

Decision 22-04-054 April 21, 2022

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SAN DIEGO GAS & ELECTRIC
COMPANY (U902E) for Approval of Electric
Vehicle High Power Charging Rate.

Application 19-07-006

**DECISION GRANTING COMPENSATION TO
NATURAL RESOURCES DEFENSE COUNCIL
FOR SUBSTANTIAL CONTRIBUTION TO
DECISION (D.) 20-04-009 AND D.20-12-023**

Intervenor: Natural Resources Defense Council	For contribution to Decision (D.) 20-04-009 and D.20-12-023
Claimed: \$53,602.50	Awarded: \$53,602.50
Assigned Commissioner: Clifford Rechtschaffen	Assigned ALJ: Stephanie Wang ¹

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	<p>Decision D.20-04-009 approves San Diego Gas & Electric's application for an interim rate waiver to serve electric vehicle charging by separately-metered commercial and industrial customers.</p> <p>D.20-12-023 approves San Diego Gas & Electric's application for its Electric Vehicle High Power Charging Rate.</p>
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¹ Proceeding Application 19-07-006 was reassigned to ALJ Stephanie Wang on December 17, 2019

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:	09/16/2019	Verified
2. Other specified date for NOI:	n/a	
3. Date NOI filed:	10/17/2019	Verified
4. Was the NOI timely filed?		Yes
Showing of eligible customer status (§ 1802(b)) or eligible local government entity status (§§ 1802(d), 1802.4):		
5. Based on ALJ ruling issued in proceeding number:	R.20-05-012	Verified
6. Date of ALJ ruling:	December 16, 2020	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:	R.20-05-012	Verified
10. Date of ALJ ruling:	December 16, 2020	Verified
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.20-12-027 and D.20-12-029	Verified
14. Date of issuance of Final Order or Decision:	12/21/2020	Verified
15. File date of compensation request:	02/19/21	Verified
16. Was the request for compensation timely?		Yes

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

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<ul style="list-style-type: none"> • “SDG&E originally proposed to make the EV-HP rate only available to MD/HD fleets and DCFC customers. In response to party input, SDG&E proposes to expand eligibility to a wide spectrum of sites, including multi-unit dwellings and businesses with separately-metered Level 2 charging stations.” p. 9 • “We will consider the applicability of the Commission’s approach to EDR programs as we discuss each component of the proposed EV-HP rate.” p. 11 • “EDF and Joint Parties urge the Commission to require SDG&E to file a separate optional dynamic rate application within 12 months of this decision as provided in D.19-10-055.52 We agree that there is no need to delay consideration of an optional dynamic rate. We direct SDG&E to file an application to propose an optional dynamic rate within 12 months of this decision.” p. 27-28 	Verified
	<ul style="list-style-type: none"> • “The EV-HP rate should be optional for all separately-metered electric vehicle charging loads with an aggregated maximum demand of 20 kilowatts (kW) or greater, excluding single-family home residential customer.” p. 33 • “SDG&E should treat EV-HP load as retained or incremental load and measure EV- HP revenue under or over-collections relative to the marginal cost price floor of a CTM analysis rather than against hypothetical revenues if EV-HP customers were served under Schedule AL-TOU.” p. 36 	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<p>costs, new EV load will not shift costs onto other users. Further, by providing accurate time-varying price signals, marginal cost rates will also encourage efficient consumption of electricity during different time periods.” (Opening Testimony of NRDC et al. at 11);</p> <ul style="list-style-type: none"> • “Collecting Only Marginal Costs Would Align with the Recommendations Multiple Parties and With Commission Precedent. . . . Setting rates at marginal cost is appropriate because the new commercial EV load incentivized by the EV-HP rate is incremental and, as long as marginal costs are collected from EV-HP customers, doing so would cause no new costs to be allocated to existing ratepayers.” (Rebuttal Testimony of NRDC et al. at 1); • “In all of the modeled DCFC load factor cases, the EV-HP rate with both marginal distribution and marginal commodity costs provides greater fuel costs savings relative to SDG&E’s proposed EV-HP rate, even when the maximum discount is in effect. . . . The EV-HP rate with both marginal distribution and marginal commodity 11 costs provides the greatest fuel cost savings.” (Rebuttal Testimony of NRDC et al. at 4-5); • “As for the collection of marginal and non-marginal commodity costs, we recommend the Commission mirror the Settlement Agreement’s treatment of marginal distribution costs—collecting only marginal commodity costs in the first year that the EV-HP rate is open to customer enrollment and linearly phasing in recovery of non-marginal 	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<p>commodity costs over ten years.¹⁴ With this modification, the EV-HP rate would initially be set to recover marginal distribution and marginal commodity costs, plus all relevant non-bypassable charges.” (Opening Brief of NRDC et al. at 8);</p> <p>Joint Stipulation:</p> <ul style="list-style-type: none"> • “Recovering only the most recently Commission-approved Medium and Large Commercial and Industrial (“M/L C&I”) marginal distribution demand revenues in the EV-HP subscription and energy charges in the first year that the EV-HP rate is open to customer enrollment would provide additional fuel cost savings to customers and align with the collection of only marginal distribution costs conducted by Pacific Gas and Electric Company’s (“PG&E”) approved Commercial EV Rate) p. 1; • “Linearly phasing in recovery of applicable allocated equal percent of marginal cost (“EPMC”) distribution demand revenues to the EV-HP subscription and energy charges over ten years (with customers paying the full EV-HP rate— reflecting their full EPMC-scaled cost of service— beginning in year 11) would align with what SDG&E has previously proposed for the EV-HP subscription charge, help avoid rate shock and customer confusion, and provide a more predictable estimate of the future cost of electricity as a fuel for EV-HP customers.” p. 2; • “Modifying the EV-HP rate to align with SDG&E’s marginal costs in lieu of 	<p>Verified. We note that the source of the contribution is Exhibit SDGE-14, and not included in the “Joint Stipulation of Facts” found in Appendix A of the Motion filed December 17, 2020.</p> <p>Per a Joint Reply, filed June 30, 2020, “May 29, 2020, the parties to this proceeding jointly filed a motion to receive exhibits into evidence (Joint Motion). One of the exhibits, Exhibit SDGE-14, is a joint stipulation...”</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<p>the proposed EV-HP subscription charge discount and in lieu of recovering the costs of the subscription charge discount from all customers through Public Purpose Program ("PPP") charges would provide EV-HP customers with fuel cost savings that improve the economics of commercial EV charging without reliance on an explicit subsidy from other rate classes." p. 2.</p> <ul style="list-style-type: none"> • "Parties to the Partial Settlement Motion propose to recover only the most recently Commission-approved Medium and Large Commercial and Industrial (M/L C&I) marginal distribution demand revenues in the EV-HP subscription and energy charges in the first year that the EV-HP rate is open to customer enrollment. These parties propose to linearly phase in recovery of applicable allocated equal percent of marginal cost (EPMC) distribution demand revenues to the EV-HP subscription and energy charges over ten years CTM analysis rather than against hypothetical revenues if EV-HP customers were served under Schedule AL-TOU aligns with the Commission's treatment of Economic Development Rates ("EDR") load as retained or incremental load. It would also reduce the likelihood of the rate unintentionally imposing additional costs on other ratepayers." p. 2-3; <p>D.20-12-023:</p> <ul style="list-style-type: none"> • "Joint Parties propose to modify Schedule EECC-CPP-D for EV-HP participants to recover only marginal commodity costs in year 1, and then 	

