

Decision 22-04-051 April 21, 2022

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Continue Electric Integrated Resource Planning and Related Procurement Processes.

Rulemaking 20-05-003

DECISION GRANTING COMPENSATION TO THE PROTECT OUR COMMUNITIES FOUNDATION FOR SUBSTANTIAL CONTRIBUTION TO DECISION 20-12-044

Intervenor: Protect Our Communities Foundation (PCF)	For contribution to Decision (D.) 20-12-044
Claimed: \$43,019	Awarded: \$38,199.00
Assigned Commissioner: Clifford Rechtschaffen	Assigned ALJ: Julie A. Fitch

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	D.20-12-044 adopts procurement process deadlines for all load-serving entities required to procure electric capacity by D.19-11-016 that did not previously opt out of providing their assigned capacity. The Decision requires LSE to file bi-annual updates of their procurement progress in accordance to the guidelines for procurement and contracts defined in this decision and sets a process for determination of backstop procurement needs.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:¹

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	07/14/2020	Verified
2. Other specified date for NOI:	Pursuant to the Order Instituting Rulemaking for R.20-05-003, “Parties who were previously found eligible to request compensation in R.16-02-007 shall remain eligible in this proceeding and do not need to file an NOI within 30 days, provided there are no material changes in their by-laws or financial status. Contributions made during the pendency of R.16-02-007 to issues within the scope of this proceeding may be considered for compensation in this proceeding, if not already compensated in R.16-02-007” (20).	Verified
3. Date NOI filed:	PCF filed their NOI on 3/27/2014 in R.13-12-010, and R.16-02-007 is the successor proceeding to R.13-12-010. PCF filed an Amended NOI in R.16-02-007 on 9/6/2018 pursuant to ALJ Julie Fitch’s August 15, 2018 email ruling which allowed parties to file revised NOIs.	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.18-12-005	R.18-12-005
6. Date of ALJ ruling:	4/17/2019	4/27/20
7. Based on another CPUC determination (specify):	D.20-04-021; D.20-04-017; D.19-12-017.	D.20-04-017

¹ All statutory references are to California Public Utilities Code unless indicated otherwise.

	Intervenor	CPUC Verification
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.18-12-005	R.18-12-005
10. Date of ALJ ruling:	4/17/2019	4/27/20
11. Based on another CPUC determination (specify):	D.20-04-021; D.20-04-017; D.19-12-017.	D.20-04-017
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.20-12-044	Verified
14. Date of issuance of Final Order or Decision:	12/22/2020	Verified
15. File date of compensation request:	02/19/2021	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor’s Comment(s)	CPUC Discussion
B.5-8	The Protect Our Communities Foundation (“PCF”) meets the definition of a Category 3 customer under the Public Utilities Code section 1802(b)(1)(C) as a “representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers...” Article 3, Section 3.3 of PCF’s Bylaws specifically authorizes the organization to represent the interests of Southern California residential utility ratepayers in proceedings before the Commission and to seek intervenor compensation for doing so. PCF advocates for just and reasonable rates and against unreasonably costly or unnecessary utility projects. PCF advocates for fair and reasonable energy practices, policies, rules, and laws, for the protection of natural resources from the impacts of large-scale energy and industrial	D.20-04-017 issued on 4/27/20 in R.18-12-005 established a rebuttable presumption of significant financial hardship for PCF. Since this ruling was made within one year of the filing of R.20-05-003, we apply the same finding to PCF’s participation here.

