

Decision 22-04-053 April 21, 2022

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

Order Instituting Rulemaking to Develop an  
Electricity Integrated Resource Planning  
Framework and to Coordinate and Refine  
Long-Term Procurement Planning Requirements.

Rulemaking 16-02-007

**DECISION GRANTING COMPENSATION TO  
THE PROTECT OUR COMMUNITIES FOUNDATION  
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 19-11-016**

<b>Intervenor:</b> The Protect Our Communities Foundation	<b>For contribution to Decision (D.) 19-11-016</b>
<b>Claimed:</b> \$88,893.25	<b>Awarded:</b> \$89,880.00
<b>Assigned Commissioner:</b> Clifford Rechtschaffen <sup>1</sup>	<b>Assigned ALJ:</b> Julie L. Fitch

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	<p>D.19-11-016 required additional procurement of Resource Adequacy capacity by 3,300 MW divided by LSE based on current load. The RA capacity must be online between 2021 to 2023 in percentages called out in the Decision. The Commission will allow imports in its RA procurement requirements.</p> <p>Further through the decision, the Commission recommends extending the date by which five power plants must eliminate once through cooling processes. It waives restrictions from a previous decision barring utilities from signing contracts with the OTC power plants referred to in the decision.</p>
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<sup>1</sup> This proceeding was re-assigned to Commissioner Clifford Rechtschaffen on February 12, 2021

**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:<sup>2</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:	2/25/14 (for R.13-12-010) 4/26/16 (for R.16-02-007)	Verified
2. Other specified date for NOI:	NOI filed on 3/27/2014 (for R.13-12-010), which was absorbed by R.16-02-007	Verified
3. Date NOI filed:	POC filed an Amended NOI on 9/6/2018 (for R.16-02-007) pursuant to ALJ Julie Fitch's August 15, 2019 email ruling which allowed parties to update their NOIs.	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.13-12-010. R.16-02-007	Verified
6. Date of ALJ ruling:	9/26/2014.  Email ruling on 6/10/16 re-confirming eligibility in R.16-02-007	Verified
7. Based on another CPUC determination (specify):	12/12/2019 for D.19-12-017 issued in A.15-09-010  10/30/19 for D.19-10-047 issued in A.12-10-009.  5/19/19 for D.19-05-035 issued in A.15-09-010.  5/3/19 for D.19-04-031	Noted

<sup>2</sup> All statutory references are to California Public Utilities Code unless indicated otherwise.

	<b>Intervenor</b>	<b>CPUC Verification</b>
	issued in A.15-09-013;  10/5/18 for D.18-09-039 issued in R.16-02-007.  7/30/18 for D.18-07-034 issued in A.15-09-010.	
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:	A. 15-09-010; R.16-02-007	Verified
10. Date of ALJ ruling:	5/19/19 for D.19-05-035 issued in A.15-09-010;  10/5/18 for D.18-09-039 issued in R.16-02-007.	Verified
11. Based on another CPUC determination (specify):	12/12/2019 for D.19-12-017 issued in A.15-09-010  10/30/19 for D.19-10-047 issued in A.12-10-009;  5/19/19 for D.19-05-035 issued in A.15-09-010;  5/3/19 for D.19-04-031 issued in A.15-09-013;  10/5/18 for D.18-09-039 issued in R.16-02-007.  7/30/18 for D.18-07-034 issued in A.15-09-010;	Noted
12. Has the Intervenor demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.19-11-016 (in R.16-02-007)	Verified
14. Date of issuance of Final Order or Decision:	11/13/2019	Verified

	Intervenor	CPUC Verification
15. File date of compensation request:	01/13/2020	Verified
16. Was the request for compensation timely?		Verified

