

Decision 22-03-033 March 17, 2022

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

Order Instituting Rulemaking to Review, Revise, and Consider Alternatives to the Power Charge Indifference Adjustment.

Rulemaking 17-06-026

**DECISION GRANTING COMPENSATION TO PROTECT OUR COMMUNITIES FOUNDATION FOR SUBSTANTIAL CONTRIBUTION TO DECISION 20-03-019**

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| <b>Intervenor:</b><br>Protect Our Communities Foundation | <b>For contribution to Decision (D.)</b> 20-03-019   |
| <b>Claimed:</b> \$20,538                                 | <b>Awarded:</b> \$20,345.00                          |
| <b>Assigned Commissioner:</b> John Reynolds <sup>1</sup> | <b>Assigned ALJ:</b> Stephanie Wang <sup>2</sup> SW9 |

**PART I: PROCEDURAL ISSUES**

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| <b>A. Brief description of Decision:</b> | D.20-03-019 addresses investor-owned utilities’ (IOUs’) departing load forecasts, sets requirements for presenting the Power Charge Indifference Adjustment (“PCIA”) on bundled customers’ bills, and denies the IOUs’ request to remove line losses from the PCIA rate. |
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812<sup>3</sup>:**

|   | <b>Intervenor</b> | <b>CPUC Verification</b> |
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| <b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b> |                   |                          |

<sup>1</sup> The proceeding was re-assigned from Commissioner Martha Guzman Aceves to Commissioner John Reynolds on February 15, 2022.

<sup>2</sup> This proceeding was re-assigned from ALJ Nilgun Atamturk to ALJ Stephanie Wang on January 4, 2021.

<sup>3</sup> All statutory references are to California Public Utilities Code unless indicated otherwise.

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| 1. Date of Prehearing Conference:  | 12/19/2018 (Phase 2 Prehearing Conference)   | Verified |
| 2. Other specified date for NOI:   | n/a  |          |
| 3. Date NOI filed:   | 1/18/19  | Verified |
| 4. Was the NOI timely filed?   |  | Yes      |
| <b>Showing of eligible customer status (§ 1802(b) or eligible local government entity status (§§ 1802(d), 1802.4):</b> |  |          |
| 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.15-12-045;<br>D.19-04-031;<br>D.19-05-035;<br>D.19-10-047;<br>D.19-12-017;<br>D.20-04-021. |          |
| 8. Has the Intervenor demonstrated customer status or eligible government entity status?                               |  | Yes      |
| <b>Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):</b>   |  |          |
| 9. Based on ALJ ruling issued in proceeding number:  | R.18-12-005  | Verified |
| 10. Date of ALJ ruling:  | 4/17/2019  | Verified |
| 11. Based on another CPUC determination (specify):   | D.15-12-045;<br>D.19-04-031;<br>D.19-05-035;<br>D.19-10-047;<br>D.19-12-017;<br>D.20-04-021. |          |
| 12. Has the Intervenor demonstrated significant financial hardship?  |  | Yes      |
| <b>Timely request for compensation (§ 1804(c)):</b>  |  |          |
| 13. Identify Final Decision:   | D.20-03-019  | Verified |
| 14. Date of issuance of Final Order or Decision:   | 4/6/20   | Verified |
| 15. File date of compensation request:   | 6/2/20   | Verified |
| 16. Was the request for compensation timely?   |  | Yes      |