#	Intervenor’s Comment(s)	CPUC Discussion
	<p>infrastructure projects, and in support of sustainable, clean, locally based energy systems.</p> <p>PCF is a San Diego, California based nonprofit public benefit corporation organized for charitable and public purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code.</p> <p>PCF also qualifies as an environmental group within the scope of Section 1802(b)(1)(C) because it represents the interests of customers with a concern for the environment.</p> <p>A copy of PCF’s Bylaws is on file with the Commission in R.13-12-010. In R.13- 12-010, PCF was found to have satisfied eligibility requirements and to have shown significant financial hardship in the September 26, 2014 Administrative Law Judge’s Ruling on Protect Our Communities Foundation’s Amended Showing of Significant Financial Hardship. A copy of PCF’s Bylaws, as well as a copy of PCF’s Articles of Incorporation, is also on file in A.15-09-013. In A.15-09-013, PCF was found to have satisfied eligibility requirements and to have shown significant financial hardship in D.19-04-031, Decision Granting Compensation to Protect Our Communities for Substantial Contribution to Decision 18-06-028 (April 25, 2019).</p> <p>PCF has no direct economic interest in the outcomes of these proceedings.</p> <p>PCF has previously met and continues to meet the Commission’s definitions of eligibility for intervenor compensation and financial hardship as shown in the decisions listed here:</p> <p>A.15-09-010, D.20-04-021 (April 16, 2020); R.18-12-005, D.20-04-017 (April 16, 2020); A.15-09-010, D.19-12-017 (December 5, 2019); A.12-10-009, D.19.10-047 (October 24, 2019); A.15-09-010, D.19-05-035(May 30, 2019); A.15-09-013, D.19-04-031 (April 25, 2019); R.16-02-007, D.18-09-039 (September 27, 2018);</p>	

#	Intervenor’s Comment(s)	CPUC Discussion
	A.15-09-010, D.18-07-034 (July 26, 2018).	
B.9-12	<p>Per Pub. Util. Code § 1804(b), a “finding of significant financial hardship shall create a rebuttable presumption of eligibility for compensation in other commission proceedings commencing within one year of the date of that finding.” D.20-12-044 was first published on the Commission’s website and served on the service list in R.20-05-003 on December 17, 2020, which is within one year of D.20-04-021 (April 16, 2020) and D.20-04-017 (April 16, 2020). PCF is presumed eligible for intervenor compensation because this proceeding was commenced within one year of the findings of significant hardship in the proceedings identified in Part I.B.11. Pub. Util. Code, § 1804, subd. (b)(1).</p> <p>Additionally, PCF continues to meet the Commission’s longstanding definition of significant financial hardship. The economic interest of the individual members of PCF “is small in comparison to the costs of effective participation in the proceeding.” Pub. Util. Code, § 1802, subd. (h). PCF is a nonprofit public benefit corporation organized exclusively for charitable, educational and public purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code. PCF represents the interests of a specific constituency: San Diego and other Southern California area residential utility ratepayers, the majority of whom do not have the financial ability to represent themselves in this proceeding, and whose interests are often not adequately represented in Commission proceedings. PCF certifies that the economic interest in this proceeding of any individual PCF constituents is small compared to the cost of effective participation in this proceeding.</p> <p>Moreover, as discussed above in comment B.5-8 in Section I.C., the Commission has repeatedly determined that PCF’s participation without an award of intervenor compensation imposes a significant financial hardship, and PCF circumstances have not changed in any relevant respect since such</p>	<p>D.20-04-017 issued on 4/27/20 in R.18-12-005 established a rebuttable presumption of significant financial hardship for PCF. Since this ruling was made within one year of the filing of R.20-05-003, we apply the same finding to PCF’s participation here.</p>

#	Intervenor’s Comment(s)	CPUC Discussion
	determinations were made. Pub. Util. Code, § 1803, subd. (b).	

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): (For each contribution, support with specific reference to the record.)

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<u>Issue 1: Backstop Procurement</u>	<u>Issue 1: Backstop Procurement</u>	
<p>PCF advocated for partial procurement due to some contracts completing on time and others hitting delays or being cancelled. In the Final Decision, the Commission ultimately adopted PCF’s recommendation to use a backstop framework that allows for partial procurement.</p> <p>“PCF agrees with the PD that partial procurement should be anticipated and is an acceptable form of backstop procurement... partial backstop procurement will save ratepayers from costly over-procurement.” (PCF Comments on the PD, p. 2)</p> <p>“PCF agrees that the Commission should not trigger backstop procurement based on delays beyond LSE control.” (PCF Reply Comments on the PD, p. 1)</p>	<p>“Several parties also commented on whether “partial backstop” procurement should be allowed, meaning backstop procurement within each annual tranche of the D.19-11-016 requirements.” (Proposed Decision, p. 10)</p> <p>“We will not make a blanket determination at the outset about whether “partial” backstop procurement will be triggered or not. Because we are providing for multiple trigger dates, it is likely that “partial” backstop will occur in the case of some LSEs, perhaps for some years and not others, depending on the progress of individual procurement efforts.” (D.20-12-044, p. 17)</p>	Verified
<p>“PCF disagrees that transmission development should be considered when reviewing project delays. As Southern California Edison (“SCE”) and the Clean Power Alliance</p>	<p>The Commission agreed with PCF that LSEs should have accounted for transmission development needs in their contracts and thus only partially</p>	Verified

