4 hours for “Draft notice of Intent to Claim Intervenor Compensation” (8/24/18) and 0.5 hours for “Draft notice of Intent to Claim Intervenor Compensation” (8/29/18) to the appropriate section of Intervenor Compensation Claim Preparation hours. |
| [8] Kaylon Hammond 2020 Rate | <p>D.19-09-012 established a 2018 rate of \$170 for Kaylon Hammond. Using the 2018 rate of \$170 as a basis for calculation:</p> <p>2018: \$170</p> <p>2019: \$170 x 2.35% COLA = \$4.00 + \$170 = \$174 + rounding to nearest \$5 = \$175</p> <p>2020: \$175 x 2.55% COLA = \$4.46 + \$175 = \$179.46 + nearest \$5 = \$180</p> <p>Intervenor Compensation Claim Preparation rates are ½ preparers normal rate and utilizing the calculation methodology above, we find a 2020 claim preparation rate of \$90 reasonable for Kaylon Hammond.</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))? | Yes |

FINDINGS OF FACT

1. Leadership Counsel for Justice and Accountability has made a substantial contribution to D.19-10-054 and D.20-08-046.
2. The requested hourly rates for Leadership Counsel for Justice and Accountability’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 \$20,391.25.

CONCLUSION OF LAW

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

ORDER

1. Leadership Counsel for Justice and Accountability shall be awarded \$20,391.25.
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 and Southern California Gas Company, shall pay Leadership Counsel for Justice and Accountability their respective shares of the award, based on their California-jurisdictional, electric and gas revenues for the 2019 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data is unavailable, the most recent electric and gas 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 January 16, 2021, the 75th day after the filing of Leadership Counsel for Justice and Accountability'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 March 17, 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: | D2203032 | Modifies Decision? | No |
| Contribution Decision(s): | D1910054, D2008046 | | |
| Proceeding(s): | R1804019 | | |
| Author: | ALJ Poirier | | |
| Payer(s): | Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company and Southern California Gas Company. | | |

Intervenor Information

| Intervenor | Date Claim Filed | Amount Requested | Amount Awarded | Multiplier ? | Reason Change/Disallowance |
|---|------------------|------------------|----------------|--------------|--|
| Leadership Counsel for Justice and Accountability | 11/2/2020 | \$22,368.00 | \$20,391.25 | N/A | See CPUC Comments, Disallowances, and Adjustments section above. |

Hourly Fee Information

| First Name | Last Name | Attorney, Expert, or Advocate | Hourly Fee Requested | Year Hourly Fee Requested | Hourly Fee Adopted |
|------------|-----------|-------------------------------|----------------------|---------------------------|--------------------|
| Michael | Claiborne | Attorney | \$330 | 2018 | \$315 |
| Phoebe | Seaton | Attorney | \$380 | 2018 | \$330 |
| Olivia | Faz | Paralegal | \$150 | 2018 | \$150 |
| Leslie | Martinez | Advocate | \$170 | 2019 | \$170 |
| Michael | Claiborne | Attorney | \$350 | 2019 | \$320 |
| Shayda | Azamian | Advocate | \$170 | 2019 | \$155 |
| Michael | Claiborne | Attorney | \$370 | 2020 | \$330 |
| Shayda | Azamian | Advocate | \$180 | 2020 | \$160 |
| Kaylon | Hammond | Expert | \$105 | 2020 | \$180 |

(END OF APPENDIX)