

Decision 22-03-024 March 17, 2022

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Consider
Streamlining Interconnection of Distributed
Energy Resources and Improvements to Rule 21.

Rulemaking 17-07-007

**DECISION GRANTING COMPENSATION TO
THE UTILITY REFORM NETWORK
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 20-09-035**

Intervenor: The Utility Reform Network ("TURN")	For contribution to Decision (D.) 20-09-035
Claimed: \$38,105.93	Awarded: \$38,105.93
Assigned Commissioner: Alice Reynolds ¹	Assigned ALJ: Kelly A. Hymes

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	In D.20-09-035, the Commission resolved the set of issues assigned to Working Group Two (Integration Capacity Analysis and Streamlining Interconnection), Working Group Three (Timelines, Billing, Construction Upgrades, Cross-jurisdictional Coordination, Application Portals, Electric Vehicle Interconnection, Smart Inverters, and Other Technology Issues), as well as the issues assigned to the V2G AC Subgroup (Process for Monitoring Development of Standards for Interconnection of Mobile Inverters).
--	---

¹ This proceeding was reassigned from Commissioner Guzman Aceves to President Alice Reynolds on January 24, 2022.

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:²

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	9/13/2017	Verified
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	10/13/2017	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:	A.16-08-006	Verified
6. Date of ALJ ruling:	November 28, 2016	Verified
7. Based on another CPUC determination (specify):	N/A	
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:	A.16-08-006	Verified
10. Date of ALJ ruling:	November 28, 2016	Verified
11. Based on another CPUC determination (specify):	N/A	
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.20-09-035	Verified
14. Date of issuance of Final Order or Decision:	9/30/2020	Verified
15. File date of compensation request:	11/30/2020	Verified
16. Was the request for compensation timely?		Yes

² All statutory references are to California Public Utilities Code unless indicated otherwise.

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><u>1. Participation in Working Group Two Issues</u></p> <p>TURN made substantial contributions to D.20-09-035 by participating in Working Group Two, including attending meetings, collaborating to reach consensus on select issues, responding to proposals, and reviewing/editing documents. The Working Group Two Final Report as well as D.20-09-035 both contain results of TURN’s participation. TURN highlights select issues below:</p> <p><u>Issue 8: Proposal 8v</u> TURN opposed Proposal 8v and the inclusion of a draft Interconnection Automation and Streamlining report by Green Power Institute and Clean Coalition because it does not have a high-level cost estimate of automation opportunities, only a relative cost-benefit analysis. TURN noted that just because Proposal A is worse than Proposal B, it doesn't make B a good proposal.</p> <p>The Commission agreed and declined to adopt Proposal 8v, noting that it is out of scope for Issue 8.</p> <p><u>Issue 9</u> TURN offered qualified support of Issue 9, contingent upon the Commission 1) ordering that smart inverters be tested and added to a list of certified inverters deemed able to</p>	<ul style="list-style-type: none"> • Working Group Two Final Report, March 15, 2018. • Working Group Two Final Report, March 15, 2018, p 86. • D.20-09-035, p. 39. • D.20-09-035, p. 50. • Working Group Two Final Report, March 15, 2018, pp. 123-124. 	<p>Verified</p> <p>Verified</p> <p>Verified</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>effectively and reliably limit output and 2) monitoring and measuring generation in real-time; because a measurement over a period of time would likely lead to underestimates.</p> <p>The Commission adopted the proposal for Issue 9. While the Commission didn't order the utilities to monitor and measure generation in real-time, the Commission ordered the utilities to adopt a certification scheme for the Limited Generation Profile.</p> <p><u>Issue 10</u> TURN noted that its support for the entire proposal is contingent upon IOUs' determination of additional expenses that would be incurred as a result of this proposal (including costs for project managers, engineering resources, and others, in addition to upgrade costs).</p> <p>The Commission declined to adopt Proposal 1 for Issue 10, noting that the Working Group Two Final Report does not contain data regarding the cost of such a mandate and that TURN expressed concern regarding the costs of Issue 10 proposals.</p>	<ul style="list-style-type: none"> • D.20-09-035, p. 53. • D.20-09-035, p. 56. • Working Group Two Final Report, March 15, 2018, p. 136. • D.20-09-035, p. 66. • D.20-09-035, p. 69. 	Verified
<p><u>2. Participation in Working Group Three Issues</u> TURN made substantial contributions to D.20-09-035 by participating in Working Group Three, including attending meetings, collaborating to reach consensus on select issues, responding to proposals, and reviewing/editing documents. The Working Group Three Final Report as well as D.20-09-035 both contain</p>	<ul style="list-style-type: none"> • Working Group Three Final Report, June 14, 2019. 	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>results of TURN's participation. TURN highlights select issues below:</p> <p><u>Issue 12i</u> TURN stayed neutral on Issue 12i, but TURN noted that if a financial penalty is being considered or later imposed, it needs to be made clear that the penalty will be paid by shareholder dollars, not ratepayer dollars.</p> <p>The Commission adopted a modified Proposal 12i, which would require the utilities to organize and host a workshop to discuss whether 95 to 100 percent of the timelines being tracked and reported have been met. The Commission declined to adopt financial penalties, noting that it is premature to do so.</p>	<ul style="list-style-type: none"> • Working Group Three Final Report, June 14, 2019, p. 22. • D.20-09-035, p. 91. • D.20-09-035, p. 97. 	<p>Verified</p>
<p><u>Issue 22 Proposal 22b</u> TURN noted that if only a small group of developers benefit from the sub-proposal, and general ratepayers do not benefit, then TURN strongly opposes rate-basing the costs associated with the subproposal.</p> <p>The Commission agreed and noted that it has a responsibility to ratepayers and concluded that the costs for implementing a subproposal should be recovered from the set of customers who benefit, not from general ratepayers.</p>	<ul style="list-style-type: none"> • Working Group Three Final Report, June 14, 2019, p. 45. • D.20-09-035, p. 114. • D.20-09-035, p. 117. 	<p>Verified</p>
<p><u>Issue 24 Proposal 24c</u> TURN noted that it strongly opposes any potential subsidy of the interconnecting project by ratepayers. Any methodology that could potentially result in a cost shift or</p>	<ul style="list-style-type: none"> • Working Group Three Final Report, June 14, 2019, p. 108. • D.20-09-035, p. 141. 	

