

Decision 22-04-027 April 7, 2022

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

Application of Southern California Gas Company (U904G) and San Diego Gas & Electric Company (U902G) for Renewable Natural Gas Tariff.

Application 19-02-015

**DECISION GRANTING COMPENSATION TO  
LEADERSHIP COUNSEL FOR JUSTICE & ACCOUNTABILITY  
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 20-12-022**

<b>Intervenor:</b> Leadership Counsel for Justice & Accountability	<b>For contribution to Decision (D.) 20-12-022</b>
<b>Claimed:</b> \$6,632	<b>Awarded:</b> \$6,842.00
<b>Assigned Commissioner:</b> Clifford Rechtschaffen	<b>Assigned ALJ:</b> Scarlett Liang-Uejio

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	D.20-12-022 resolved the Application of Southern California Gas Company and San Diego Gas & Electric Company (collectively “Sempra Utilities” or “Utilities”) to offer a voluntary biomethane subscription program to its customers. D.20-12-022 approved the program with modifications to a Settlement Agreement entered into by some parties to the proceeding. The modifications included minimum in-state procurement requirements, air and water quality compliance reporting by supplying dairies, program marketing disclosures, and shareholder liability for any wind down costs not recovered by participant.
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:<sup>1</sup>**

	<b>Intervenor</b>	<b>CPUC Verification</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	June 18, 2019	Verified
2. Other specified date for NOI:	n/a	
3. Date NOI filed:	July 16, 2019	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.13-02-008	Verified
6. Date of ALJ ruling:	January 9, 2019	Verified
7. Based on another CPUC determination (specify):	n/a	
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.13-02-008	Verified
10. Date of ALJ ruling:	January 9, 2019	Verified
11. Based on another CPUC determination (specify):	n/a	
12. Has the Intervenor demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.20-12-022	Verified
14. Date of issuance of Final Order or Decision:	December 22, 2020	Verified
15. File date of compensation request:	February 22, 2021	Verified
16. Was the request for compensation timely?		Yes

<sup>1</sup> All statutory references are to California Public Utilities Code unless indicated otherwise.

**C. Additional Comments on Part I:**

#	Intervenor's Comment(s)	CPUC Discussion
	Leadership Counsel for Justice & Accountability (“Leadership Counsel” or “LC”) is a California-based social justice organization that advocates to eradicate injustice and secure equal access to opportunity regardless of wealth, race, income, and place, including in California’s energy sector and in rural communities that are impacted by fossil fuels and unsustainable agriculture. LC’s interest in this proceeding is not related to any business interest. LC receives funding for its advocacy work from many sources, including philanthropic donations, member contributions, and other sources.	Noted

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

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p><b>Issue A: Environmental Integrity of Procured Biomethane.</b></p> <p>Leadership Counsel and Sierra Club (“SC”) raised significant concerns throughout this proceeding that the proposed program lacked key features necessary to ensure that program participation would result in environmental benefits. These program features include additionality, retirement of all environmental attributes of the procured biomethane, robust verification protocols, and environmental benefits to California. Some of LC and SC’s concerns were incorporated into the Settlement agreed to by some parties to the proceeding and some were incorporated into the Decision.</p>		