**PART II: SUBSTANTIAL CONTRIBUTION**

**A. Did the Intervenor substantially contribute to the final decision (see § 1802(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><b>IOUs Did Not Provide Sufficient Information Regarding Departing Load Forecasts.</b></p> <p>Early in the working group process, Protect Our Communities Foundation (POC) argued that the working group should address the details of methodologies, inputs, and assumptions for departing load forecasts. Pacific Gas &amp; Electric Co. (PG&amp;E) and Cal. Community Choice Assn. (CalCCA) Working Group One Report on Issues 8-12, Exhibit B, at B-34 (July 1, 2019) (Final Report) (POC June 21 Informal Comments).</p> <p>At the conclusion of the working group process, POC argued that the working group did not fully consider the IOUs’ departing load forecast methodology because the IOUs refused to share the information requested by CalCCA. Comments of POC on Working Group 1’s Report on Issues 8-12, at 3 (July 19, 2019) (POC Formal Comments). POC recommended that the Commission “order the IOUs to share . . . the formulas, inputs, and assumptions used to develop departing load forecasts” to “provide parties</p> | <p>The Commission acknowledged POC’s concern. D.20-03-019 at 10.</p> <p>The Commission agreed that the working group’s discussion only “provided basic information” and that the parties’ engagement was not sufficient to result in a record that allows the Commission to revise the forecast methodology in this decision. D.20-03-019 at 10.</p> | <p>Noted</p>    |

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| <p>the opportunity to analyze the forecast’s formulas and inputs.” POC Formal Comments at 3.</p>  |   |  |
| <p><b>Order San Diego Gas &amp; Electric (SDG&amp;E) to use a probabilistic forecast of mid- and long-term departing load</b></p> <p>POC requested that the Commission order SDG&amp;E to follow through on its comment regarding the use a probabilistic forecast of departing load because “SDG&amp;E’s comment at the working group meeting is not binding, and the Proposed Decision provides no way for the Commission or parties to ensure that SDG&amp;E has followed through on this commitment.” Comments of Protect Our Communities Foundation on the Proposed Decision Regarding Departing Load Forecasts and Presentation of PCIA on Bills, at 2 (March 16, 2020) (POC Comments on PD). Early in the working group process, POC recommended that SDG&amp;E modify its forecast methodology to take into account its knowledge that additional Community Choice Aggregation (CCA) formation in its service territory was imminent. POC May 6 Informal Comments, at D-10 to D-11.</p> | <p>The decision acknowledged POC’s interest in having SDG&amp;E use a probabilistic model for its mid- and long-term departing load forecast, then acknowledged and implicitly agreed with SDG&amp;E’s representation that “it is transitioning to a probabilistic mid- and long-term [forecast] model” and “taking action to align its forecasting practices with the other IOUs.” D.20-03-019 at 10-12.</p> | <p>Noted</p> <p>The Decision cites a July 1, 2019, report filed by Working Group 3 (Co-Chairs Sothern California Edison, California Community Choice Association, and Commercial Energy).</p> <p>July 1, 2019 Working Group Report (July Report) @ Appendix-5.</p> |
| <p><b>New Mandatory Mechanisms Regarding Departing Load Are Not Needed.</b></p>   |   | <p>Verified</p>  |

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| <p>Throughout the working group process and in formal comments, “POC oppose[d] the IOUs’ recommendation to require ESPs and CCAs to submit additional reporting requirements in order to improve forecast accuracy” because the Commission 1) “already requires CCAs to provide information a year before a new CCA begins service; and, 2) A binding notification more than one year in advance would be burdensome to CCAs.” D.20-03-019 at 16; <i>see also</i> POC June 21 Informal Comments at B-35 to B-36; POC Formal Comments at 5; POC Comments on PD at 3-4. POC argued that “[a]ny notice provided by CCAs more than one year in advance should be voluntary.” POC Formal Comments at 6.</p> | <p>The decision acknowledged POC’s position and agreed not to impose a new mandatory mechanism at this time. D.20-03-019 at 16, 18.</p>   |              |
| <p><b>A Database of Communities That Have Expressed Interest in Community Choice Exists.</b></p> <p>The IOUs suggested establishing “a central repository capturing CCA action taken by local communities as this is likely a key input into any probabilistic forecast.” Final Report, Exhibit C, at C-21 (June 7, 2019 Presentation).</p> <p>POC was the first party to argue that creating a new central database is unnecessary and point out that several organizations, including the Clean Power Exchange,</p>  | <p>“With respect to the use of public databases showing CCA formation activity, we agree with POC that it would be imprudent and unreasonable to use ratepayer funding to start a new</p> | <p>Noted</p> |