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	<p>linearly phase in recovery of EPMC scaled costs over 10 years.” p. 15</p> <ul style="list-style-type: none"> • “We conclude that it is reasonable to adopt an approach to commodity costs that incorporates elements of proposals 3 and 4 above. As proposed by Joint Parties, we will phase in EPMC-scaled costs to the commodity costs over time.” p. 18 • “The EV-HP rate should recover only the most recently Commission-approved M/L C&I marginal distribution demand revenues in the EV-HP subscription and energy charges in the first three years that the rate is open to customer enrollment. The EV-HP rate should linearly phase in recovery of applicable allocated EPMC distribution demand revenues to the EV-HP subscription and energy charges, beginning three years after the rate opens for enrollment and ending ten years after the rate opens for enrollment. Customers will pay the full EV-HP rate— reflecting their full EPMC-scaled cost of service— beginning in Year 11” p. 33 • “The EV-HP rate should recover only the most recently Commission approved M/L C&I commodity costs in the first three years that the rate is open to customer enrollment. The EV-HP rate should linearly phase in recovery of applicable allocated EPMC commodity costs through two new commodity cost schedules based on Schedule EECC-CPP-D and Schedule EECC, beginning three years after the rate opens for enrollment and ending ten years after the rate opens for enrollment. Customers will pay the full EV-HP 	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	rate— reflecting their full EPMC-scaled cost of service—beginning in Year 11.” p. 33-34	
C. Cost Recovery	<p>NRDC comments:</p> <ul style="list-style-type: none"> “I recommend that the Commission direct SDG&E to convene a workshop and confer with parties regarding the data it tracks during the first two years after implementation. After setting the initial CTM (whether zero- or near-zero, as recommended by EVgo, the Joint Parties, and SDAP) and collecting the requisite data, the Commission and stakeholders would be able to determine both 1) whether a zero or positive CTM is appropriate going forward, and 2) if a positive CTM is appropriate, what the appropriate CTM threshold is (whether that is full embedded costs, a slightly positive CTM like the one recommended by SDAP, or something in between). If a positive CTM is determined to be appropriate, it would be coupled with a transition timeline that gradually phases these costs back in, avoiding rate shock and providing customers with the certainty they need to invest in commercial EVs at this time.” (Rebuttal Testimony of NRDC et al. at 7); <p>Joint Stipulation:</p> <ul style="list-style-type: none"> “Performing a contribution to margin (“CTM”) analysis and providing the findings to this proceeding’s service list after two years and then annually during at least the first five years of the ten-year phase-in would allow the Commission to measure the costs or 	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<p>benefits of the EV-HP rate to non-participants.” p. 2;</p> <ul style="list-style-type: none"> • “Holding a public workshop three years from the date of the implementation of the EV-HP rate to review the data SDG&E has collected from EV-HP customers would facilitate needed review of the EV-HP rates and the load profiles, fuel savings, and customer experiences of a sample of EV-HP customers; the costs to serve EV-HP customers, CTM methodologies for those customers, and help evaluate whether EV-HP customers should be included in a separate EV commercial customer class in a future SDG&E GRC Phase 2 proceeding prior to the full EPMC rates being reached for EV-HP customers.” p. 4; <p>D.20-12-023:</p> <ul style="list-style-type: none"> • “Parties to the Partial Settlement Motion propose that SDG&E will treat EV-HP load as retained or incremental load and measure EV- HP revenue under or over-collections relative to the marginal cost price floor⁵³ of a CTM analysis rather than against hypothetical revenues if EV-HP customers were served under the standard rate Schedule AL-TOU. These parties assert that this approach aligns with the Commission’s treatment of EDR load as retained or incremental load and reduces the likelihood of the rate unintentionally imposing additional costs on other ratepayers. . . We also find this approach reasonable and aligned with the Commission’s EDR decisions. Parties expect that EV-HP rate load will represent primarily additional load, not 	<p>Verified</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<p>load transitioning from existing rates like Schedule AL-TOU.” p. 28</p> <ul style="list-style-type: none"> • “SDG&E should file a CTM analysis for the EV-HP rate as part of the 12 Month Report and every 24 months thereafter for the first 10 years after this decision.” p. 35 • “SDG&E should hold a public workshop to review the EV-HP rate and discuss potential course corrections within 14 months after the EV-HP rate becomes available for enrollment. . . SDG&E should file a Tier 3 advice letter to propose updates to the EV-HP rate, including a proposal to eliminate any negative CTM, if applicable, within 18 months after this rate becomes available for enrollment. . . SDG&E should propose a solution for eliminating any negative CTM (discovered in the second CTM analysis or thereafter) in a Tier 3 advice letter within 90 days of filing the report showing a negative CTM.” p. 35 	
D. Load Shifting and Fuel Cost Savings	<p>NRDC comments:</p> <ul style="list-style-type: none"> • “The proposed EV-HP rate represents an improvement over SDG&E’s existing C&I rates for many commercial EV customers, especially those with low load factors who can constrain charging to off-peak and super off-peak periods. These customers would likely save money on the EV-HP rate relative to SDG&E’s other C&I rates, which rank amongst the most expensive of any major utility in the nation. SDG&E correctly notes that its existing C&I rates, including Schedule AL-TOU, may 	<p>Verified</p>