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>Among the concerns raised in LC and SC testimony was the program's lack of a lifecycle analysis to determine the greenhouse ("GHG") reductions from procured biomethane, the potential use of pre-2012 renewable energy credits ("RECs"), and the use of RECs purchased from separate entities, thereby enabling the double counting of environmental benefits. These concerns were addressed in the Proposed Settlement.</p>	<p>D.20-12-02, Appendix A, Adopted Voluntary Pilot Renewable Natural Gas Tariff Program, Sections III.B.4, IV.D.3, IV.D.4. These sections reflect modifications made by the Utilities in response to LC and SC concerns. (<i>See</i> Cheung Rebuttal Testimony, p. 6 (Oct. 31, 2019) (quoting SC/LC testimony regarding the lack of lifecycle analysis and stating that "the Utilities will adopt Intervenor's [including SC/LC's] suggestions" ... "[t]he Utilities will require RNG suppliers to provide lifecycle GHG...."; <i>Id.</i>, p. 7 "<b>in response to [SC's and LC's] concerns...</b> the Utilities agree to limit procurement under the RNG Tariff program to not procure any supplies or attributes from sources contracted before January 1, 2012."; <i>Id.</i>, p. 9 summarizing SC/LC's argument regarding resale of RECs, "the Utilities propose to prohibit the generation and/or sale of RECs as part of the RNG Tariff program.").</p>	<p>Verified</p>
<p>LC and SC repeatedly raised concerns that, by permitting the short-term contracting of unbundled renewable attributes of biomethane, the program lacked additionality, meaning that it was not designed to ensure that program participation resulted in biomethane capture that would not have otherwise occurred. The Decision considered, but did not adopt the additionality requirements recommended by LC and SC but did require 50 percent of biomethane procured in the program to be in California to mitigate concerns over</p>	<p>D.20-12-022, p. 22 ("We give this issue serious consideration but decline to set the additionality requirement for in-state RNG supplies as proposed by the non-settling parties."). <i>See also id.</i>, Conclusion of Law ("COL"), ¶ 6, 7.</p> <p>D.20-12-022, pp. 21-22 ("TURN and LC/SC argue that the Cap-and-Trade Regulation requirements are not sufficient to demonstrate additionality of supply. <b>We agree with the non-settling parties [including LC and SC]</b> that that it is desirable to have a consistent policy on additionality</p>	<p>Verified</p> <p>Verified</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>unbundled renewable attribute purchases. While LC and SC did not fully prevail on this issue, it is well established that a party may make a substantial contribution to a Commission decision even if its positions are not adopted, as long as the party assisted the decision-making in a proceeding and its contributions enriched the record and enable fuller deliberation. (<i>See, e.g.</i>, D.10-06-046).</p> <p>LC and SC argued that the proposed program would allow the entirety of procured biomethane to come from out-of-state sources and therefore was inconsistent with the Renewables Portfolio Standard ("RPS") and Senate Bill ("SB") 1440, which require procurement to have environmental benefits to California. The Decision modified the settlement to require 50 percent in-state procurement.</p> <p>SC, with LC, argued and provided evidence in support of the contention that major flaws existed in the proposed tariff's carbon accounting and verification protocols, especially given the risk of double counting of</p>	<p>requirements for the biomethane procurement for all RPS and RNG programs... We give this issue serious consideration but decline to set the additionality requirement for in-state RNG supplies as proposed by the non-settling parties because it is not required by either SB 1440 or the Cap-and-Trade Regulation. We will not force a uniform additionality requirement between the RPS and RNG programs given different underlying legislation, different current implementation, and the need for a better understanding of the advantages and disadvantages of a uniform requirement.").</p> <p>D.20-12-022, p. 20 ("<b>We agree with ... LC/SC</b> that the Settlement Agreement permits the Utilities to purchase renewable attributes separate from physical RNG, similar to the purpose of unbundled Renewable Energy Credits in the RPS program.... Therefore, we require at least 50 percent of the procured RNG be from California sources or—if from out-of-state—provide direct and measurable environmental benefits to California."). <i>See also</i> D.20-12-022, Finding of Fact ("FOF") ¶ 9, COL ¶¶ 1, 2.</p> <p>D.20-12-022, p. 16 ("<b>We agree with the non-settling parties [including LC and SC]</b> that the Settlement Agreement does not fully align with SB 1440 and could potentially result in a situation in which 100 percent of RNG supplies</p>	<p>Verified</p> <p>Verified</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
environmental attributes, and the lack of established protocols for assessing carbon intensity of gas for non-transportation end uses. The Decision added additional verification requirements.	comes from outside of California and provides limited or no environmental benefits in California, thereby failing the 'consistent with law' and the 'public interest' tests we use in reviewing settlement agreements.").	
	D.20-12-022, p. 38 ("We share Wild Tree's concern ... with respect to the lack of verification for in-state RNG supplies...") (Sierra Club and LC raised these same concerns throughout the proceeding).	
	D.20-12-022, p. 49 (imposing additional verification requirements for (1) ensuring compliance with the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions and Cap-and-Trade Regulation (2) measuring carbon intensity using the GREET model, and (3) ensuring "environmental attributes of the RNG were not sold, transferred, claimed, or used by the generating facility or other entity.").	Verified
	December 22, 2020 Commission Voting Meeting, Comments of Commissioner Guzman-Aceves starting at 1:46:30 ("I am also concerned that [the RNG tariff] is going to lure a premium price that will result in facilities, in particular brokers from other states, to game this mechanism and have the selling of imported gas that is gamed, and I know you have an auditor for that but I still worry about that.").	Verified
	Protest of SC, pp. 1-7.	Noted