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

#	Intervenor's Comment(s)	CPUC Discussion
2, 5, 7, 9, 10, 11, 13, 14, 15	<p>POC is eligible for intervenor compensation for the current proceeding, R.16-02-007, which absorbed R.13-12-010, because it has previously met and continues to meet the Commission's long-standing definitions of eligibility. <i>See</i> 9/26/2014 ALJ Ruling on POC's Amended Showing of Significant Financial Hardship. In R.13-12-010, POC sought a ruling on its significant financial hardship in its notice of intent to claim intervenor compensation, timely filed in R.13-12-010 pursuant to Pub. Util. Code § 1804(a). POC was ruled to have a significant financial hardship and that it had customer status, based on the same grounds that support POC's request here.</p> <p>R.13-12-010's proceeding and ruling carried into this current proceeding R.16-02-007, where ALJ Fitch confirmed by email on June 10, 2016 that POC could rely on the eligibility ruling from R.13-12-010 which found POC eligible for intervenor compensation.</p> <p>POC also filed for intervenor compensation within this same proceeding on 4/13/18, for its significant contributions to D.18-02-018-- the first phase of this proceeding. The Commission found POC to have significant financial hardship and also granted POC's request for intervenor compensation in the amount of \$64,306.14 on 10/5/2018. <i>See</i> D.18-09-039.</p> <p>Participation in this proceeding posed a substantial financial hardship for POC because the economic interest of POC's constituents and supporters is small in comparison to the costs of POC's effective participation. <i>See</i> Pub. Util. Code § 1802(h).</p> <p>POC represents the interests of a specific Constituency: Southern California and San Diego area residential and small business ratepayers, including ratepayers in smaller</p>	Noted

#	Intervenor’s Comment(s)	CPUC Discussion
	<p>communities whose interests are often not adequately represented in Commission proceedings. POC represents the interests of this constituency and POC’s supporters within this constituency.</p> <p>POC’s Intervenor Compensation request is timely filed within 60 days of the Commission’s issuance of D.19-11-016 on 11/13/19. <i>See</i> Intervenor Compensation Guide, Sec. III.A.1 (“When to file a claim”) at p. 18 (2017).</p>	

**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: Reliability</b></p> <p>“[M]arket rules appear to allow market manipulation and the DMM proposal should be reviewed further. Due to the current and ineffective market rules, out-of-state (“OOS”) generators may bid excessively high prices into the CAISO market in rare instances. It is a market rules deficiency that leads to high prices for the available supply, not a lack of supply availability.” (POC Comments 8/12/2019 at p. 2)</p> <p>“CAISO has been aware of the potential for market problems with RA imports for several years. However, CAISO has treated it as a market design problem, not an RA imports supply problem.</p>	<p>“We also explicitly reject the suggestion from the June 20, 2019 Ruling that firm imports be discounted in any manner, because of the potential for market distortionary effects. It will be far better for the Commission and the CAISO to address the rules for imported resource adequacy, rather than adopt a rule-of-thumb measure in this proceeding and risk a negative impact on the availability or cost of imported power.” (D.19-11-016, at pp. 27-28)</p>	<p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>For that reason, as the ALJ ruling notes, CAISO has continued to set the MIC at historic 10,000 MW+ levels in recent years, at 11,310 MW in 2017 and 10,340 MW in 2018. If CAISO has not yet made the necessary regulatory adjustments to address gaming of the peak pricing of real-time RA imports, it needs to do so.” (POC Comments 7/22/2019 at p. 6-7)</p> <p>“Analyses in the record confirm that the commission’s very conservative 15 percent planning reserve margin will be exceeded through at least 2024.” (POC Comments 10/02/2019 at p. 2)</p> <p>“The Commission should instead find that sufficient resource adequacy capacity exists through at least 2024 and reject any new RA procurement.” (POC Comments 10/31/2019 at p. 3)</p> <p>“The Commission must ensure efficient and accurate modeling and resource procurement in order to enable California to meet its renewable energy mandates.” (POC Comments 10/07/2019 at p. 1)</p>	<p>“[T]he stack analysis shows that based on current knowledge, by 2021 the system could end up relying on all available resources, including nearly all of the available MIC” (D.19-11-016, at p. 8)</p> <p>“POC similarly suggests that reliance on imports should be enough” (D.19-11-016, at p. 10)</p> <p>“[S]everal parties [] argue that our analysis in this proceeding, in the context of the development of the RSP and the PSP in the past two years, has been more sophisticated than the stack analysis contained in the June 20, 2019 Ruling. [] We intend to conduct additional production cost modeling reliability checks on the development of the new optimal portfolio for the next and future IRP cycles, with interim year reliability checks. However, given the</p>	