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	<p>be inappropriate for DCFC and MD/HD customers, who typically have lower system utilization rates. These other rates may not make electricity available as a transportation fuel at a cost that is competitive with fossil fuels, and as a result may inhibit adoption of electric vehicles and investment in electric vehicle charging infrastructure. As discussed below, however, the EV-HP rate can and should be improved to increase fuel cost savings relative to gasoline and diesel, better support transportation electrification, and to better align with the level of savings realized by a similar marginal cost approach utilized for the PG&E CEV rates approved in D.19-10-055” (Opening Testimony of NRDC et al. at 9);</p> <ul style="list-style-type: none"> • “However, there are two key reasons why recovering only the marginal costs through the EV-HP tariff would more appropriate (i.e., a “marginal cost EV-HP rate”). First, as SDG&E discusses in its application, the EV-HP rate has been designed to promote several related state policy goals: Assembly Bill (AB) 32, SB 350, SB 32, Executive Orders B-48-18 and B-55-18, and the Commission’s transportation electrification policy. For many customers, the shift to a marginal cost EV-HP rate could tip the cost-competitiveness balance in favor of electricity over fossil fuels, more so than SDG&E’s proposed EV-HP rate which recovers embedded costs.” (Opening Testimony of NRDC et al. at 10); • “In all of the modeled DCFC load factor cases, customers are expected to save 	