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>(“CPA”) have demonstrated with their procurements, storage paired with existing resources provide opportunities for thousands of MW hours of readily available resource development without the need for new transmission or interconnection approvals. The Commission should avoid providing special dispensation for long lead time projects when shorter lead time opportunities are available. The Commission should be especially careful allowing delays for transmission development when its own modeling has shown that eliminating new out-of-state transmission would reduce ratepayer costs” [cites removed for clarity] (PCF Reply Comments on the Proposed Decision, p. 2)</p>	<p>accepted AWEA’s request in the Final Decision as demonstrated below:</p> <p>“In addition, as pointed out by PCF, LSEs should have taken transmission development needs into account in their contracting.” (D.20-12-044, p. 23)</p> <p>“In addition, AWEA requested that we add to the criteria for consideration of the reasonableness of delays an explicit reference to transmission or interconnection delays, as distinct from delays related to the resource development itself. We have added this criterion. However, we will not go so far as to suggest that backstop procurement should not be triggered if a delay is related to interconnection or transmission development, because unless the delay is very short, the need for the capacity and energy will still exist in the near term.” (D.20-12-044, pp. 22-23)</p>	
<p>PCF argued against PG&E and SCE’s request to use bilateral negotiated contracts instead of RFOs.</p> <p>“Both PG&E and SCE requested permission to use bi-lateral negotiated contracts for backstop instead of request for offers (“RFO”) ... PCF disagrees that bilateral agreements for backstop procurement should be allowed without significant restrictions on the backstop procurement entity, to limit excess costs.” (PCF Reply Comments on the PD, p. 4)</p> <p>“The Commission should specifically reject PG&E’s proposal to use</p>	<p>The Commission agreed with PCF’s argument and adopted it in the Decision.</p> <p>“PG&E and SCE requested in their comments that they not be required to issue new RFOs for backstop procurement, and instead be permitted to utilize bilateral negotiations and/or results from previous RFOs. PCF, in reply comments, disagreed. While we appreciate that flexibility not to issue RFOs could create some administrative efficiency and potentially save time, we believe the importance of transparency associated with RFOs outweighs any potential administrative advantages in avoiding them, since this procurement will be initiated on behalf of another</p>	<p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>previously negotiated, but not executed, contracts because those contracts were not priced competitively enough to win a contract under the initial RFOs, prior to the most recent cost reductions.” (PCF Reply Comments on the PD, p. 4)</p>	<p>LSE’s customers. The exception to the RFO requirement will remain for any backstop procurement triggered at the fourth and final trigger after August 1, 2023.” (D.20-12-044, p. 23)</p>	
<p>“The framework proposed by the Ruling leads to unnecessary complexity. Rather than institute a costly and unwieldy system of backstop procurement and a complicated cost allocation mechanism, the Commission should use a monthly penalty fee system for LSEs that fail to meet Commission-set procurement milestones.” (PCF Comments on June 5, 2020 ALJ Ruling, p. 2)</p> <p>PCF argued that the recently extended OTC powerplant retirement deadlines and the new contracts for 3,626 MW of capacity fully bridged the procurement gap called for in D.19-11-016. Thus, backstop triggers were not needed so much as penalty fees for failure to meet procurement deadlines because the system would be able to maintain reliability. (PCF Reply Comments on June 5, 2020 ALJ Ruling, p. 8)</p>	<p>“GPI, PCF, and WEM generally opposed the proposal, primarily arguing that there is no need to reinvent existing procurement compliance arrangements that are already provided by the resource adequacy program...” (D.20-12-044, p. 8)</p> <p>Although the Commission disagreed “with those parties who argue that the resource adequacy program provides enough structure to address compliance with the capacity requirements of D.19-11-016” (D.20-12-044, p. 12), PCF’s contributions enriched the Commission’s deliberations that ultimately led to final Decision.</p>	<p>Verified</p>