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<p>Testimony of Dr. Dustin Mulvaney, pp. 3-17.</p> <p>LC/SC Comments on Proposed Settlement, pp. 6-19; 33-36.</p> <p>Opening Brief of LC/SC, pp. 5-12; 24-25.</p> <p>Reply Brief of LC/SC, pp. 2-6; 12</p> <p>LC/SC Opening Comments on Proposed Decision ("PD"), pp. 3-7; LC/SC Reply comments on PD, pp.1-3.</p> <p>LC/SC Reply Comments Responding to ALJ's Questions on Cap-and-Trade Regulation, pp. 1-3.</p> <p>Ex parte meeting notice from Nov. 24, 2020.</p>	
<p><b>Issue B: Localized Pollution from Dairies that Supply RNG.</b></p> <p>LC (and SC) argued and provided evidence in support of the assertion that the Commission should not approve the proposed program because it would further exacerbate air and water pollution in communities impacted by large dairies from which the Utilities could source renewable natural gas ("RNG") for the program.</p> <p>LC and SC's testimony and briefing detailed the wide range of impacts from large dairies, including polluted air and water and noxious odors imposed on already vulnerable communities. LC and SC's experts explained how purchasing methane</p>	<p>D.20-12-022, p. 37 ("<b>Information provided by LC/SC</b> clearly establishes that many communities in the vicinity of dairies are already disproportionately burdened by environmental pollution, and community members feel strongly that developing RNG at dairies will perpetuate their adverse environmental impacts on the local community, may allow dairies to continue causing pollution (other than GHG emissions) and may facilitate expansion of dairies, even increasing the local environmental burdens.. ... the Commission is concerned about local environmental impacts from dairies and understands the view of the community members.")</p>	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>generated by these operations rewards polluters.</p> <p>In the Decision, the Commission recognized that large dairies do in fact cause pollution that harms communities. At the Voting Meeting, Commissioners commented on the pollution concerns— affirming these points in response to the concerns raised by LC and SC.</p> <p>The Decision requires the compliance reporting from all dairies that source to the program and it required Utilities to attach such compliance reports to the Quarterly Report that the Utilities submit to the Commission for the last quarter of each year.</p>	<p><b>(citing LC/SC's Opening Comments on Proposed Decision, pp. 8-9).</b></p> <p>D.20-12-022, pp. 39-40, 45 (establishing monitoring requirements for dairies that supply biomethane to the program including requirement that dairies report any violations of air and water quality laws).</p> <p>FOF ¶ 18.</p> <p>COL ¶¶ 14, 15.</p> <p>Order, ¶ 1(c).</p> <p>December 22, 2020 Commission Voting Meeting, Comments of Commissioner Rechtschaffen, starting at 1:39:15 (“We made a number of other revisions, most notably to address issues of the local environmental impacts of dairies that were raised quite forcibly by local communities that are impacted by air and water pollution from the dairies. One of these is a requirement that if renewable natural gas is procured from a dairy, the utility must submit an annual report on the dairy’s compliance with air and water pollution control standards and also, if there are any violations, explain those violations.”).</p> <p>Testimony of Julia Jordan, pp. 20-30.</p> <p>Testimony of Leslie Martinez, p. 34.</p> <p>LC/SC Comments on Proposed Settlement, pp. 22-27.</p> <p>Opening Brief of LC/SC, pp. 26-30.</p> <p>Reply Brief of LC/SC, pp. 13-16.</p>	<p>Verified</p>



Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<p>LC/SC Opening Comments on PD, pp. 8-10.</p> <p>Ex parte meeting notice from Nov. 24, 2020.</p>	
<p><b>Issue C: Marketing Materials.</b></p> <p>LC (and SC) argued that the program marketing materials should not mislead customers into thinking: 1. RNG procured for the program mitigates air and water pollution or odor impacts that harm impacted communities; 2. RNG is a substitute for building electrification; 3. RNG is safer than fossil gas when combusted inside the home; 4. Procured RNG does not function to reduce the Sempra Utilities cap-and-trade compliance obligations.</p> <p>LC and SC's experts explained how existing marketing materials from the Utilities, which show dairies surrounded by clean air and water, misrepresent the reality faced by affected communities.</p> <p>In the Decision, the Commission agreed with LC and SC and imposed numerous requirements on marketing materials.</p> <p>In addition, at the Voting Meeting, Commissioners commented on the potential problems with the misleading marketing materials of the program— affirming these points in response to the concerns raised by LC and SC.</p>	<p>D.20-12-022, pp. 35-36 (summarizing LC and SC's position regarding marketing materials).</p> <p>D.20-12-022, p. 36 ("We also recognize, <b>as noted by LC/SC</b>, that there are risks that customers will misunderstand the scope of the environmental benefits of participating in the RNG Tariff program") (<b>citing LC/SC's Opening Comments on PD</b>, pp. 8-10; <b>LC/SC's Direct Testimony</b> (Exhibit LC/SC-01), p. 34).</p> <p>D.20-12-022, p. 36 ("<b>As noted by LC/SC</b>, combustion of RNG or regular fossil-based natural gas emits the same pollutants into the surrounding air, and has the same impact on air quality in a building.") (<b>citing LC/SC's Reply Comments on PD</b>, pp. 3-4).</p> <p>D.20-12-022, p. 46 ("We .. add a requirement for certain disclosures in the marketing materials to address the <b>concerns identified by LC/SC</b>... We also add a disclosure about the implication of the RNG Tariff program for the Utilities' GHG reduction obligations under CARB's Cap-and-Trade Regulation.").</p> <p><i>See also</i> D.20-12-022, pp. 21, 39, 45; FOF ¶ 17, 19; COL ¶ 13.</p>	<p>Verified</p> <p>Verified</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<p>December 22, 2020 Commission Voting Meeting, Comments of Commissioner Rechtschaffen (Further detailing the changes made to the PD in response to objections raised by LC and SC “...Additionally, the marketing materials for the program that the utilities use cannot portray renewable natural gas procurement as a solution to the local environmental impacts of dairies or any other biomethane sources...).</p> <p>Commission Voting Meeting, Comments of Commissioner Guzman Aceves, starting at 1:44:25 (“I think particularly addressing the concerns of the environmental justice communities regarding the necessary marketing disclosures that are now required as you highlighted.”).</p> <p>Protest of SC, pp. 2-3, 7-8.</p> <p>Testimony of Dustin Mulvaney, pp. 17-18.</p> <p>Testimony of Julia Jordan, pp. 30-31.</p> <p>Testimony of Leslie Martinez, pp. 34-35.</p> <p>LC/SC Comments on Proposed Settlement, pp. 27-31.</p> <p>Opening Brief of LC/SC, pp. 10-12.</p> <p>LC/SC Reply Brief of LC/SC, pp. 7-10.</p> <p>LC/SC Opening Comments on PD, pp. 8-10.</p>	

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<p>LC/SC Reply Comments on PD, pp. 3-4.</p> <p>Ex parte meeting notice from Nov. 24, 2020.</p>	
<p><b>Issue D: Costs of the Program to Non-Participants.</b></p> <p>LC (and SC) argued and provided testimony in support of the contention that non-participants should not be responsible for any program costs, including start-up IT costs. They also contended that the Commission should dismiss the Utilities' attempt to defer a decision on unrecovered costs from program participants ("wind down costs") to the general rate case.</p> <p>The Commission agreed with LC and SC's points regarding wind down costs and required all wind down costs of this program that are not recovered by program participants to be borne by the Utilities' shareholders.</p> <p>The Commission did not agree with LC and SC that IT start-up costs should be a shareholder/program participant expense even though assigning these costs to non-participants would deviate from</p>	<p>D.20-12-022, p. 31 (summarizing LC and SC's position regarding cost recovery).</p> <p>D.20-12-022, p. 33 ("<b>LC/SC point out</b> that SCE's GTSR unrecovered program costs have an outstanding balance of \$955,573. LC/SC argue that there is no compelling basis to conclude that the minimal participation that undermined SCE's GTSR program would not extend to the voluntary RNG Tariff program. LC/SC also argue that it is the Utilities' business decision to offer this program and that they should stand by their own assumptions of substantial participation and therefore provide the shareholder backstop.... We find parties' arguments for a shareholder backstop compelling.").</p> <p>D.20-12-022, p. 34 ("<b>We agree with LC/SC</b> that the Utilities should stand by their assumptions if they offer the voluntary RNG Tariff program.").</p> <p>D.20-12-022, p. 29 ("we determine that there are sufficient reasons to deviate from the above principle, and that it is reasonable to allow SoCalGas to use its</p>	<p>Verified</p> <p>Verified</p>