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| <p>already track this information on a weekly basis. POC June 21 Informal Comments at B-36 to B- 38 (including examples of the detailed information available on the Clean Power Exchange website); POC Formal Comments at 6-7. “With respect to the use of a central depository to track CCA formation activities, POC recommends utilizing the database maintained by Clean Power Exchange. According to POC, the database currently includes information on 58 counties and 482 incorporated cities in the state. . . . The IOUs support POC’s recommendation to rely on the existing data repository provided by the Clean Power Exchange to the extent possible.” D.20-03-019 at 16-17 (citing POC Informal Comments at 4-6).</p> | <p>database rather than utilize a readily available database.” D.20-03-019 at 19.</p>   |                 |
| <p><b>Require SDG&amp;E to Implement a Meet-and-Confer Process.</b></p> <p>“Pointing to the meet-and-confer process implemented by PG&amp;E and SCE, POC claims that SDG&amp;E does not engage in such a meet-and-confer process. POC recommends that the Commission direct SDG&amp;E to implement a similar process to provide CCAs and utilities [a venue] to exchange information regarding the load to be served by each entity.” D.20-03-019 at 17; <i>see also</i> POC Formal Comments at 4; POC Comments on PD at 3. POC first raised this issue in its first informal comments, and</p>  | <p>The Commission agreed and ordered SDG&amp;E to implement a meet-and-confer process. “POC recommends that the Commission direct SDG&amp;E to implement a meet-and-confer process to inform its departing load forecast. PG&amp;E and SCE already have a process in place. POC argues that such a process would provide utilities and CCAs a chance to exchange information. We find POC’s request reasonable and direct SDG&amp;E to establish a meet-and-confer process similar to PG&amp;E’s and SCE’s.” D.20-03-019 at 19.</p> | <p>Verified</p> |

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| <p>has consistently raised it since. Final Report, Appendix D, at D-9 to D-10 (POC May 6 Informal Comments).</p>  |  |                 |
| <p><b>Present the PCIA on Customer Bills</b></p> <p>POC recommended that the Commission order IOUs to present the PCIA separately on both bundled and departing customers’ bills by 2021 to provide “a visual indication that the PCIA is a non-bypassable charge paid by all customers. Without such a presentation on bundled customers’ bills, customers are more likely to believe that they only pay the PCIA when receiving service from a CCA.” POC Formal Comments at 7-8; <i>see also</i> POC Comments on PD at 4. POC recommended that any future discussion be limited to implementation details, and not “re-discussing and re-litigating if and when the change should be made.” Reply Comments of Protect Our Communities Foundation on Working Group 1’s Report on Issues 8-12, at 3 (July 26, 2020) (POC Formal Reply Comments). POC rebutted the IOUs’ request for additional delay by observing that “the IOUs argue that it is ‘premature and infeasible’ to be given three years to implement this change. It cannot be premature or infeasible for a regulated utility to complete an action three years after its regulator said it must be done. The</p> | <p>The Commission agreed with POC to order the IOUs to present the PCIA on customer bills by a date certain, and to limit future discussion to implementation details. “[W]e direct PG&amp;E, SCE, and SDG&amp;E to collaborate and file a joint proposal for bill and tariff changes to show a PCIA line item in the bill summary table on all customer bills in a Tier 3 Advice Letter by August 31, 2020, to be implemented by the last business day of 2021.” D.20-03-019 at 21.</p> | <p>Verified</p> |