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>subsidy, whether due to differences in accounting practice, indirect costs that are occurred, or other potential reasons should be clearly rejected by the Commission.</p> <p>The Commission agreed and stated that it is concerned by warnings that the proposal could lead to a cost shift or subsidy, and that it may benefit only the interconnection applicant. Thus, the Commission declined to adopt Proposal 24c.</p>	<ul style="list-style-type: none"> • D.20-09-035, p. 143. 	

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?³</p>	Yes	Verified
<p>b. Were there other parties to the proceeding with positions similar to yours?</p>	No	Verified
<p>c. If so, provide name of other parties:</p>		
<p>d. Intervenor’s claim of non-duplication: TURN coordinated with Cal Advocates throughout the proceeding, including conferring on strategy, issue positions, and others. As a general matter, TURN either offered unique positions in this proceeding, or, where our positions overlapped with Cal Advocates, unique analysis in support or opposition of those positions. For example, TURN was the only intervenor to oppose Proposal 8v, and it was also the only party to address comments by Green Power Institute on the Proposed Decision, which led the Commission to confirm that Assigned Commissioner’s Scoping Memos and any amendments determine the scope of a proceeding, not working group facilitators and not parties.</p>		Noted

³ The Office of Ratepayer Advocates was renamed the Public Advocate’s Office of the Public Utilities Commission pursuant to Senate Bill 854, which the Governor approved on June 27, 2018.

	Intervenor’s Assertion	CPUC Discussion
	<p>The Commission should find that TURN’s participation was efficiently coordinated with the participation of Cal Advocates so as to avoid undue duplication and to ensure that to the extent duplication occurred, it served to supplement, complement, or contribute to the showing of the other intervenor. And consistent with such a finding, the Commission should determine that all of TURN’s work is compensable consistent with the conditions set forth in Section 1802.5.</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>TURN’s request for intervenor compensation seeks an award of approximately \$38,000 as the reasonable cost of our participation in this proceeding. TURN submits that these costs are reasonable in light of the importance of the issues TURN addressed and the potential benefits to customers.</p> <p>This proceeding is concerned with assessing a variety of refinements to the interconnection process of distributed energy resources under Rule 21. However, as TURN has been advocating, it is important that these refinements are not done at the expense of general ratepayers unless the record shows that general ratepayers would receive benefits that outweigh the costs. Otherwise, the costs borne by ratepayers for these refinements could result in a subsidy to a few select customers.</p> <p>TURN successfully advocated on behalf of ratepayers in this proceeding that have direct monetary benefits, although the amount is not easily quantifiable. For example, the automation efforts that were contained in Proposal 8v were likely to be very costly, with very limited benefits to residential ratepayers. As another example, Proposal 24c would have likely led to cost shifts from interconnection applicants to general ratepayers. TURN was successful in advocating against both of these proposals. TURN submits that its positive impact on the Commission’s policies regarding these issues will afford the ratepayers of PG&E, SCE, and SDG&E with benefits, as the establishment of these policies could have future impact on customer rates.</p>	<p>Noted</p>