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	<p>money under the marginal cost EV-HP rate relative to SDG&E's proposed EV-HP rate with the maximum discount, even though the marginal-cost based rate includes no specific discount. . . SDG&E's proposed EV-HP rate would deliver 20 percent savings relative to the AL-TOU without the discount and 26 percent savings with the full discount. Under the marginal cost-based rates, however, the DCFC customer profiled in SDG&E's use case would save 41 percent over AL-TOU." (Opening Testimony of NRDC et al. at 12-13);</p> <ul style="list-style-type: none"> • "We also replicated SDG&E's evaluation of effective per-mile fuel costs for other use cases using the marginal cost EV-HP rates. In its analysis, SDG&E demonstrated that its proposed rate would help to make electric vehicles more cost-competitive against traditional internal combustion engine vehicles, relative to AL-TOU (which is not surprising given AL-TOU is one of the most expensive C&I rates of any major utility in the US). In our follow-up assessment, we found that the marginal cost-based rate produced significantly greater savings." (Opening Testimony of NRDC et al. at 13); • "To determine the fuel cost savings associated with different rate options, I compared SDG&E's proposed EV-HP rate with alternative marginal cost-based rates for the same five use cases as presented by SDG&E: 1. DCFC Charging Station, 2. MD EV Depot (Large), 3. MD EV Depot (Small), 4. Transit Bus Depot, 5. School Bus Dept. 	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<p>” (Rebuttal Testimony of NRDC et al. at 4);</p> <ul style="list-style-type: none"> “In all of the modeled DCFC load factor cases, the EV-HP rate with both marginal distribution and marginal commodity costs provides greater fuel costs savings relative to SDG&E’s proposed EV-HP rate, even when the maximum discount is in effect. . . The EV-HP rate with both marginal distribution and marginal commodity 11 costs provides the greatest fuel cost savings.” (Rebuttal Testimony of NRDC et al. at 4-5); <p>Joint Stipulation:</p> <ul style="list-style-type: none"> “Modifying the EV-HP rate to align with SDG&E’s marginal costs in lieu of the proposed EV-HP subscription charge discount and in lieu of recovering the costs of the subscription charge discount from all customers through Public Purpose Program (“PPP”) charges would provide EV-HP customers with fuel cost savings that improve the economics of commercial EV charging without reliance on an explicit subsidy from other rate classes.” p. 2. <p>D.20-12-023:</p> <ul style="list-style-type: none"> “Threading the needle through rate design principles and transportation electrification goals is more challenging yet more essential than ever. As parties raised in briefs, the COVID-19 recession has upended businesses across the state.¹¹ The pandemic also threatens the health and economic security of millions of California ratepayers. In 	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<p>other words, if we fail to provide sufficient fuel savings, most businesses will not be able to afford to adopt electric vehicles. On the other hand, if we authorize subsidies to provide a fuel switching incentive for commercial transportation electrification, ratepayers that are already stressed by the recession will shoulder the costs. However, if we strike the right balance, an EV-HP rate has the potential to accelerate adoption of electric vehicles and provide ratepayer savings.” p. 8</p> <ul style="list-style-type: none"> • “State law requires the deployment of electric vehicles to assist in grid management, integrating generation from eligible renewable energy resources, and reducing fuel costs for vehicle drivers who charge in a manner consistent with electrical grid conditions. . . The COVID-19 recession creates great uncertainty about utilization of electric vehicle charging stations, fossil fuel costs and potential fuel savings for EV-HP rate participants.” p.31-32 	Verified
E. Settlement	<p>Joint Motion for Adoption of Settlement Agreement:</p> <ul style="list-style-type: none"> • “The Settling Parties agree that the EV-HP distribution rates should recover only the most recently Commission-approved M/L C&I marginal distribution demand revenues in the EV-HP subscription and energy charges in the first year that the EV-HP rate is open to customer enrollment. Consistent with a goal of SB 350, this approach would provide additional fuel cost savings to customers compared to 	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<p>implementing full equal percent of marginal cost ("EPMC")- scaled subscription charge and volumetric distribution rates from the first year onward. This approach also aligns with the collection of only marginal distribution costs in Pacific Gas and Electric Company's ("PG&E") Commission-approved Commercial EV Rate." p. 4</p> <ul style="list-style-type: none"> • "In addition, the Settling Parties agree that the EV-HP rate should align with SDG&E's marginal costs instead of the EV-HP subscription charge discount and proposed recovery of the costs of the subscription charge discount from all customers through Public Purpose Program ("PPP") charges proposed by SDG&E in its testimony." p. 4 • "The Settling Parties agree to linearly phase in recovery of applicable allocated EPMC distribution demand revenues to the EV-HP subscription and energy charges over ten years (with customers paying the full EV-HP rate— reflecting their full EPMC-scaled cost of service— beginning in year 11)." p. 4 • "This approach aligns with what SDG&E has previously proposed for the EV-HP subscription charge, aligns with the Commission's treatment of Economic Development Rates ("EDR") load as retained or incremental load, helps avoid rate shock and customer confusion, and provides a more predictable estimate of the future cost of electricity as a fuel for EV-HP customers.¹⁹ Improving the economics of commercial EV charging, while providing a predictable phase-in of 	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<p>EPMC revenues, will encourage greater commercial EV adoption. Such adoption promotes the achievement of state climate, equity, and air quality goals. In addition, it promotes the integration of incremental load which, when the rate provides positive CTM, can potentially help put downward pressure on rates to the benefit of all electricity customers in the long term.” p. 4</p> <ul style="list-style-type: none"> • “The Settling Parties agree that the EV-HP rate subscription charge will be metered in 10 kilowatt (“kW”) increments for customers with a maximum demand of 150 kw or less, and in 25 kw increments for all other customers The Settling Parties agree that the EV-HP rate subscription charge will be metered in 10 kilowatt (“kW”) increments for customers with a maximum demand of 150 kw or less, and in 25 kw increments for all other customers.” p. 6 • “SDG&E will perform a CTM analysis in the manner described above two years after implementation of the EV-HP rate and then annually during at least the first five years of the ten year phase-in and serve the findings of these analyses to this proceeding’s service list and post the analyses on its website. Conducting CTM analyses on this timeline will allow the Commission to measure the costs and/or benefits of the EV-HP rate to non-participants. In addition, SDG&E will host a public workshop three years after the date of EV-HP implementation. The public workshop will facilitate potential modifications to the EV-HP rate by allowing parties and the Commission to review the data SDG&E 	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<p>has collected from EV-HP customers on the following: load profiles, fuel savings, customer experiences of a sample of EVHP customers; the costs to serve EV-HP customers; the appropriate method for evaluating CTM for EV-HP customers; and evaluation of whether EV-HP customers should be included in a separate EV commercial customer class in a future SDG&E GRC Phase 2 or RDW proceeding prior to the full EPMC rates being reached for EV-HP customers. If a future CTM analysis demonstrates any negative CTM—that is, if a CTM analysis presented in the public workshop or performed annually thereafter during the first five years of implementation yields a negative CTM—SDG&E will include a proposal to eliminate the negative CTM in its next ensuing GRC Phase 2 or RDW.” p. 8-9</p> <p>D.20-12-023:</p> <ul style="list-style-type: none"> • “Parties to the Partial Settlement Motion propose to recover only the most recently Commission-approved Medium and Large Commercial and Industrial (M/L C&I) marginal distribution demand revenues in the EV-HP subscription and energy charges in the first year that the EV-HP rate is open to customer enrollment. These parties propose to linearly phase in recovery of applicable allocated equal percent of marginal cost (EPMC) distribution demand revenues to the EV-HP subscription and energy charges over ten years.” p.11 • “The Partial Settlement Motion also proposes that if an SDG&E analysis 	<p>Verified</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	demonstrates a negative CTM, SDG&E will propose an approach for eliminating the negative CTM at the next GRC Phase 2 proceeding or in the next Rate Design Window application. We direct SDG&E to track any revenue shortfall or surplus from the EVHP rate in a two-way balancing account and report on and address any shortfall or surplus in its next GRC Phase 2 application. If SDG&E finds a negative CTM in the 12 Month Report, SDG&E must file a Tier 3 advice letter to propose how to eliminate the negative CTM within 30 months of this decision." p.29	