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| <p>Commission must reject the IOUs’ most recent request for delay as unreasonable.” Reply Comments of POC on the Proposed Decision Regarding Departing Load Forecasts and Presentation of the PCIA on Bills at 2-3 (March 23, 2020).</p>  |  |   |
| <p><b>Joint IOU Proposal to Remove the Line Loss Factor</b></p> <p>POC raised substantive and procedural objections to the IOUs’ proposal to remove the line loss factor from the PCIA. “Arguing that the parties have not had sufficient time to analyze the recommended corrections, POC opposes the suggested approach to correct these errors.” D.20-03-019 at 22-23. Further, the “IOUs’ attempt to eliminate line losses from the PCIA via a proposal included in the closing round of Working Group comments, without a transparent presentation of the proposal disclosing their intentions, should be rejected.” POC Formal Comments at 8.</p> | <p>The Commission agreed with POC’s argument and denied the utilities’ request: “We agree that the parties need more time and opportunity to review the correction proposed by the Joint IOUs. . . . Therefore, we deny the IOUs’ request to eliminate the line loss factor from the PCIA calculation, without prejudice. The IOUs may file a petition to modify the relevant decision.” D.20-03-019 at 22-23.</p> | <p>Verified</p>   |
| <p><b>POC Suggested that the Commission Modify the Proposed Decision to allow, but not require, the IOUs to file a petition to address their concern regarding line loss factors.</b> POC Comments on PD at 4.</p>  | <p>The final decision incorporates POC’s suggestion to change a mandatory “should” directive to a permissive “may.” POC Comments on PD, Appendix of Changes, at A-1 to A-2; D.20-03-019 at 2, 22-23.</p>   | <p>Verified</p>   |
| <p><b>Working Group Transparency</b></p> <p>POC argued that the working group did not operate transparently, and this prejudiced POC’s ability to</p>   | <p>The Commission acknowledged POC’s concern and admonished the parties to “use this [working group] framework productively.” D.20-03-019 at 24.</p> <p>“POC and UCAN raise governance-related concerns regarding the working</p>  | <p>POC Comments on Working Group 1 Final Report, Filed July 19, 2019.</p> |

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| <p>influence the co-chairs’ final proposal. POC Formal Comments at 2-3. POC argued that consumer advocates should receive regular briefings regarding these co-chairs’ private meetings, as IOUs and CCAs do. POC Formal Reply Comments at 1-2.</p>  | <p>group process. These concerns include the transparency of the working group process and the role of co-chairs. POC argues that the majority of the meetings and discussions occur in private between the co-chairs. POC alleges that other parties are neither invited to participate in these discussions, provided timely descriptions of their contents, nor given the opportunity for input on the development of the agendas for Working Group meetings. POC adds that infrequently, the co-chairs will schedule meetings that are open to all parties in the proceeding. POC argues that because the co-chairs develop the proposals, which have been discussed among themselves for some time, other parties are not as well informed as the co-chairs.” D.20-03-019 at 23.</p> | <p>POC Reply Comments on Working Group 1 Final Report, Filed July 26, 2019.</p> |
| <p><b>Request for Evidentiary Hearings</b></p> <p>POC requested that the Commission hold hearings on the working group’s activities to address disputed issues of material fact, including if uniform guidelines for the formulas, inputs, and assumptions used in departing load forecasts are necessary; SDG&amp;E’s use of vintaged billing determinates; the presentation of the PCIA on bundled customer bills; and if line losses should be included in the PCIA. Motion for Evidentiary Hearings on Working Group 1’s Report on Issues 8-12 of Protect Our Communities Foundation (Aug. 2, 2019).</p> | <p>“Claiming that the IOUs did not share relevant modeling information, POC argues that the issue of departing load forecast is not ripe for a Commission decision. POC adds that if their request is granted, POC would submit evidence documenting best practices in departing load forecasting and how to apply those practices to the service territory of the California IOUs.” D.20-03-019 at 25. The Commission denied POC’s request for evidentiary hearings on departing load forecast, but as noted above took other steps that partially addressed the issues POC raised regarding the bill presentation and line losses in its motion for hearings. D.20-03-019 at 25-26.</p>   | <p>Noted</p>  |