<b>Intervenor's Claimed Contribution(s)</b>	<b>Specific References to Intervenor's Claimed Contribution(s)</b>	<b>CPUC Discussion</b>
non-participant indifference principles. As noted above, while LC and SC did not fully prevail on this issue, it is still entitled to compensation because it assisted the decision-making in a proceeding and its contributions enriched the record and enable fuller deliberation. ( <i>See, e.g., D.10-06-046</i> ).	existing capital budget adopted in its current GRC for the IT-related costs.”).  LC/SC Comments on Proposed Settlement, pp. 31-33.  Opening Brief of LC/SC, p. 32.  Reply Brief of LC/SC, p. 17.  LC/SC Opening Comments on PD, pp. 16-18.  LC/SC Reply Comments on PD, pp. 4-5.  Ex parte meeting notice from Nov. 24, 2020.	Verified

**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??</b>	Yes	Verified
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	On some issues.	Verified
<b>c. If so, provide name of other parties:</b> Sierra Club; the Utility Reform Network (“TURN”).		Verified
<b>d. Intervenor's claim of non-duplication:</b> Leadership Counsel worked collaboratively with other parties who shared its interests, including Sierra Club and TURN. Leadership Counsel collaborated closely with Sierra Club by filing joint testimony, comments, and briefs. Leadership Counsel offered a unique perspective throughout the proceeding on behalf of the communities for which it advocates, many of which are		Noted

<sup>2</sup> 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.

	<b>Intervenor's Assertion</b>	<b>CPUC Discussion</b>
	<p>disadvantaged and are directly impacted by large-scale dairies that cause air and water pollution.</p> <p>Leadership Counsel submitted testimony, comments, and briefs jointly with Sierra Club due to both parties' shared interest in ensuring rapid GHG reductions; reduction of air and water pollution in California's disadvantaged communities, in particular those impacted by large dairy operations; building electrification; integrity in renewable resource markets; and protection for ratepayers. The work of Leadership Counsel complemented the work of Sierra Club and vice versa.</p> <p>Leadership Counsel and Sierra Club shared resources and collaborated significantly to minimize time spent drafting, researching, and analyzing issues. By working together on comments, Leadership Counsel and Sierra Club advocated more comprehensively and robustly for program integrity and for limitation on biomethane procurement that would now reward polluters. This collaboration minimized drafting and research time. Leadership Counsel attorneys also jointly represented Sierra Club, providing for additional economies and limited non-duplication. The coordinated efforts of Leadership Counsel and Sierra Club avoided the potential for duplication.</p> <p>Leadership Counsel also coordinated with TURN to discuss the application and settlement terms as they evolved and filed a Joint Prehearing Conference Statement. Leadership Counsel shared TURN's concerns with the lack of additionality of procured biomethane, and also emphasized inconsistency with state climate objectives and environmental injustice to communities impacted by dairies. In this way, efforts were complementary and non-duplicative. Certain issues raised by Leadership Counsel and Sierra Club, such as the problems associated with relying on CARB's biomethane cap-and-trade exemption regulation and pollution impacts to disadvantaged communities affected by dairies, were unique to Sierra Club and Leadership Counsel and therefore non-duplicative.</p>	

### C. Additional Comments on Part II:

<b>#</b>	<b>Intervenor's Comment</b>	<b>CPUC Discussion</b>
	<p>This Intervenor Compensation Claim ("iComp Claim") seeks recovery of all time spent by attorneys Phoebe Seaton and Michael Claiborne and experts Leslie Martinez and Julia Jordan.</p>	Noted

#	Intervenor's Comment	CPUC Discussion
	Matthew Vespa and Nina Robertson, who jointly represented Sierra Club and Leadership Counsel in this proceeding have separately applied for compensation on behalf of Sierra Club.	

### PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
<p><b>a. Intervenor's claim of cost reasonableness:</b></p> <p>Leadership Counsel's and Sierra Club's joint participation in this proceeding contributed to ratepayer savings and important policy outcomes that exceed the cost of their participation. Leadership Counsel participated in this proceeding to advocate for reduced pollution in California's disadvantaged communities, truthful marketing materials, and fairness to ratepayers, and environmental integrity in the program. The Decision adopts many of LC's positions, and meeting these requirements will benefit ratepayers by ensuring, for example, that Utilities' shareholders and not ratepayers are liable for the program's wind down costs. The Decision emphasizes the importance of the Utilities' standing by their assumptions if they offer the voluntary RNG Tariff program and not seeking costs recovery in the General Rate Case. Also, over the long term, the Decision's adoption of Leadership Counsel's suggested limitations on the program will improve the integrity of future voluntary tariff programs that seek to claim an environmental benefit, and will help ensure that such programs do not disproportionately impact vulnerable communities or mislead consumers with false or misleading marketing materials.</p> <p>As the program was initially proposed, Leadership Counsel felt strongly that it was a greenwashing exercise, in which the Utilities were holding out biomethane as a clean resource when in fact the large dairies that supply methane caused widespread, harmful air and water pollution in the communities for which Leadership Counsel advocates. Furthermore, participation in the program would not result in GHG reductions that would not otherwise have occurred and which would distract from direct meaningful actions customers could take to address the climate crisis, such as electrifying their gas-fueled appliances. It is difficult to overstate the costs of pollution to the communities impacted by large-scale dairies that generate methane and the inaction in the face of the climate crisis and the harm resulting from illusory solutions. Leadership Counsel's</p>	Noted

	CPUC Discussion
participation resulted in a program with greater safeguards and more accurate marketing that will reduce the program's environmental harm and ratepayer burden and better enable informed decision-making by potential participants.	
<p><b>b. Reasonableness of hours claimed:</b></p> <p>Leadership Counsel (and Sierra Club) participated in all major aspects of this time-intensive, complicated proceeding, including protesting the Utilities' application, submitting multiple data requests, rebutting numerous legal and factual assertions, settlement meetings, the preparation of 36 pages of detailed testimony with 120 footnotes to provide factual support for Sierra Club and Leadership Counsel positions, comments on the settlement and PD, opening and reply briefs, supplemental briefing, and <i>ex parte</i> meetings. Leadership Counsel also spent time preparing for evidentiary hearings that were moved off calendar close to the hearing date and which ultimately did not occur. In addition to the many procedural steps in this proceeding before a final decision was reached, this proceeding involved a number of novel and complex issues, such as the applicability of an obscure cap-and-trade provision as the vehicle for biomethane procurement, which, to Leadership Counsel's knowledge, had never before been applied to programs under Commission jurisdiction and which the Utilities had not previously proposed using. Given the breadth, detail, and complexity of the work in the proceeding, total requested hours are reasonable.</p> <p>Leadership Counsel was represented in this proceeding by Earthjustice, a public interest environmental law firm. Matt Vespa and Nina Robertson, the attorneys on this matter, were conscious of limiting hours and time spent on the proceeding and are not requesting hours that are duplicative or excessive. For example, Ms. Robertson and Mr. Vespa alternated leading the drafting of comments and briefs and divided up subjects to avoid duplication. Similarly, only Ms. Robertson attended settlement discussions. In these ways, they coordinated to avoid internal duplication. Further, dual representation by attorneys for both Sierra Club and Leadership Counsel (pursuant to Sierra Club's iComp Notice, Mr. Vespa's and Ms. Robertson's time is only being sought in Sierra Club's iComp Claim), allowed for increased efficiency while also enabling the perspective of an environmental justice organization in this proceeding.</p> <p>Leadership Counsel was also careful to ensure that witnesses Dr. Dustin Mulvaney, Ms. Julia Jordan, and Ms. Leslie Martinez did not duplicate</p>	Noted

	CPUC Discussion
testimony. Each witness brought different expertise to bear and testified to different subject matter.	
<b>c. Allocation of hours by issue:</b> Issue 1: 0 Issue 2: 20.8 Issue 3: 6.4 Issue 4: 0 Issue 5: 0	Noted