<p>“[R]ushed IOU backstop procurement would be unlikely to result in more timely procurement than the original LSE’s procurement planning because the LSE would</p>	<p>The Commission agreed with PCF when it stated that:</p> <p>“if a non-IOU LSE is intending to self-provide capacity, and is suffering only minor delays or other obstacles, it may not make sense to ask an IOU to</p>	<p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>have had nearly a year’s head start.” (PCF Comments on the PD, p. 6)</p>	<p>step in and conduct procurement instead, creating additional costs and potential for duplicating efforts.” (D.20-12-044, p. 12)</p>	
<p>“The Commission could much more simply and efficiently incentivize on-time procurement if the Commission were to assess monthly fines to LSEs that fail to meet procurement trigger milestones. The fines would continue until the LSE completed the specific milestone showing.” (PCF Comments on the June 5, 2020 ALJ Ruling, p. 6)</p>	<p>While the Commission declined to add additional details regarding penalties to the Decision, PCF’s arguments enriched the Commission’s deliberations on the matter. The Commission clearly considered PCF’s reasoning about the need for fines and took PCF’s analysis re: incentivizing timing into account when it declined to detail penalties at this time but acknowledged that LSEs should proceed expeditiously.</p> <p>“There was also much discussion in party comments on the proposed decision (primarily from CalCCA, GPI, PCF, and PG&E; with SCE and SDG&E in reply comments) about whether the Commission should or should not threaten penalties for failure to meet either the D.19-11-016 requirements or responsibilities associated with the framework laid out in this decision. We decline to add any detail at this stage, beyond the statements already included in the decision, and encourage all parties to make their best efforts to execute their procurement responsibilities expeditiously.” (D.20-12-044, p. 24)</p>	<p>Verified</p>
<p>PCF recommended avoiding unbending rules triggering automatic backstop procurement:</p> <p>“If the only trigger point missed by an LSE were the August trigger, then</p>	<p>The Commission agreed PCF’s analysis and set in place review of project delays on a case-by-case basis:</p> <p>“Commission staff will evaluate individual circumstances of specific</p>	<p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
that LSE would likely have nearly completed its procurement at the point backstop procurement would kick-in. In fact, the new generation could possibly be days or weeks away from coming online. To abandon that procurement, which at that point would be 99% complete, and instead transfer procurement responsibility onto an IOU, fails to serve ratepayers.” (PCF Comments on the June 5, 2020 ALJ Ruling, p. 5)	LSEs and specific contracts and recommend to the Commission whether backstop procurement is warranted or whether LSEs should be allowed to continue pursuing contracts that are slightly but reasonably delayed....staff do not need to make a formal written determination to accept a delay as reasonable and warranted.” (D.20-12-044, p. 17)	
“PCF supports the backstop procurement trigger applying only to February 1 deadlines instead of both February and August deadline... PCF supports the PD’s trigger dates with the exception of the final August 2023 trigger” (PCF Comments on the PD, p. 5)	“...parties commented in support of having milestones and triggers similar to those suggested by Commission staff, with some variations.” (D.20-12-044, p. 8)	Verified