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

|   | <b>Intervenor’s Assertion</b> | <b>CPUC Discussion</b> |
|---|-------------------------------|------------------------|
| <b>a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?<sup>4</sup></b>  | Yes                           | Verified               |
| <b>b. Were there other parties to the proceeding with positions similar to yours?</b>   | Yes                           | Verified               |
| <b>c. If so, provide name of other parties:</b><br>CalCCA, City of San Diego, and UCAN.   |                               | Verified               |
| <b>d. Intervenor’s claim of non-duplication:</b><br><br>On topics where POC’s position overlapped with other parties, POC took a number of actions to coordinate with other parties offering similar positions. For example, POC participated in phone calls and/or met with similarly situated parties to strategize on outcomes and to avoid duplication of efforts. In Phase 2 of this proceeding, POC held phone calls or conversations with representatives of UCAN, CalCCA, and City of San Diego to discuss and coordinate positions, comments, and proposals. POC and UCAN collaborated to raise issues regarding the working group’s transparency.<br><br>POC demonstrated leadership in addressing issues that were not raised by other parties. For example, POC was the first party to point out that a central repository regarding CCA formation activities already exists; others parties’ discussion on this topic responded to POC’s comments. POC was the only party to request that the Commission remove from the Proposed Decision the requirement that IOUs file a petition for modification regarding line loss factors, which the Commission did. POC was also the only party to request evidentiary hearings because, among other issues, the record was not sufficiently developed to fully address departing load forecast methodology. The Commission agreed that the working group’s discussion only “provided basic information” and that the parties’ engagement was not sufficient to result in a record that allows it to revise the forecast methodology in this decision. D.20-03-019 at 10.<br><br>To the extent that duplication occurred, it was unavoidable due to the large number of parties actively engaged in the case. POC worked diligently to ensure that its involvement uniquely influenced the outcome of the final Decision. | Noted                         |                        |

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

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

|   | <b>CPUC Discussion</b> |
|---|------------------------|
| <p><b>a. Intervenor’s claim of cost reasonableness:</b></p> <p>As demonstrated in the substantial contribution section, POC’s participation had a significant impact on the outcome of the issues in this Decision. The Commission agreed with POC that the working group’s discussion of load forecasting was not sufficient, that it is unreasonable to use ratepayer funding to start a new database of CCA formation activities, to direct SDG&amp;E to establish a meet-and-confer process with CCAs, to order the IOUs to present the PCIA on customer bills by a date certain, and to deny the utilities’ request eliminate the line loss factor. POC comprehensively addressed every aspect of the co-chairs’ proposal, leading to a more robust discussion at the public working group meetings and a more detailed and nuanced worked group report.</p> | Noted                  |
| <p><b>b. Reasonableness of hours claimed:</b></p> <p>POC engaged both in-house staff, technical experts, and outside counsel to address the complex and controversial issues raised in this proceeding. A single attorney or advocate took the lead on each major filing, and other attorneys or staff provided support. This allowed POC to leverage many years of experience and expertise, while limiting costs.</p> <p>All of the hours claimed in this request were reasonably necessary to the achievement of POC’s substantial contributions, and no unnecessary duplication of effort is reflected in the attached timesheets.</p>  | Noted                  |
| <p><b>c. Allocation of hours by issue:</b></p> <p><b>GP - General Participation – 10%</b><br/>This category of costs includes non-issue specific participation in Phase 2 of this proceeding such as reviewing Commission orders and other parties’ filings.</p> <p><b>LF - Load Forecasting – 62%</b><br/>Includes scoping memo questions 8-10 regarding departing load forecasting:</p> <p>8. Which methodologies, probabilistic or scenario-based, should the Commission adopt to forecast departing load?</p> <p>9. What are the barriers for the IOUs to obtain the information they need to adequately forecast future CCA departing load and mitigate future forecasting inaccuracies, and how can they overcome those barriers?</p>   | Noted                  |