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

	Intervenor's Assertion	CPUC Discussion
a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?³	Yes	Yes
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Yes
c. If so, provide name of other parties: NRDC submitted joint party filings on behalf of the following organizations with positions similar to ours: the Coalition of California Utility Employees, Sierra Club, Union of Concerned Scientists, Plug In America, Siemens, Greenlots, Enel X, EVBox Inc., American Honda Motor Co. Inc., the Association of Global Automakers Inc., and the Alliance of Automobile Manufacturers.		Verified
d. Intervenor's claim of non-duplication: NRDC worked extensively to avoid duplication and to develop consensus - based, joint - party recommendations, which the utilities and the		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>Commission largely adopted. This leadership by NRDC significantly narrowed the range of topics at issue and allowed for a more streamlined process that would have otherwise occurred. The Commission's reliance upon the recommended modifications developed by NRDC et al. in its final decisions provides ample evidence of the unique contribution NRDC made to this proceeding and the importance of collaboration.</p> <p>Many of the individual organizations who signed onto joint testimony, comments, and briefs submitted by NRDC may not otherwise have been able to have their voice heard in this important proceeding. Or if they had, the Commission and staff would have been obligated to read and consider 11 different filings on multiple occasions, with potentially conflicting recommendations instead of one joint-filing with consensus-based unified recommendations.</p> <p>NRDC took many efforts to reduce duplication whenever possible (e.g., assign who writes what, omit hours for internal coordination, and omit hours for email communications, which at times were extensive – we note that NRDC is able to omit these hours due to our financial structure but do not recommend this be required actions of other intervenors). Therefore, NRDC's hours should not be deducted for duplication.</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>NRDC contributed substantially to the policies adopted in the decision in this proceeding. NRDC's leadership in developing joint-party recommendations significantly reduced the total amount of intervenor compensation that could have otherwise been claimed by multiple, individual organizations that would be eligible for compensation. NRDC was also conservative in how we claimed time, only claiming for formal meetings with parties and CPUC staff/advisors rather than all time for informal discussions and emails, which amount to a much higher tally of hours than what is being claimed here. As noted above, while we are able to be conservative due to our unique financial</p>	Noted

	CPUC Discussion
structure, we do not think such omissions should be required for other intervenors.	
<p>b. Reasonableness of hours claimed:</p> <p><i>NRDC's Claims are Reasonable and Conservative</i></p> <p>Max Baumhefner and Miles Muller led NRDC's efforts in this proceeding. While Mr. Baumhefner and Mr. Muller worked closely with multiple NRDC staff who consulted regularly on the issues at stake in the proceeding, provided substantive work, technical support, and/or guidance particular to their area of expertise, we are not claiming for those hours here. Mr. Baumhefner has been continuously engaged in every Commission proceeding related to transportation electrification for the last eight years. He was also active in the legislative process that resulted in SB 350, which resulted in this proceeding. Accordingly, he brings a singular perspective to this regulatory process.</p> <p>NRDC also submits reasonable hours for its rate design consultant from Synapse Economics (Melissa Whited), who provided invaluable analytical support and testimony, and who contributed to settlement and stipulation negotiations, resulting in multiple and significant modifications to the rate design proposed in this proceeding. As with the hours claimed by Mr. Baumhefner and Mr. Muller, hours submitted for Synapse Economics experts are conservative, excluding many hours spent on project management, internal deliberations, client consultation calls, etc.</p> <p>The rates requested by NRDC are purposefully conservative and low on the ranges approved by the Commission, even though the levels of expertise would justify higher rates. NRDC maintained detailed time records indicating the number of hours that were devoted to proceeding activities. All hours represent substantive work related to this proceeding.</p> <p>The amounts claimed are further conservative for the following reasons: (1) no time is claimed for internal coordination within NRDC, only for substantive policy development; (2) although NRDC spent time developing and coordinating positions with other stakeholders, we only claim partial time for this coordination over the entire proceeding; (3) we do not claim time for substantive review by NRDC staff, even though their expertise was critical to ensuring productive recommendations; (4) we claim no time for travel, (5) we claim no time spent on citations, creating an exhibit list, or citing to discovery</p>	Noted