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?²	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: GPI and WEM agreed with PCF that a scheduled trigger mechanism could be avoided. PCF agreed with AReM that costs should be carefully allocated to decision making LSEs.		Noted

² 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>However, PCF provided a unique proposal from all other parties that recommended a streamlined approach to procurement and eliminated backstop procurement. While there was some occasional agreement with other parties, PCF provided a unique position in most cases. PCF’s unique positions included rejection of bi-lateral contracts and elimination of a trigger backstop mechanism.</p>	
<p>d. Intervenor’s claim of non-duplication:</p> <p>To the extent PCF’s arguments were similar to other parties’ arguments, they supplemented, complemented, and contributed to the presentations by other parties; and they were neither unproductive nor unnecessary. PCF’s extensive research and knowledge gained from prior participation in IRP proceedings provided a unique perspective to inform the Commission throughout the determination of this Decision. PCF’s unique proposal on backstop procurement eliminated the need for backstops through a program of monthly fines. PCF’s proposal streamlined the process and reduced administrative burden.</p> <p>The interests PCF represents are not otherwise adequately represented at the Commission; no other party has the same perspective, background, and experience as PCF on issues relevant to the determination of this Decision or has focused on the San Diego region. PCF’s comments were necessary for a fair determination of D.20-12-044 because they enriched the Commission’s deliberations and substantially contributed to the Decision’s findings and analyses. As noted in the substantial contribution section, PCF’s substantial contributions were on the issues of allowing partial procurement, restricting bi-lateral contracting, and accepted revisions to the procurement trigger mechanism.</p>	<p>Noted</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>PCF’s advocacy reflected in this request for compensation substantially contributed to a decision that will impact California ratepayers and the</p>	<p>Noted</p>

	CPUC Discussion								
<p>public at large. PCF comments provided meaningful insight that enriched the Commission’s decision-making by opposing the backstop procurement trigger proposal, submitting an alternate proposal, successfully highlighting the need for partial procurement, detailing the weaknesses inherent in authorizing bi-lateral contracts. PCF’s successful arguments have led to increased transparency and reduced costs for customers. PCF provided legal, historical, and technical citations in its recommendations that made a substantial contribution and informed the Commission’s decision-making.</p>									
<p>b. Reasonableness of hours claimed:</p> <p>Energy Analyst Tyson Siegele efficiently prepared comments that avoided redundancy and identified factual inaccuracies in comments filed by other parties. PCF’s hours expended are reasonable and the total amount is substantially lower than if PCF had used an outside attorney or expert. PCF’s energy analyst’s work on related issues in Commission proceedings significantly reduced the hours that would have otherwise been necessary. PCF is not claiming any time spent on administrative matters, such as time spent filing and serving comments. PCF is not claiming time expended by PCF’s board members in developing information or reviewing comments. In an effort to keep costs low, PCF advocate Julia Severson, whose rate is significantly lower than that of Mr. Siegele’s, aided in preparing this request. All of the hours claimed in this request were reasonably necessary to PCF’s participation in the determination of the decision.</p>	Noted								
<p>c. Allocation of hours by issue:</p> <p>Based on the details in the time sheets, the approximate allocation of time spent towards D.20-12-044 is as follows:</p> <table border="1" data-bbox="204 1472 1133 1724"> <tbody> <tr> <td>Issue 1: Backstop Procurement</td> <td>35%</td> </tr> <tr> <td>Issue 2: Order Instituting Rulemaking (scope, schedule, categorization and evidentiary hearing determinations)</td> <td>40%</td> </tr> <tr> <td>Issue 3: Individual Integrated Resource Plan Review</td> <td>10%</td> </tr> <tr> <td>Issue G: General Participation</td> <td>15%</td> </tr> </tbody> </table> <p>D.20-12-044 is the first decision in R.20-05-003 since the significant set of initial comments and proposals launching the proceeding. R.20-05-003 required comments and/or proposals on the following</p>	Issue 1: Backstop Procurement	35%	Issue 2: Order Instituting Rulemaking (scope, schedule, categorization and evidentiary hearing determinations)	40%	Issue 3: Individual Integrated Resource Plan Review	10%	Issue G: General Participation	15%	Noted
Issue 1: Backstop Procurement	35%								
Issue 2: Order Instituting Rulemaking (scope, schedule, categorization and evidentiary hearing determinations)	40%								
Issue 3: Individual Integrated Resource Plan Review	10%								
Issue G: General Participation	15%								