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| <p>10. What mechanisms would help minimize future deviations between announced and actual load departure dates, thereby improving the fidelity of departing load forecasts?</p> <p><b>BP – Bill Presentation – 25%</b><br/>Includes scoping memo question 12 regarding presentation of the PCIA on tariffs and bills:</p> <p>12. Should the Commission require any changes in the presentation of the PCIA in tariffs and on customer bills, and if so, what should those changes be?</p> <p><b>LL – Line Loss Factors – 3%</b><br/>Responding to the IOUs' proposal to remove line losses from the PCIA.</p> |  |
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**B. Specific Claim:\***

| CLAIMED                             |      |       |         |  |          | CPUC AWARD |           |            |
|-------------------------------------|------|-------|---------|--|----------|------------|-----------|------------|
| ATTORNEY, EXPERT, AND ADVOCATE FEES |      |       |         |  |          |            |           |            |
| Item                                | Year | Hours | Rate \$ | Basis for Rate*  | Total \$ | Hours      | Rate \$   | Total \$   |
| Ellison Folk                        | 2019 | 0.7   | \$615   | D.19-10-012 plus COLA.   | \$431    | 0.7        | \$615 [1] | \$430.50   |
| Ellison Folk                        | 2020 | 0.5   | \$615   | D.19-10-012 plus COLA for 2019; please add COLA for 2020.                | \$308    | 0.5        | \$630 [1] | \$315.00   |
| Yochanan Zakai                      | 2019 | 25.7  | \$330   | D.20-02-066  | \$8,481  | 25.3 [3]   | \$330 [2] | \$8,349.00 |
| Yochanan Zakai                      | 2020 | 13.5  | \$347   | D.20-02-066, 5% step increase per D.07-01-009; please add COLA for 2020. | \$4,685  | 13.5       | \$355 [2] | \$4,792.50 |
| Tyson Siegele                       | 2019 | 8.3   | \$266   | ALJ-357.   | \$2,208  | 8.3        | \$265 [4] | \$2,199.50 |
| Tyson Siegele                       | 2020 | 4     | \$279   | 2019 rate; 5% step increase per D.07-01-009; please                      | \$1,116  | 4          | \$285 [4] | \$1,140.00 |

|  |      |       |            | add COLA<br>for 2020.                 |          |                                 |           |            |
|--|------|-------|------------|---------------------------------------|----------|---------------------------------|-----------|------------|
| Breana<br>Inoshita   | 2020 | 3     | \$160      | ALJ-357.                              | \$450    | 1.5<br>[6]                      | \$160 [5] | \$240.00   |
| <b>Subtotal: \$17,679<sup>5</sup></b>  |      |       |            |                                       |          | <b>Subtotal: \$17,466.50</b>    |           |            |
| <b>INTERVENOR COMPENSATION CLAIM PREPARATION **</b>  |      |       |            |                                       |          |                                 |           |            |
| Item   | Year | Hours | Rate<br>\$ | Basis for<br>Rate*                    | Total \$ | Hours                           | Rate      | Total \$   |
| Yochanan<br>Zakai  | 2020 | 11.4  | \$174      | half<br>compensation<br>for 2020 rate | \$1,984  | 11.4                            | \$177.50  | \$2,023.50 |
| Ellison<br>Folk  | 2020 | 1     | \$308      | half<br>compensation<br>for 2020 rate | \$308    | 1                               | \$315     | \$315.00   |
| Tyson<br>Siegele   | 2019 | 3     | \$133      | half<br>compensation<br>for 2019 rate | \$399    | 3                               | \$132.50  | \$397.50   |
| Tyson<br>Siegele   | 2020 | 1     | \$140      | half<br>compensation<br>for 2020 rate | \$140    | 1                               | \$142.50  | \$142.50   |
| <b>Subtotal: \$2,831</b>   |      |       |            |                                       |          | <b>Subtotal: \$2,878.50</b>     |           |            |
| <b>TOTAL REQUEST: \$20,510<sup>6</sup></b>   |      |       |            |                                       |          | <b>TOTAL AWARD: \$20,345.00</b> |           |            |
| <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> |      |       |            |                                       |          |                                 |           |            |
| <b>ATTORNEY INFORMATION</b>  |      |       |            |                                       |          |                                 |           |            |