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	<p>imminence of the 2021 system reliability needs, there is not time to complete that analysis, allow additional input and vetting from parties, and still have procurement take place in time to meet a potential shortfall in the timeframe of Summer 2021.” (D.19-11-016, at p. 14)</p>	
<p><b>Issue B: Imports</b></p> <p>“Historical peak imports to the CAISO are 2,500 MWs higher than the 10,000 MW used in the staff analysis. Several new balancing authorities will join the Energy Imbalance Market which should increase the peak import levels further.” (POC Comments 7/22/2019 at p. 14)</p> <p>“Discounting of import capacity by one-third is arbitrary and does not solve the core problem - market manipulation due to ineffective market rules.” (POC Comments 8/12/2019 at p. 9)</p> <p>“[E]ven though the stack analyses found sufficient capacity, these analyses failed to account for all available import capacity. (POC Comments 10/7/2019 at p. 1)</p> <p>“[T]he value used for the import capacity in various analyses was the MIC. The MIC is not a true maximum but rather an average actual</p>	<p>“[W]e will make the following provisions to allow some imports to count as incremental for purposes of the procurement requirements. Incremental imports may count for up to 20 percent of each LSE’s total procurement requirement by 2023.” (D.19-11-016, at pp. 31)</p> <p>“We also explicitly reject the suggestion from the June 20, 2019 Ruling that firm imports be discounted in any manner, because of the potential for market distortionary effects.” (D.19-11-016, at pp. 27)</p> <p>“We have clarified that imports may count toward the requirements, as long as they are incremental to the baseline assumptions, and otherwise meet the requirements outlined in D.19-10-021.” (D.19-11-016, at pp. 31)</p>	<p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>import capacity over the very recent past. Actual maximum import capacity likely exceeds the historical import maximum which was 12,500 MW.” (POC Comments 10/7/2019 at p. 4)</p> <p>“[M]ore import RA capacity will be available as loads decline to the east of California where many of the generation sources providing import RA capacity are located. Additionally, lower peak demand coincides with lower transmission congestion. This reality also increases transmission capacity to transport imports to supply California load for the handful of hours each year when California demand is at or near actual peak load.” (POC Comments 10/7/2019 at p. 4-5)</p> <p>“[N]ot only will the CAISO have excess RA capacity through 2028, but the surrounding regions will have excess RA capacity, meaning no shortage of imports either.” (POC Comments 10/31/2019 at p. 4)</p> <p>“ERCOT maintained perfect reliability in 2018 with a much lower reserve margin than California despite the fact that ERCOT is an isolated system operator and cannot import power from other</p>		



Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>balancing authorities. California enjoys significant import capacity and uses imports on a daily basis. In 2019, ERCOT’s PRM fell to 8.6% and it still avoided any blackouts.” (POC Comments 10/31/2019 at p. 5-6)</p> <p>“[T]he staff proposal does not address resource shuffling despite the statutory requirement to eliminate shuffling.” (POC Comments 10/25/2019 at p. 8)</p> <p>“POC outlined an easy and straightforward way for the Commission to eliminate resource shuffling. [] New contracts must also either be for electricity from a newly-built generator or must be with an existing generator whose contracted electricity supply immediately preceding the new contract was also contracted to serve California load.” (POC Comments 10/25/2019 at p. 8)</p>	<p>“We continue to have reservations about the GHG impacts of such contracting, such as whether the commitment could represent resource shuffling rather than incremental GHG-free production.” (D.19-11-016, at pp. 28)</p>	
<p><b>Issue C: Costs</b></p> <p>“Those types of uncertainties are the reason for the PRM but do not justify procuring power over and above the PRM.” (POC Comments 10/31/2019 at p. 7)</p> <p>“[T]he RPD clearly notes that the proposed procurement is simply based on “nearly all”</p>	<p>“[T]oo much system capacity represents unnecessary ratepayer costs as well.” (D.19-11-016, at p. 15)</p>	<p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>available resources being used to meet the PRM. That means the buffer, which is used only 17 hours per decade, will be met with generation resources to spare.” (POC Comments 10/31/2019 at p. 8)</p> <p>“[T]he fact of Commission-ordered procurement increases costs for ratepayers.” (POC Comments 10/31/2019 at p. 8)</p> <p>“Requiring LSEs to buy more RA when they have already procured their required RA capacity – or in the case of SDG&amp;E and PG&amp;E, too much RA capacity – is unreasonable because it will create excess costs.” (POC Comments 10/31/2019 at p. 9)</p> <p>“Commission-ordered procurement bunches procurement into a specific time frame and that deadline creates a huge and immediate demand for developers to fill. The [] procurement order creates a classic supply/demand imbalance, resulting in unnecessarily higher costs for ratepayers.” (POC Comments 10/31/2019 at p. 8)</p> <p>“[The requirement for commercial online date of August 1, 2021] is both</p>	<p>“[I]n the context of the procurement charge indifference amount (PCIA) proceeding, proposals are being considered for allocating away from some IOUs their current resource adequacy capacity, because they have no further need to hold it or to acquire additional capacity, since their loads are dropping. (D.19-11-016, at p. 34)</p> <p>"In response to numerous comments from parties on the proposed decision and continuing concerns about the revised proposed decision, we have modified the ramp slightly to ensure that the ramp, coupled with the total capacity requirement, does not result in too much of a seller’s market, raising costs for ratepayers.” (D.19-11-016, at p. 47)</p>	