	CPUC Discussion
<p>issues and tasks: the order instituting rulemaking (OIR), proceeding scope, proceeding schedule, and consideration of evidentiary hearings, categorization and other matters.</p> <p>Items associated with these tasks were considered, discussed, revised, and then finalized between May 7, 2020 (the date the Commission issued the OIR) and September 24, 2020. The work completed by the Commission, Commission Staff, and Intervenors during that 5-month timeframe set an ambitious schedule, laid out issues for review, revised the framework for the IRP, and set up the proceeding to successfully navigate the multi-year IRP process ahead.</p> <p>In addition to the tasks required for the launch of the proceeding, the IRP held a number of workshops and webinars such as: the out-of-state assessment overview, the resource-to-busbar mapping, and the offshore wind resource profiles and technology costs webinars. The ALJ also requested comments on the LSEs’ individual integrated resource plans (IIRP) – specifically the IIRP narrative templates.</p> <p>PCF participated in each of the above tasks and provided comments and reply comments as requested for proceeding R.20-05-003.</p>	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Tyson Siegele	2020	148.75	\$280.00	See Comment #1.	\$41,650.00	127.00 [3,4,5]	\$290.00 ³	\$36,830.00
<i>Subtotal: \$41,650.00</i>						<i>Subtotal: \$36,830.00</i>		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Julia Severson	2021	8	\$56.75	½ of hourly rate. See Comment #2.	\$454.00	8	\$56.75 [1]	\$454.00

³ D.20-03-028 approved an hourly rate of \$290 for Siegele’s 2020 work. We apply the same rate to Siegele’s work here.

CLAIMED						CPUC AWARD		
Tyson Siegele	2021	6	\$152.50	½ of requested hourly rate. See Comment #3.	\$915.00	6	\$152.50 [2]	\$915.00
Subtotal: \$1,369.00						Subtotal: \$1,369.00		
Subtotal: \$43,019.00						Subtotal: \$38,199.00		
TOTAL REQUEST: \$43,019.00						TOTAL AWARD: \$38,199.00		
<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. 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>								

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

Attachment or Comment #	Description/Comment
Attachment #1	Certificate of Service
Attachment #2	Time Sheet and Categorization
Attachment #3	Tyson Siegele Resume
Attachment #4	Julia Severson Resume
Comment #1	<p>Tyson Siegele Basis for 2020 Rate:</p> <p>2018: PCF requested an hourly rate for Mr. Siegele per ALJ-357 = \$260 2019: PCF requested an hourly rate for Mr. Siegele equal to the 2018 requested rate + 2.35% COLA = \$266</p> <p>Both hourly rates are pending decision in proceeding R.16-02-007 on an intervenor compensation claim that PCF filed on June 28, 2019.</p> <p>2020: \$266 + 5% step increase = \$280 (rounded to nearest \$5) + COLA to be added for 2020 when COLA is issued.</p>
Comment #2	<p>Julia Severson Basis for 2021 Rate:</p> <p>Per Resolution ALJ-393, PCF calculates new 2021 rates and justifies them herein. Based on the variety of work Ms. Severson completes at PCF,</p>

Attachment or Comment #	Description/Comment
	<p>Ms. Severson is most accurately categorized as “Advocate – Not Otherwise Classified.” Level I of the 2021 rate calculations sets the experience timeline to 0-1 years. Level II sets the experience timeline to 2-5 years. Ms. Severson holds a bachelor’s degree and 1.5 years of experience in the legal field, which exceeds the experience of Level I. Based on her experience and Ms. Severson’s substantial and substantive responsibilities at PCF, PCF requests a 2021 rate of \$113.50, which is commensurate with the high-level rate for Level I. This rate is also the median rate for Paralegals with less than one year of experience. Ms. Severson has more than one year of experience assisting and supporting attorneys with research, which thus also supports Ms. Severson’s requested hourly rate for 2021.</p>
Comment #3	<p>Tyson Siegele Basis for 2021 Rate:</p> <p>Per Resolution ALJ-393, PCF calculates new 2021 rates and justifies them herein. Based on the expert knowledge and experience Mr. Siegele provides to PCF, the organization categorizes his work as “Expert – Not Otherwise Classified.” Mr. Siegele has earned a number of licenses in his career: as an architect, general contractor, and Energy Star Builder. Of those certifications, Mr. Siegele continues to maintain his architecture license which supplements his expertise as an energy analyst by bringing to PCF an in depth understanding the intricate interactions between energy and the built environment. Additionally, Mr. Siegele spent the last 4 years as a leading voice in Southern California’s transition to electric transportation, first as the vice president, and subsequently as the president of the Electric Vehicle Association of San Diego. In recognition of his work as an electric vehicle expert and advocate, Mr. Siegele received the 2019 award “MVP of the Western U.S.” from the Electric Auto Association.</p> <p>Because of Mr. Siegele’s degree in architecture; licenses and certifications in architecture and contracting; leadership in electric transportation; and two decades of experience in energy and the built environment, PCF recommends that the Commission categorize Mr. Siegele as “Expert – Not Otherwise Classified,” “Level V,” and set his hourly rate at \$305, which corresponds to an hourly rate close to the median for his level of experience.</p>