	CPUC Discussion
<p>As such, the Commission should treat this compensation request as it has treated similar past requests with regard to the difficulty of establishing specific monetary benefits associated with TURN’s participation (or that of another intervenor). (<i>See, e.g.</i> D.13-12-027, p. 11 (awarding Sierra Club California intervenor compensation for energy storage policy work in R.10-12-007); D.15-07-028, p.7 (awarding TURN intervenor compensation for energy storage policy work in A.14-02-006 et al.); and D.16-06-027 (awarding TURN intervenor compensation for energy storage policy work in the first Track of the proceeding.)</p> <p>For these reasons, the Commission should find that TURN's efforts have been productive and the requested amount of compensation is reasonable in light of the benefits achieved through those efforts.</p>	
<p>b. Reasonableness of hours claimed:</p> <p>This Request for Compensation includes slightly more than 104 hours of TURN’s attorney time, the equivalent of around two and half weeks of full-time work for an individual attorney, but spanning a 56-month period. TURN’s efforts reflected herein resulted in multiple contributions to D.20-09-035, detailed above, and encompass the preparation of formal filings by TURN, as well as participation in Working Group Two and Working Group Three.</p> <p>TURN assigned this proceeding to staff attorney David Cheng, with TURN staff attorney Marcel Hawiger acting in a supervisory capacity. Mr. Cheng took the day-to-day lead, while Mr. Hawiger provided strategic guidance and supervisory input. This request for compensation includes approximately 102 hours of Mr. Cheng’s time and 3 hours of Mr. Hawiger’s time.</p> <p>As shown in the issue allocation table below, approximately 66% of the hours were devoted to participation in the Working Group Process. These working groups met repeatedly starting in March of 2018. Due to considerable difference in opinion between some of the major parties, the Working Group Process was similar to a major settlement negotiation.</p> <p>The Commission has historically encouraged the use of working groups to resolve complex issues among multiple stakeholders, and it has held that compensation for working group activities is appropriate, especially when the working groups are created pursuant to Commission direction. <i>See, for example, D.15-07-019 (Granting compensation to TURN for activities in two working groups); D.97-02-047, mimeo. p. 2; D.96-08-040, 67 CPUC 2d 562, 568.</i></p>	Noted

		CPUC Discussion																					
<p>TURN suggests that the Commission should find that the number of issues addressed in this phase of the rulemaking, and the time necessary for participating in working groups and workshops, preparing various pleadings, and reviewing advice letter filings by all three electric utilities, warrant finding that the hours spent were reasonable. However, should the Commission believe that more information is needed or that a different approach to discussing the reasonableness of the requested hours is warranted here, TURN requests the opportunity to supplement this section of the request.</p>																							
<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 is evident on our attached timesheets (Attachment 2) and in Attachment 4, which shows the allocation of TURN's time included in this request by attorney or expert and issue / activity area. The following codes relate to specific substantive issue and activity areas addressed by TURN.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Code</th> <th style="text-align: center;">Description</th> <th style="text-align: center;">Allocation of Time</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">#</td> <td>Work related to multiple substantive issue areas that is not easily allocated to specific issues</td> <td style="text-align: center;">3.1%</td> </tr> <tr> <td style="text-align: center;">Coord</td> <td>Work related to coordination with other parties</td> <td style="text-align: center;">2.1%</td> </tr> <tr> <td style="text-align: center;">GP</td> <td>The work in this category includes activities associated with general participation in this proceeding.</td> <td style="text-align: center;">19.1%</td> </tr> <tr> <td style="text-align: center;">PD</td> <td>Work related to the Proposed Decision where not easily allocated to specific issue areas</td> <td style="text-align: center;">9.8%</td> </tr> <tr> <td style="text-align: center;">WG2</td> <td>Participation in the Working Group 2 process, including attending meetings and reviewing/editing documents</td> <td style="text-align: center;">47.5%</td> </tr> <tr> <td style="text-align: center;">WG3</td> <td>Participation in the Working Group 3 process, including attending meetings and reviewing/editing documents</td> <td style="text-align: center;">18.4%</td> </tr> </tbody> </table>		Code	Description	Allocation of Time	#	Work related to multiple substantive issue areas that is not easily allocated to specific issues	3.1%	Coord	Work related to coordination with other parties	2.1%	GP	The work in this category includes activities associated with general participation in this proceeding.	19.1%	PD	Work related to the Proposed Decision where not easily allocated to specific issue areas	9.8%	WG2	Participation in the Working Group 2 process, including attending meetings and reviewing/editing documents	47.5%	WG3	Participation in the Working Group 3 process, including attending meetings and reviewing/editing documents	18.4%	<p>Noted</p>
Code	Description	Allocation of Time																					
#	Work related to multiple substantive issue areas that is not easily allocated to specific issues	3.1%																					
Coord	Work related to coordination with other parties	2.1%																					
GP	The work in this category includes activities associated with general participation in this proceeding.	19.1%																					
PD	Work related to the Proposed Decision where not easily allocated to specific issue areas	9.8%																					
WG2	Participation in the Working Group 2 process, including attending meetings and reviewing/editing documents	47.5%																					
WG3	Participation in the Working Group 3 process, including attending meetings and reviewing/editing documents	18.4%																					