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>unnecessary and will add unnecessary costs to ratepayers’ bills.” (POC Comments 7/22/2019 at p. 16)</p>		
<p><b>Issue D: Disadvantaged Communities Air Pollutants Impact</b></p> <p>“Section 454.52(a)(1)(H) imposes a duty that cannot be evaded – the language is mandatory.” (POC Comments 10/25/2019 at p. 6)</p> <p>“[I]f any new procurement is ordered, the Commission should require that procurement must [] list quantitative requirements for LSEs to reduce pollution in disadvantaged communities.” (POC Comments 10/31/2019 at p. 3)</p> <p>“Thus, at the least, LSEs must detail how they are decreasing air pollution in disadvantaged communities more than in other communities.” (POC Comments 10/02/2019 at p. 13)</p> <p>“If procurement is ordered, the Commission should not pass-up the opportunity to reduce fossil fuel use or to eliminate fossil fuel generators in disadvantaged communities.” (POC Comments 08/12/2019 at p. 8)</p>	<p>“We also remind all of the LSEs of their obligations, in the design and conduct of their solicitations, to minimize impacts of localized air pollutants and GHGs on disadvantaged communities, as required by § 454.52(a)(1)(H).” (D.19-11-016, at p. 45)</p> <p>“LSEs shall also include a description of how their activities have complied with § 454.52(a)(1)(H) related to disadvantaged communities. (D.19-11-016, at p. 53)</p> <p>“Section 454.52(a)(1)(H) requires LSEs to minimize localized air pollutants and GHG emissions, with early priority on disadvantaged communities.” (D.19-11-016, at p. 72)</p>	<p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p><b>Issue E: Procurement (including Once Through Cooling)</b></p> <p>“The loading order, which was reaffirmed in decision 14-03-004,22 also restricts the Commission from pre-selecting existing gas-fired resources either by continuing to run OTC units slated for retirement by 2021 or bringing mothballed non-OTC units back online.” (POC Comments 7/22/2019 at p. 9-10)</p> <p>“Extending the life of gas plants already slated for retirement creates new contracts which would not have otherwise existed and thus increases pollution in disadvantaged communities. Therefore, the PD’s recommendation to keep OTC plants open conflicts with SB 350 which requires the Commission to consider disadvantaged communities in its procurement decisions.” (POC Comments 10/02/2019 at p. 9)</p> <p>“If the proposed addition of 2,500 MW of new systemwide RA could be justified, DR stands as the most cost-effective option compared to annual or multi-year RA contracts, and</p>	<p>“In deference to the considerable local government and disadvantaged community opposition to the Ormond Beach OTC extension request, we also limit the timeframe for this extension to no more than one year.” (D.19-11-016, at p. 53)</p> <p>“Though the proposed decision also recommended extensions for the Ormond Beach and Redondo Beach power plants, we were persuaded by the comments of parties that these plants create more harm in their communities and/or would interfere with other plans already underway to redevelop their sites for community use. To mitigate against those effects, we will request that the SACCWIS pursue with the Water Board an extension of up to two years for the Redondo Beach units (approximately 800 MW) and an extension of up to one year for the Ormond Beach units (approximately 1,500 MW).” (D.19-11-016, at p. 20)</p>	<p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>thus POC disagrees with the extension of OTC generator contracts and with the re-contracting of existing resources which are called for by Cal Advocates.” (POC Comments 8/12/2019 at p. 7)</p> <p>“The 3,750 MW of procurement mandated in the PD obtained through a delay in the retirement of OTC gas generation violates the Public Utilities Code in two ways. First, the extension does not ‘rely upon zero carbon-emitting resources to the maximum extent reasonable.’ Secondly, extending the life of the OTC facilities fails to ‘[m]inimize localized air pollutants and other greenhouse gas emissions, with early priority on disadvantaged communities identified pursuant to Section 39711 of the Health and Safety Code.’” (POC Comments 10/7/2019 at p. 15)</p> <p>“The loading order requires procurement of both cost effective demand response and battery storage before considering existing fossil fuel resources.” (POC Comments 7/22/2019 at p. 10)</p>	<p>“Several parties were concerned to make sure that the Commission continues to prioritize clean, preferred resources in the solicitations that will be conducted to satisfy the capacity needs identified in this decision.[] POC offered alternatives referencing the “loading order” preference for clean new resources, prioritized over fossil-fueled resources.” (D.19-11-016, at p. 58)</p>	

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

	<b>Intervenor’s Assertion</b>	<b>CPUC Discussion</b>
<b>a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?</b> <sup>3</sup>	Yes	Verified
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes	Verified
<b>c. If so, provide name of other parties:</b>  Sierra Club, Environmental Defense Fund, California Environmental Justice Alliance (“CEJA”), CalCCA		Verified
<b>d. Intervenor’s claim of non-duplication:</b>  POC’s positions did not have substantial overlap with any other intervenors, and POC’s positions were generally unique from the majority of other intervenors, including other environmental advocacy organizations. Thus, while POC worked to coordinate with other intervenors (including through participation in a bi-weekly conf call and other communication and coordination efforts), differing approaches and positions of the intervenors resulted in POC advancing numerous arguments that other parties did not address.  For example, POC was the only respondent to oppose all Commission directed procurement as a threshold matter and one of only a handful to oppose extensions for all OTC power plants. While the Commission did not fully embrace POC’s position, as noted in Part II (A), the Decision was substantially revised prior to issuance due to recommendations by POC and others.  Where some overlap of positions advanced by other parties occurred, POC acknowledged this in its comments and did not spend undue time making arguments that were also raised by other parties.		Noted

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

<b>#</b>	<b>Intervenor’s Comment</b>	<b>CPUC Discussion</b>
II (A) Issue A	POC’s advocacy relates to the discussion in the Decision:	Noted

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<sup>3</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.