	CPUC Discussion																												
<p>responses, and (6) we do not claim time for both staff being present in meetings despite them focusing on discrete tasks and/or subjects.</p> <p>The amount requested preparing this claim is also conservative because NRDC is primarily only claiming time spent by Mr. Muller - who was the main author of the claim - even though others helped compile various sections of the claim.</p> <p>In sum, NRDC made numerous and significant contributions on behalf of environmental and customer interests, all of which required extensive research and analysis. We took every effort to coordinate with other stakeholders to reduce duplication and increase the overall efficiency of the proceeding. Since our work was efficient, hours conservative, and billing rates low, NRDC’s request for compensation should be granted in full.</p>																													
<p>c. Allocation of hours by issue:</p> <table><tr><th></th><th></th><th>Total Hrs</th><th>Total %</th></tr><tr><td>A</td><td>General Policy and Process</td><td>117</td><td>54%</td></tr><tr><td>B</td><td>Rate Components</td><td>46</td><td>21%</td></tr><tr><td>C</td><td>Cost Recovery</td><td>5</td><td>2%</td></tr><tr><td>D</td><td>Load Shifting and Fuel Savings</td><td>22</td><td>10%</td></tr><tr><td>E</td><td>Settlement</td><td>26.5</td><td>12%</td></tr><tr><td></td><td>Total</td><td>216.5</td><td>100.0%</td></tr></table>			Total Hrs	Total %	A	General Policy and Process	117	54%	B	Rate Components	46	21%	C	Cost Recovery	5	2%	D	Load Shifting and Fuel Savings	22	10%	E	Settlement	26.5	12%		Total	216.5	100.0%	Noted
		Total Hrs	Total %																										
A	General Policy and Process	117	54%																										
B	Rate Components	46	21%																										
C	Cost Recovery	5	2%																										
D	Load Shifting and Fuel Savings	22	10%																										
E	Settlement	26.5	12%																										
	Total	216.5	100.0%																										

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
M. Baumhefner	2019	21.5	\$350.00	D.20-09-009	\$7,525	21.5	\$350.00	\$7,525.00
M. Baumhefner	2020	29	\$370.00	Resolution ALJ-387	\$10,730	29	\$370.00 [1]	\$10,730.00
M. Muller	2019	10	\$200.00	D.20-09-009	\$2,000	10	\$200.00	\$2,000.00

CLAIMED						CPUC AWARD		
M. Muller	2020	104	\$215.00	Resolution ALJ-387, D.20-09-009, D.08-04-010, p.8 (as similarly claimed in A.18-06-015)	\$22,360	104	\$215.00 [2]	\$22,360.00
M. Whited	2019	14	\$190.00	D.19-03-022; Resolutions ALJ-352 & ALJ-37	\$2,660	14	\$190.00 [3]	\$2,660.00
M. Whited	2020	38	\$205.00	Resolution ALJ-387, D.08-04-010, p.8	\$7,790	38	\$205.00 [3]	\$7,790.00
Subtotal: \$53,065						Subtotal: \$53,065.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
M. Muller	2020	5	\$107.50	1/2 of 2020 rate	\$537.50	5	\$107.50	\$537.50
Subtotal: \$537.50						Subtotal: \$537.50		
TOTAL REQUEST: \$53,602.50						TOTAL AWARD: \$53,602.50		
<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>								

CLAIMED			CPUC AWARD
ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR ⁴	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Max Baumhefner	Admitted (Calif.) 7/17/2010	270816	No
Miles Muller	Admitted (Calif.) 1/21/2019	324920	No

C. Attachments Documenting Specific Claim and Comments on Part III:
(Intervenor completes; attachments not attached to final Decision)

Attachment or Comment #	Description/Comment
Attachment 1	Staff time records
Comment 1	<p><u>Rationale for Max Baumhefner rate for 2019:</u> For 2019, we request a rate of \$330 per D.19-03-022.</p> <p><u>Rationale for Max Baumhefner rate for 2020:</u> For 2020, we request a rate of \$370, which includes the lowest rate for lawyers with 9 years of experience plus the assigned COLA of 2.55% in Resolution ALJ-387. This is still conservative for lawyers of 9 years.</p>
Comment 2	<p><u>Rationale for Miles Muller rate for 2019:</u> We claim a rate of \$200 for Miles Muller in 2019 per D.20-09-009.</p> <p><u>Rationale for Miles Muller rate for 2020:</u> Mr. Muller is now in his 2nd year as a lawyer although he has over 3 years of experience intervening in CPUC proceedings. We therefore claim \$215 for Mr. Muller in 2020. This is based on his 2019 rate plus COLA per Res ALJ-387 and the first of two allowable steps of 5% per D.08-04-010 (p.8).</p>

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

Attachment or Comment #	Description/Comment
Comment 2	<p><u>Rationale for Melissa Whited rate for 2019:</u> The CPUC approved a 2017 rate of \$180 for Ms. Whited in D.19-03-022. We therefore request a 2019 rate of \$190, which includes a COLA of 2.30% per Resolution ALJ-352 for 2018 and a COLA of 2.35% per Resolution ALJ-357 for 2019. This continues to be on the low side of the range and is in line with claims of previous NRDC advocates with similar years of experience. This is no more than the rate charged for work done as a consultant to NRDC.</p> <p><u>Rationale for Melissa Whited rate for 2020:</u> For 2020, we request a rate of \$205, which includes one of two steps allowed within a band per D.08-04-010 (p.8) plus the 2020 COLA of 2.55% per Resolution ALJ-387. This is no more than the rate charged for work done as a consultant to NRDC.</p>