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Phoebe Seaton	2019	2.3	\$340.00	D.19-09-012 (Establishing a rate of \$330 for 2018 hours); Resolution ALJ-357 (2.35% COLA)	\$782	2.3	\$340.00 [1]	\$782.00
Phoebe Season	2020	1.8	\$345.00	See Comment 3	\$621	1.8	\$345.00 [2]	\$621.00
Michael Claiborne	2020	2.5	\$330.00	See Comment 4	\$825	2.5	\$330.00 [3]	\$825.00
Julia Jordan	2019	2.2	\$190.00	See Comment 1	\$418	2.2	\$190.00 [4]	\$418.00
Julia Jordan	2020	10.5	\$195.00	See Comment 1	\$2,047.50	10.5	\$195.00 [5]	\$2,047.50
Leslie Martinez	2019	6.4	\$170.00	See Comment 2	\$1,088	6.4	\$170.00 [6]	\$1,088.00
Leslie Martinez	2020	1.5	\$175.00	See Comment 2	\$262.50	1.5	\$175.00 [7]	\$262.50
Subtotal: \$6,044.00						Subtotal: \$6,044.00		



CLAIMED						CPUC AWARD		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Michael Claiborne	2021	4.2	\$140.00 [8]	½ of \$380; See Comment 5	\$588 [8]	4.2	\$190.00 [9]	\$798.00
Subtotal: \$588.00						Subtotal: \$798.00		
TOTAL REQUEST: \$6,632.00						TOTAL AWARD: \$6,842.00		
<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 <sup>3</sup>		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
Attach 1	Certificate of Service
Attach 2	Hourly Timekeeping
Attach 3	Resume of Phoebe Seaton
Attach 4	Resume of Michael Claiborne
Attach 5	Resume of Julia Jordan
Attach 6	Resume of Leslie Martinez

<sup>3</sup> This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

Attachment or Comment #	Description/Comment
Comment 1	<p>Julia Jordan serves as the Policy Coordinator for Leadership Counsel. She has a Master's Degree in International Agricultural Development from the University of California, Davis, with a focus on social equity in participatory water management. She has nine years of experience working in various regions of the U.S. and internationally on environmental and food justice through community engagement, advocacy, and research, including research on dairy digesters in California's Central Valley which directly informed her testimony in this proceeding. Leadership Counsel would like to request a rate of \$190 for Ms. Jordan's 2019 hours, which reflects the middle range of the approved hourly rates for experts with 0-6 years of experience in 2019, <i>see</i> Resolution ALJ-387 (establishing a rate of \$155-\$220), and \$195 for her 2020 hours which reflects a COLA 2.55% per Resolution ALJ-387.</p>
Comment 2	<p>Leslie Martinez serves as Policy Advocate for Leadership Counsel. She has a Bachelor's Degree in Political Science with a minor in Public Policy from the University of California, Davis. She has three years of experience working alongside community residents in the San Joaquin Valley in advocating for state and local policy change. Her focus has been on policy related to access to reliable, clean and affordable energy in disadvantaged communities, the impacts of dairies on local air quality and water quality, and community engagement. Leadership Counsel would like to request a rate of \$170 for Ms. Martinez's 2019 hours, which reflects the middle range of the approved hourly rates for experts with 0-6 years of experience in 2019, <i>see</i> Resolution ALJ-387 (establishing a rate of \$155-\$220), and \$175 for her 2020 hours which reflects a COLA 2.55% per Resolution ALJ-387.</p>
Comment 3	<p>D.19-09-012 established a rate of \$330 for Ms. Seaton's 2018 hours. Applying the COLAs set forth in Resolutions ALJ-357 (2.35%) and ALJ-387 (2.55%), her rate for 2020 is \$345.</p>
Comment 4	<p>D.19-09-012 established a rate of \$315 for Mr. Claiborne's 2018 hours. Applying the COLAs set forth in Resolutions ALJ-357 (2.35%) and ALJ-387 (2.55%), his rate for 2020 is \$330.</p>
Comment 5	<p>Mr. Claiborne is an attorney with 10 years of experience and has practiced before the Commission for 5 years. Ms. Claiborne's resume is included as Attachment 4. The \$380 rate requested for work performed in 2021 is in the low range for attorney's with 10-15 years of experience pursuant to Resolution ALJ-393 and the Level 4 Ventures hourly rate look up tool on the Commission's iComp website.</p>