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
David Cheng, TURN Attorney	2018	51.75	\$335.00	D.19-04-035	\$17,336.25	51.75	\$335.00	\$17,336.25
David Cheng, TURN Attorney	2019	30.25	\$350.00	D.19-11-009	\$10,587.50	30.25	\$350.00	\$10,587.50
David Cheng, TURN Attorney	2020	20.25	\$375.00	D.20-11-042	\$7,593.75	20.25	\$375.00	\$7,593.75
Marcel Hawiger, TURN Attorney	2019	1.00	\$445.00	D.19-11-011	\$445.00	1.00	\$445.00 [1]	\$445.00
Marcel Hawiger, TURN Attorney	2020	1.50	\$455.00	D.19-11-011 + 2.55% COLA (Res. ALJ-387)	\$682.50	1.50	\$455.00 [2]	\$682.50
Subtotal: \$36,645.00						Subtotal: \$36,645.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
David Cheng, TURN Attorney	2020	7.75	\$187.50	½ rate of approved 2020 rate	\$1,453.13	7.75	\$187.50	\$1,453.13
Subtotal: \$1,453.13						Subtotal: \$1,453.13		
COSTS								
#	Item	Detail			Amount	Amount		
1.	Copies, Postage & Phone	Copies of filings & mailing costs for filings and phone charges			\$7.80	\$7.80		
Subtotal: \$7.80						Subtotal: \$7.80		
TOTAL REQUEST: \$38,105.93						TOTAL AWARD: \$38,105.93		
<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>								

CLAIMED			CPUC AWARD
**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer’s normal hourly rate			
ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR ⁴	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
David Cheng	June 2015	303794	No
Marcel Hawiger	January 1998	194244	No

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

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	Timesheets for TURN’s Attorneys
Attachment 3	TURN Direct Expenses Associated with D.20-09-035
Attachment 4	TURN Hours Allocated by Issue

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1]	Marcel Hawiger’s 2019 rate of \$445 is verified in D.19-11-011.
[2]	After applying the 2.55% 2020 COLA, using Mr. Hawiger’s 2019 rate of \$445.00 as a basis, brings Marcel Hawiger’s 2020 rate to \$455.00 after rounding to the nearest \$5

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

⁴ This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

FINDINGS OF FACT

1. The Utility Reform Network has made a substantial contribution to D.20-09-035.
2. The requested hourly rates for The Utility Reform Network'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 \$38,105.93.

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 \$38,105.93.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company shall pay The Utility Reform Network their respective shares of the award, based on their California-jurisdictional electric revenues for the 2018 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 February 13, 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 March 17, 2022, at San Francisco, California.

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

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:	D2203024	Modifies Decision?	No
Contribution Decision(s):	D2009035		
Proceeding(s):	R1707007		
Author:	ALJ Hymes		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/ Disallowance
The Utility Reform Network	November 30, 2020	\$38,105.93	\$38,105.93	N/A	See CPUC Comments, Disallowances, and Adjustments

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
David	Cheng	Attorney	\$335	2018	\$335
David	Cheng	Attorney	\$350	2019	\$350
David	Cheng	Attorney	\$375	2020	\$375
Marcel	Hawiger	Attorney	\$445	2019	\$445
Marcel	Hawiger	Attorney	\$455	2019	\$455

(END OF APPENDIX)