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1]	The Commission finds the requested rate of \$370.00 reasonable. Adopting \$370.00 rate for Max Baumhefner's 2020 rate. New rate based on verified 9+ years of experience as an attorney, as of 2020, per Resolution ALJ-387.
[2]	NRDC requested a 2020 rate for Miles Muller of \$215.00, including the 2020 COLA and the first step increase. The Commission applies the 2020 COLA of 2.55% and the first 5% step increase to Miles Muller's approved 2019 rate of \$200.00, verified in D.20-09-009, bringing the 2020 rate to \$215.00 after rounding to the nearest \$5.
[3]	<p>Using Melissa Whited's verified 2017 rate of \$180.00 in D.19-03-022 as a basis, we calculate the 2018-2020 rates as:</p> <p>2018: $180 \times 2.30\% = 4.14 + \text{rounding to nearest } \\$5 = \mathbf{\\$185.00}$</p> <p>2019: $185 \times 2.35\% = 4.35 + \text{rounding} = \mathbf{\\$190.00}$</p> <p>2020: $190 \times 5.0\% = 9.50 + 190 = 199.50 \times 2.55\% = 5.09 + \text{rounding} = \mathbf{\\$205.00}$</p> <p>We find the requested 2019 rate of \$190.00 and 2020 rate of \$205.00 reasonable, per our calculation methodology above, and adopt the rates here based on 7-12 years of experience as a consultant for NRDC, as of 2020, per Resolution ALJ-387.</p>

PART IV: OPPOSITIONS AND COMMENTS

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

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	Yes

FINDINGS OF FACT

1. Natural Resources Defense Council has made a substantial contribution to Decision (D.) 20-12-023 and D.20-04-009.
2. The requested hourly rates for Natural Resources Defense Council's representatives 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 \$53,602.50.

CONCLUSION OF LAW

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

ORDER

1. Natural Resources Defense Council shall be awarded \$53,602.50.
2. Within 30 days of the effective date of this decision, San Diego Gas & Electric Company shall pay Natural Resources Defense Council the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning May 5, 2021, the 75th day after the filing of Natural Resources Defense Council'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 21, 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:	D2204054	Modifies Decision?	No
Contribution Decision(s):	D2004009, D2012023		
Proceeding(s):	A1907006		
Author:	ALJ Wang		
Payer(s):	San Diego Gas & Electric Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/ Disallowance
Natural Resources Defense Council	2/19/2021	\$53,602.50	\$53,602.50	N/A	<i>See Part III.D, CPUC Comments, Disallowances and Adjustments.</i>

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Max	Baumhefner	Attorney	\$350	2019	\$350.00
Miles	Muller	Attorney	\$200	2019	\$200.00
Melissa	Whited	Expert	\$190	2019	\$190.00
Max	Baumhefner	Attorney	\$370	2020	\$370.00
Miles	Muller	Attorney	\$215	2020	\$215.00
Melissa	Whited	Expert	\$205	2020	\$205.00

(END OF APPENDIX)

Attachment 1: Staff Timesheets

ISSUE AREAS								
A	General Policy and Process							
B	Rate Components							
C	Cost Recovery							
D	Load Shifting and Fuel Cost Savings							
E	Settlement							
Date	Description	A	B	C	D	E	Total Hours	
M.Baumhefner (2019)								
11/5/2019	Attend workshop on interim rate	4.00					4.00	
12/4/2019	Review ruling on motion to consolidate	0.50					0.50	
12/11/2019	Review joint party stipulation on interim rate	3.00					3.00	
\$ 2,625.00	MB Total Hours 2019	7.50	0.00	0.00	0.00	0.00	7.50	
	% 2019 HOURS by issue area	100%	0%	0%	0%	0%	100%	
M.Baumhefner (2020)								
3/13/2020	Review Proposed Decision on interim rate waiver	2.00					2.00	
\$ 740.00	MB Total Hours 2020	2.00	0.00	0.00	0.00	0.00	2.00	
	% 2020 HOURS by issue area	100%	0%	0%	0%	0%	100%	
	Total Hours	9.50	0.00	0.00	0.00	0.00	9.50	
	Total %	100%	0%	0%	0%	0%	100%	

ISSUE AREAS								
A	General Policy and Process							
B	Rate Components							
C	Cost Recovery							
D	Load Shifting and Fuel Cost Savings							
E	Settlement							
Date	Description	A	B	C	D	E	Total Hours	
M.Baumhefner (2019)								
07/03/19-07/03/19	Review SDGE's Application	4.00					4.00	
08/05/19-08/08/19	Draft Response to SDGE's Application	4.00			1.00		5.00	
10/7/2019	Review ALJ Ruling setting workshop for interim rate	0.50					0.50	
10/7/2019	Review Scoping Memo	1.00					1.00	
10/18/2019	Review SDG&E Straw Proposal in response to ALJ Ruling	1.00					1.00	
10/18/2019	Review motion to consolidate	1.00					1.00	
10/31/2019	Review comments on straw proposal	1.50					1.50	
\$ 4,900.00	MB Total Hours 2019	13.00	0.00	0.00	1.00	0.00	14.00	
	% 2019 HOURS by issue area	93%	0%	0%	7%	0%	100%	
M.Baumhefner (2020)								
01/01/2020-01/10/2020	Draft opening testimony	6.00			2.00		8.00	
01/10/2020-01/15/2020	Review opening testimony	4.00	8.00		4.00		16.00	
02/19/2020-01/21/2020	Review rebuttal testimony	3.00					3.00	
\$ 9,990.00	MB Total Hours 2020	13.00	8.00	0.00	6.00	0.00	27.00	
	% 2020 HOURS by issue area	48%	30%	0%	30%	0%	100%	
	Total Hours	26.00	8.00	0.00	7.00	0.00	41.00	
	Total %	63%	20%	0%	17%	0%	100%	