<sup>5</sup> Note: Subtotals and Total Request amount were not entered on Part III.B by Intervenor. We have input the amounts to verify the requested award.

<sup>6</sup> The calculated Total Request, based on requested amounts submitted by PCF, does not match requested Award of \$20,538 on Page 1.

| Attorney       | Date Admitted to CA BAR <sup>7</sup> | Member Number                      | Actions Affecting Eligibility (Yes/No?)<br>If “Yes”, attach explanation |
|----------------|--------------------------------------|------------------------------------|---|
| Ellison Folk   | 1990                                 | 149232                             | No  |
| Yochanan Zakai | Admitted to Oregon State Bar in 2013 | Oregon State Bar Member No. 130369 | No  |

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

| Attachment or Comment # | Description/Comment  |
|-------------------------|--|
| 1                       | Certificate of Service   |
| 2                       | <p>Biography of Experts</p> <p><b>Tyson Siegele</b> is an energy analyst at the Protect Our Communities Foundation where he researches and analyzes trends in greenhouse-gas-free energy, energy efficiency, energy demand, and local generation opportunities. He draws on his two decades of experience in the building industry, including a decade as an energy consultant to locate cost-saving and energy saving opportunities for the ratepayers of Southern California. Mr. Siegele also is the President of the Electric Vehicle Association of San Diego, a non-profit which advocates for, and educates about electric vehicles. As an electric transportation early adopter, advocate, and researcher, Mr. Siegele illustrates strategies to amplify the benefits electric vehicles can provide to the grid as well as opportunities related to renewable energy integration. POC requests an hourly rate of \$266 for his work in 2019, which is the middle of the range of \$185 – \$305 for experts with 7-12 years’ experience authorized in Resolution ALJ-357. POC requests an hourly rate of \$266 plus COLA for his work in 2020, which is the rate proposed for 2019 plus COLA and a 5% step increase per D.07-01-009. POC was unable include COLA calculations in this claim because as of filing the Commission has not issued its 2020 COLA resolution.</p> <p><b>Breana Inoshita</b> was a law clerk at Shute, Mihaly and Weinberger in 2020. POC requests an hourly rate of \$160 for her legal research work in 2020, which is at the low end of the range of \$160-215 authorized for advocates in Resolution ALJ-357.</p> |
| 3                       | Spreadsheet of Hours   |

**D. CPUC Comments, Disallowances, and Adjustments**

<sup>7</sup> This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch> .