D. CPUC Comments, Disallowances, and Adjustments:

Item	Reason(s)
[1] 2021 Hourly Rate for Severson	D.22-01-017 approved a 2021 hourly rate of \$113.50 for Severson.

Item	Reason(s)
[2] 2021 Hourly Rate for Siegele	PCF requests a 2021 hourly rate of \$305 for Siegele. This is a \$15 increase over his 2021 rate of \$290 approved in D.20-03-028. We have reviewed Siegele’s resume which indicates 20+ years of expertise in the energy and building environment. PCF’s rate request places Siegele at the median level of the mid-high range for Level 5 Experts- Not Otherwise Classified and supported by Resolution ALJ-393. We find the rate request justified and reasonable and approve it here.
[3] 2020 Siegele time spent “reviewing OIR comments”	Between 6/30/20 and 7/3/20, Siegele logged 10.5 hours “reviewing OIR comments.” These hours are 50% higher than time recorded by other intervenors for this same task. As such, we reduce PCF’s time spent on this issue by 50% and disallow 5.25 hours for Siegele.
[4] 2020 Siegele time spent on OIR comments	Between 6/12/20 and 6/15/20 Siegele logged 31.5 hours for reviewing the OIR, researching issues to address in OIR, completing outlines and issues on renewable integration resource and bundled procurement plans and completing OIR comments. We particularly note that on 7/5/20 he spent 10 hours and the following day he spends 5.5 hours. We find this excessive given the brevity of the document and PCF’s contribution. We disallow 8 hours for excessiveness.
[5] 2020 Siegele time spent on drafting backstop procurement comments	Between 7/20/20 and 7/24/20, Siegele spent 24 hours for “drafting backstop procurement comments and filing reply comments. We find this excessive as PCF’s comments were 10 pages. We disallow 6 hours for excessiveness and disallow the 0.5 hours for “filing reply comments” as this is a non-compensable clerical task.

PART IV: OPPOSITIONS AND COMMENTS

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

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

FINDINGS OF FACT

1. The Protect Our Communities Foundation has made a substantial contribution to D.20-12-044.
2. The requested hourly rates for Protect Our Communities Foundation’s representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.

3. The claimed expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$38,199.00.

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 \$38,199.00.
2. Within 30 days of the effective date of this decision, Southern California Electric Company, Pacific Gas and Electric Company and San Diego Gas & Company shall pay Protect Our Communities Foundation their shares of the award, based on their California-jurisdictional electric 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 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 May 5, 2021, the 75th day after the filing of Protect Our Communities Foundation 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:	D2204051	Modifies Decision?	No
Contribution Decision(s):	D2012044		
Proceeding(s):	R2005003		
Author:	ALJ Fitch		
Payer(s):	Southern California Electric Company, Pacific Gas & Electric Company, and Southern California Edison Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier	Reason Change/ Disallowance
Protect Our Communities Foundation	02/19/2021	\$43,019	\$38,199.00	N/A	Adjusted hourly rates, excessive hours, disallowance of clerical work

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Tyson	Siegele	Expert	\$280	2020	\$290
Tyson	Siegele	Expert-Not Classified	\$305	2021	\$305 ⁴
Julia	Severson	Law Student	\$113.50	2021	\$113.50

(END OF APPENDIX)

⁴ Siegele's 2021 work in this proceeding was for non-substantive intervenor compensation preparation.