ISSUE AREAS								
A	General Policy and Process							
B	Rate Components							
C	Cost Recovery							
D	Load Shifting and Fuel Cost Savings							
E	Settlement							
Date	Description	A	B	C	D	E	Total Hours	
M.Muller (2019)								
9/16/2019	Preparing for Pre-hearing Conference	1.00						1.00
9/17/2019	Attending Pre-hearing Conference	2.00						2.00
10/17/2019	Drafting Discovery on SDG&E	3.00						3.00
11/1/2019	Reviewing Discovery Responses from SDG&E	1.00						1.00
12/2/2019	Drafting Discovery on SDG&E	2.00						2.00
12/16/2019	Reviewing Discovery Responses from SDG&E	1.00						1.00
\$ 2,000.00	MM Total Hours 2019	10.00	0.00	0.00	0.00	0.00		10.00
	% 2019 HOURS by issue area	100%	0%	0%	0%	0%		100%
M.Muller (2020)								
02/20-03/2/20	Responding to Public Advocates Office Data Request	3.00						3.00
05/01-05/14/2020	Drafting Joint Motion for Stipulation Between San Diego Gas & Electric Company And The California Public Advocates' Office, Chargepoint, The Coalition Of California Utility Employees, The Environmental Defense Fund, Enel X North America, Inc, Evbox Inc., Greenlots, Natural Resources Defense Council, Plug In America, Siemens, Sierra Club, And The Union Of Concerned Scientists	3.00	6.00	4.00	2.00			15.00
5/28/2020	Reviewing joint motion to receive exhibits into evidence	3.00						3.00
6/8/2020	Reviewing responses to Joint Motion To Receive Exhibits Into Evidence	2.00						2.00
06/07-06/29/2020	Drafting joint motion for adoption of settlement agreement					16.00		16.00
06/25-06/30/2020	Drafting reply to responses to Joint Motion To Receive Exhibits Into Evidence	2.00	1.00	1.00	1.00			5.00
07/10-07/17/2020	Draft opening brief	2.00	6.00		4.00			12.00
7/17/2020	Review opening briefs	5.00						5.00
7/29/2020	Review comments opposing settlement agreement					4.50		4.50
08/03-08/13/2020	Drafting joint reply to comments opposing settlement agreement					6.00		6.00
07/10-07/17/2020	Draft reply brief	3.00	1.00		1.00			5.00
7/17/2020	Review reply briefs	3.00						3.00
9/15/2020	Review SDG&E illustrative commodity rate options		2.00					2.00
9/15/2020	Review opening comments on illustrative commodity rate options	2.00						2.00
9/15/2020	Draft reply comments on illustrative commodity rate options		4.00					4.00
10/30/20	Review Proposed Decision	4.50						4.50
11/10-11/19/20	Drafting Joint Parties Opening Comments on Proposed Decision	3.00	1.00					4.00
11/19/20	Reviewing Party Opening Comments on Proposed Decision	6.00						6.00
08/25/20	Drafting Joint Parties Reply Comments on Proposed Decision	2.00						2.00
\$ 22,360.00	MM Total Hours 2020	43.50	21.00	5.00	8.00	26.50		104.00
	% 2020 HOURS by issue area	42%	20%	5%	8%	25%		100%
	Total Hours	53.50	21.00	5.00	8.00	26.50		114.00
	Total %	47%	18%	4%	7%	23%		100%
ISSUE AREAS								
A	General Policy and Process							
B	Rate Components							
C	Cost Recovery							
D	Load Shifting and Fuel Cost Savings							
E	Settlement							
Date	Description	A	B	C	D	E	Total Hours	
M. Whited (2019)								
11/1/2019	Reviewing Discovery Response from SDG&E to inform testimony	4.00						4.00
12/16/2019	Reviewing 2nd Discovery Response from SDG&E to inform testimony	6.00						6.00
12/17/19	Draft rate design research findings to incorporate into testimony	2.00	1.00		1.00			4.00
\$ 2,660.00	MW Total Hours 2019	12.00	1.00	0.00	1.00	0.00		14.00
	% 2019 HOURS by issue area	86%	7%	0%	7%	0%		100%
M.Whited (2020)								
01/03-01/10/2020	Draft rate design research findings to incorporate into testimony		4.00					4.00
01/03-01/10/2020	Draft opening testimony	6.00	4.00		4.00			14.00
01/10-01/14/2020	Review opening testimony	2.00						2.00
02/10-02/19/2020	Draft rebuttal testimony	4.00	8.00		2.00			14.00
2/14/2020	Reviewing 3rd Discovery Response from SDG&E to inform testimony	3.00						3.00
02/19-01/21/2020	Review rebuttal testimony	1.00						1.00
\$ 7,790.00	MW Total Hours 2020	16.00	16.00	0.00	6.00	0.00		38.00
	% 2020 HOURS by issue area	42%	42%	0%	16%	0%		100%
	Total Hours	28.00	17.00	0.00	7.00	0.00		52.00
	Total %	54%	33%	0%	13%	0%		100%