#	Intervenor’s Comment	CPUC Discussion
	<p>“[T]he stack analysis shows that based on current knowledge, by 2021 the system could end up relying on all available resources, including nearly all of the available MIC” (D.19-11-016, at p. 8)</p> <p>to:</p> <p>“Analyses in the record confirm that the commission’s very conservative 15 percent planning reserve margin will be exceeded through at least 2024.” (POC Comments 10/02/2019 at p. 2)</p> <p>The Decision language supports POC’s analysis in that if “nearly all” of the resources are used, then the resource quantity from the analysis exceeds the 15% planning margin.</p>	
<p>II (A) Issue C</p>	<p>POC’s advocacy relates to the Decision’s discussion of the PCIA:</p> <p>“[I]n the context of the procurement charge indifference amount (PCIA) proceeding, proposals are being considered for allocating away from some IOUs their current resource adequacy capacity, because they have no further need to hold it or to acquire additional capacity, since their loads are dropping. (D.19-11-016, at p. 34)</p> <p>to:</p> <p>“Requiring LSEs to buy more RA when they have already procured their required RA capacity – or in the case of SDG&amp;E and PG&amp;E, too much RA capacity – is unreasonable because it will create excess costs.” (POC Comments 10/31/2019 at p. 9)</p> <p>Regarding this pairing, the POC quote refers to the PCIA and the RA issues being addressed in that proceeding in which POC is also participating. For more context, see the relevant pages from POC’s comments as per the source reference.</p>	<p>Noted</p>

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

	<b>CPUC Discussion</b>
<p><b>a. Intervenor’s claim of cost reasonableness:</b></p> <p>POC’s advocacy, reflected in this request for compensation, substantially contributed to a decision that will impact all of California’s ratepayers and residents, the state’s environment, and California’s climate.</p> <p>R.16-02-007 is a long and complicated proceeding. POC participated in every phase of the proceeding and at every formal comment and briefing opportunity. POC was fully engaged in reviewing the wide range of issues from technical modeling issues to policy and strategy-based issues. POC’s participated in workshops, webinars, and the modeling advisory group. POC’s costs are therefore reasonable in light of the amount of time, resources, and effort POC put into the proceeding as a party.</p> <p>As demonstrated in the subsection b below, POC also actively attempted to keep costs low by working efficiently, striving to avoid duplication, participating remotely rather than traveling to the PUC for workshops and webinars, and intentionally claiming only a partial selection of hours for the work it has completed under this portion of the proceeding.</p>	<p>Noted</p>
<p><b>b. Reasonableness of hours claimed:</b></p> <p>POC has been an active participant throughout the entirety of the IRP proceeding and has submitted comments at nearly every opportunity, briefing, and attended workshops either in person or remotely.</p> <p>For its work on the issues and rulings leading up to this Decision, POC relied primarily on in-house staff and supplemented its work with the expertise of technical consultants with more than 40 years of experience in the utility and energy sector. POC used three experts in this proceeding to maximize efficiency. POC divided tasks based on highest familiarity with each subject and according to which expert already had a background on certain topics and was the best suited for each task.</p> <p>Additionally, POC made use of one of its board members, Loretta Lynch, a senior attorney with decades of experience in regulatory and energy matters, to supervise POC’s filings.</p> <p>POC spent a reasonable and prudent amount of time on this matter, working diligently to address complex issues in an efficient and</p>	<p>Noted</p>



	CPUC Discussion
<p>expedient manner. All of the hours claimed in this request were reasonably necessary to the achievement of POC’s substantial contributions. Due to the convoluted and multi-faceted nature of this proceeding, a typical law firm would have expended significantly more resources than that spent by POC.</p> <p>POC generally did not include hours spent in this proceeding dedicated to: team discussions of the proceeding at weekly team meetings, miscellaneous administrative work, filing and reading of emails related to the proceeding, and other coordination tasks. Additionally, POC did not include any hours for employees who departed in 2019.</p> <p>POC’s requested compensation is therefore reasonable both as to the costs and the hours claimed.</p>	
<p><b>c. Allocation of hours by issue:</b></p> <p>Issue A: Reliability – Including Market Manipulation and Analysis Review – 35%</p> <p>Issue B: Imports – Out-Of-State Resource Availability – 20%</p> <p>Issue C: Costs – Allocation and Minimization - 20%</p> <p>Issue D: Disadvantaged Communities Air Pollutants Impact - 10%</p> <p>Issue E: Procurement – Clean Resources and Once Through Cooling – 15%</p>	Noted