| Item                                       | Reason  |
|--|---|
| [1] Ellison Folk (Folk) Hourly Rate        | D.19-10-012 approved a 2017 rate of \$585 for Folk’s work with TURN. We apply the 2018 COLA of 2.3% and the 2019 COLA of 2.35%, and round to the nearest \$5 for an approved 2019 rate of \$615. We apply the 2020 COLA of 2.55% to the 2019 rate, for an approved 2020 rate of \$630.  |
| [2] Yochanan Zakai (Zakai) Hourly Rate     | D.20-02-066 adopted a 2019 hourly rate of \$330. We apply the 2020 COLA of 2.55%, and the requested 5% step increase, for an approved 2020 rate of \$355.   |
| [3] Zakai 2019 Hours                       | The following timesheet entries are disallowed from Zakai’s 2019 hours because they did not contribute to the decision-making process; 6-17-2019, 0.3 hour, “review need for comments” and, 6-17-2019, 0.1 hour, “review need for comments”.  |
| [4] Tyson Siegele (Siegele) Hourly Rate    | D.21-03-039 established a 2018 rate of \$260 for Siegele. We apply the 2.35% COLA per Resolution ALJ-357 to the 2018 rate, and round to the nearest \$5, for an approved 2019 rate of \$265. We apply the 2.55% COLA per Resolution ALJ-387 to the 2019 rate, and round to the nearest \$5. We also apply the requested 5% step increase for an approved 2020 rate of \$285. We note that D.21-05-025 approved a 2019 rate of \$270 for Siegele. Upon further review, the correct 2019 hourly rate is \$265. POC should use this rate for all subsequent claims.  |
| [5] Breana Inoshita (Inoshita) Hourly Rate | Inoshita has one year of cumulative experience as a Legal Intern and Program Coordinator. Inoshita expects to complete a J.D. in May of 2021. The requested hourly rate of \$160 is appropriate per Resolution ALJ-387, given Inoshita’s experience.  |
| [6] Inoshita 2020 Hours                    | POC submitted two timesheet entries for Inoshita as follows: 3-2-2020, 1.5 hours, “Identify the discussion of bundled load forecast, departing load forecast, and Community Choice Aggregation formation in San Diego Gas and Electric Company's Updated November 2019 filing”; and 3-3-2020, 1.5 hours, “Identify the discussion of bundled load forecast, departing load forecast, and Community Choice Aggregation formation in San Diego Gas and Electric Company's Updated November 2019 filing”. It is unclear how identifying this information contributed to the decision-making process; therefore, the Commission has disallowed 50% of these hours for lack of substantial contribution. |

**PART IV: OPPOSITIONS AND COMMENTS**

**Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (see § 1804(c))**

|   |    |
|---|----|
| <b>A. Opposition: Did any party oppose the Claim?</b> | No |
|---|----|

|  |     |
|--|-----|
| <b>B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?</b> | Yes |
|--|-----|

**FINDINGS OF FACT**

1. Protect Our Communities Foundation has made a substantial contribution to D.20-03-019.
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 are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$20,345.00.

**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 \$20,345.00.
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 2019 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data is unavailable, the most recent electric revenue data shall be used.” Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning August 16, 2020, the 75<sup>th</sup> 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 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 A**

**Compensation Decision Summary Information**

|                           |  |                    |    |
|---------------------------|--|--------------------|----|
| Compensation Decision:    | D2203033   | Modifies Decision? | No |
| Contribution Decision(s): | D2003019   |                    |    |
| Proceeding(s):            | R1706026   |                    |    |
| Author:                   | ALJ Stephanie Wang   |                    |    |
| 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 | 6/2/20           | \$20,538         | \$20,345.00    | N/A         | COLA application to hourly rates and time not contributing to the decision-making process. |

**Hourly Fee Information**

| First Name | Last Name | Attorney, Expert, or Advocate | Hourly Fee Requested | Year Hourly Fee Requested | Hourly Fee Adopted |
|------------|-----------|-------------------------------|----------------------|---------------------------|--------------------|
| Ellison    | Folk      | Attorney                      | \$615                | 2019                      | \$615              |
| Ellison    | Folk      | Attorney                      | \$615                | 2020                      | \$630              |
| Yochanan   | Zakai     | Attorney                      | \$330                | 2019                      | \$330              |
| Yochanan   | Zakai     | Attorney                      | \$347                | 2020                      | \$355              |
| Tyson      | Siegele   | Expert                        | \$266                | 2019                      | \$265              |
| Tyson      | Siegele   | Expert                        | \$279                | 2020                      | \$285              |
| Breana     | Inoshita  | Advocate                      | \$160                | 2020                      | \$160              |

**(END OF APPENDIX A)**