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

<b>Item</b>	<b>Reason</b>
[1] Phoebe Seaton (Seaton) 2019 Rate	D.19-09-012 established a 2018 rate of \$330 for Seaton. We apply the 2019 Cost of Living Adjustment (COLA) of 2.35%, per Resolution ALJ-357, to Seaton's 2018 rate for a 2019 rate of \$340.
[2] Seaton 2020 Rate	We apply the 2020 COLA of 2.55%, per Resolution ALJ-387, to Seaton's 2019 rate of \$340 to establish a 2020 rate of \$345.
[3] Michael Claiborne (Claiborne) 2020 Rate	D.19-09-012 established a 2018 rate of \$315 for Claiborne. We apply the 2019 COLA of 2.35%, per Resolution ALJ-357, and the 2020 COLA of 2.55%, per Resolution ALJ-387, to Claiborne's 2018 rate for a 2020 rate of \$330.
[4] Julia Jordan (Jordan) 2019 Rate	LCJA requests a 2019 rate of \$190 for Jordan. Jordan's resume establishes their experience level as an expert with 9 years of experience working in various regions of the U.S. and internationally on environmental and food justice through community engagement, advocacy, and research. Currently, Jordan serves as the Policy Coordinator for Leadership Counsel. The requested rate of \$190 falls within the range for an expert with 0-6 years of experience per Resolution ALJ-357 and aligns with Jordan's experience level.
[5] Jordan 2020 Rate	We apply the 2020 COLA of 2.55%, per Resolution ALJ-387, to Jordan's 2019 approved rate of \$190 to establish a 2020 rate of \$195.
[6] Leslie Martinez (Martinez) 2019 Rate	LCJA requests a 2019 rate of \$170 for Martinez. Martinez's resume establishes their experience level as an expert with two and a half years of experience (Policy Advocate for LCJA since June 2017). The requested rate of \$170 falls within the range for an expert with 0-6 years of experience per Resolution ALJ-357 and aligns with Martinez's experience level.
[7] Martinez 2020 Rate	We apply the 2020 COLA of 2.55%, per Resolution ALJ-387, to Martinez's approved 2019 rate of \$170 to establish a 2020 rate of \$175.
[8] Calculation Error	In Part III.C-Comment 5, LCJA requests a 2021 rate of \$380 for Claiborne. The claim prep is half of the approved hourly rate for intervenors. LCJA miscalculated the claim prep hourly rate at \$140. The correct amount should be \$190 based on LCJA's requested 2021 rate of \$380.
[9] Claiborne 2021 Rate	LCJA requests a 2021 rate of \$380 for Claiborne. Claiborne's has 9 years and three months of experience which aligns with Level III Attorney's per Resolution ALJ-393. We find the rate of \$380 reasonable based on Claiborne's experience.

**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. LCJA has made a substantial contribution to D.20-12-022.
2. The requested hourly rates for LCJA'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 \$6,842.00.

**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 & Accountability shall be awarded \$6,842.00.
2. Within 30 days of the effective date of this decision, San Diego Gas & Electric Company, and Southern California Gas Company shall pay Leadership Counsel for Justice & Accountability their respective shares of the award, based on their California-jurisdictional gas revenues for the 2020 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data is unavailable, the most recent 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 May 8, 2021, the 75<sup>th</sup> day after the filing of Leadership Counsel for Justice & 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 April 15, 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

<b>Compensation Decision:</b>	D2204027	<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D2012022		
<b>Proceeding(s):</b>	A1902015		
<b>Author:</b>	ALJ Liang-Uejio		
<b>Payer(s):</b>	San Diego Gas & Electric Company, and Southern California Gas Company		

### Intervenor Information

<b>Intervenor</b>	<b>Date Claim Filed</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/ Disallowance</b>
Leadership Counsel for Justice & Accountability	February 22, 2021	\$6,632	\$6,842.00	N/A	See CPUC Comments, Disallowances, and Adjustments section.

### Hourly Fee Information

<b>First Name</b>	<b>Last Name</b>	<b>Attorney, Expert, or Advocate</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Phoebe	Seaton	Attorney	\$340	2019	\$340
Phoebe	Seaton	Attorney	\$345	2020	\$345
Michael	Claiborne	Attorney	\$330	2020	\$330
Michael	Claiborne	Attorney	\$380	2021	\$380
Julia	Jordan	Expert	\$190	2019	\$190
Julia	Jordan	Expert	\$195	2020	\$195
Leslie	Martinez	Expert	\$170	2019	\$170
Leslie	Martinez	Expert	\$175	2020	\$175

(END OF APPENDIX)