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Loretta Lynch (Senior Attorney)	2019	19.25	\$614.00	ALJ-357 for an atty w/over 13yrs experience; bio attached	\$11,819.50	19.25	\$615.00 <sup>4</sup>	\$11,838.75

<sup>4</sup> See D.21-03-039.

CLAIMED						CPUC AWARD		
Bill Powers (Technical engineer)	2019	32.5	\$291.00	2018 rate of \$271 + 5% step increase per D.07-01-009 + 2.35% COLA per ALJ 357	\$9,457.50	32.50	\$290.00 <sup>5</sup>	\$9,425.00
Tyson Siegele (Technical expert)	2019	241.5	\$266.00	2018 rate per ALJ-357 + 2.35% COLA	\$64,239.00	241.50	\$270.00 <sup>6</sup>	\$65,205.00
Robert Freehling	2019	4.75	\$235.00	2018 rate of \$230 per D.18-09-039 +2.35% COLA per ALJ 357	\$1,116.25	4.75	\$235.00 <sup>7</sup>	\$1,116.25
<b>Subtotal: \$0.00</b>						<b>Subtotal: \$87,585.00</b>		
<b>INTERVENOR COMPENSATION CLAIM PREPARATION **</b>								
Tyson Siegele	2019	17	\$133.00	Comparable rates from 2019 requested rate at ½	\$2,261.00	17.00	\$135.00	\$2,295.00
<b>Subtotal: \$0.00</b>						<b>Subtotal: \$2,295.00</b>		
<b>TOTAL REQUEST: \$0.00</b>						<b>TOTAL AWARD: \$89,880.00</b>		
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§ 1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate</p>								

<sup>5</sup> See D.22-01-008.

<sup>6</sup> See D.22-01-008.

<sup>7</sup> See D.21-03-039.

CLAIMED			CPUC AWARD
ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR <sup>8</sup>	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Loretta Lynch	1990	151206	No

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

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Attorney, Expert Time Sheets and Categorization
3	Attorney, Expert, Resumes

**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 (see Rule 14.6(c)(6))?</b>	Yes

**FINDINGS OF FACT**

1. The Protect Our Communities Foundation has made a substantial contribution to D.19-11-016.
2. The requested hourly rates for The Protect Our Communities Foundation’s representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses as adjusted herein are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$89,880.00.

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<sup>8</sup> This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

**CONCLUSION OF LAW**

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

**ORDER**

1. The Protect Our Communities Foundation shall be awarded \$89,880.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison, and San Diego Gas & Electric Company shall pay The Protect Our Communities Foundation their respective shares of the award, based on their California-jurisdictional electric revenues for the 2019 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data is unavailable, the most recent electric revenue data shall be used. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning March 28, 2020, the 75<sup>th</sup> day after the filing of The Protect Our Communities Foundation's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated 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

<b>Compensation Decision:</b>	D2204053	<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D1911016		
<b>Proceeding(s):</b>	R1602007		
<b>Author:</b>	ALJ Fitch		
<b>Payer(s):</b>	Pacific Gas and Electric Company, Southern California Edison, San Diego Gas & Electric 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>
The Protect Our Communities Foundation	January 13, 2020	\$88,893.25	\$89,880.00	N/A	See CPUC Comments, Disallowances, and Adjustments above.

### 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>
Loretta	Lynch	Attorney	\$614	2019	\$615.00
Bill	Powers	Expert	\$291	2019	\$290.00
Tyson	Siegele	Expert	\$266	2019	\$270.00
Robert	Freeling	Expert	\$235	2019	\$235.00

(END OF APPENDIX)