ALJ/CR2/nd3 **Date of Issuance 5/24/2022**

Decision 22-05-028 May 19, 2022

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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| --- | --- |
| Order Instituting Rulemaking Regarding Microgrids Pursuant to Senate Bill 1339 and Resiliency Strategies. | Rulemaking 19‑09‑009 |

**DECISION GRANTING COMPENSATION TO**

**CALIFORNIA ENVIRONMENTAL JUSTICE ALLIANCE**

**FOR SUBSTANTIAL CONTRIBUTION TO DECISION (D.) 20‑06‑017 AND D.21‑01‑018**

|  |  |
| --- | --- |
| **Intervenor:** California Environmental Justice Alliance | **For contribution to Decision (D.) 20‑06‑017 and D.21‑01‑018** |
| **Claimed:** $91,038.31 | **Awarded:** $91,119.75 |
| **Assigned Commissioner:** Genevieve Shiroma | **Assigned ALJ:** Colin Rizzo |

**PART I: PROCEDURAL ISSUES**

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| --- | --- |
| **A. Brief description of Decision:**  | D.20‑06‑017 adopts short‑term actions to accelerate the deployment of microgrids pursuant to Senate Bill (SB) 1339, including accelerating interconnection for wildfire resiliency; modernizing tariffs to allow storage devices to charge during public safety power shutoff (PSPS) events; promoting engagement between investor‑owned utilities (IOUs) and local and tribal governments; and approving IOU resiliency proposals including temporary diesel backup generation.D.21‑01‑018 adopts microgrid rates, tariffs, and rules for IOUs; tasks the Resiliency and Microgrids Working Group with developing tariff proposals; requires the large IOUs to create a Microgrid Incentive Program; and adopts an Interim Approach for Minimizing Emissions from Generation During Transmission Outages. |

1. **Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801‑1812:[[1]](#footnote-2)**

|  | **Intervenor** | **CPUC Verification** |
| --- | --- | --- |
| **Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):** |
| 1. Date of Prehearing Conference: | December 17, 2019 | Verified |
| 2. Other specified date for NOI: | N/A |  |
| 3. Date NOI filed: | January 16, 2020 | 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.19‑11‑009 | Verified |
| 6. Date of ALJ ruling: | March 13, 2020 | Verified |
| 7. Based on another CPUC determination (specify): | D.18‑10‑051;D.19‑11‑012,D.20‑02‑022,D.20‑02‑065,D.21‑02‑020 | Verified |
| 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.19‑11‑009 | Verified |
| 10. Date of ALJ ruling: | March 13,2020 | Verified |
| 11. Based on another CPUC determination (specify): | D.18‑10‑051;D.19‑11‑012,D.20‑02‑022,D.20‑02‑065, D.21‑02‑020 | Verified |
| 12. Has the Intervenor demonstrated significant financial hardship? | Yes |
| **Timely request for compensation (§ 1804(c)):** |
| 13. Identify Final Decision: | D.20‑06‑017;D.21‑01‑018 | Verified |
| 14. Date of issuance of Final Order or Decision:  | June 17, 2020; January 21, 2021 | Verified |
| 15. File date of compensation request: | March 22, 2021 | Verified |
| 16. Was the request for compensation timely? | Yes |

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

| **#** | **Intervenor’s Comment(s)** | **CPUC Discussion** |
| --- | --- | --- |
| 1 | The California Environmental Justice Alliance (CEJA) is an alliance of nonprofit, public interest, and grassroots environmental justice organizations working to achieve environmental justice for low‑income communities and communities of color throughout the state of California. CEJA is an unincorporated organization that is fiscally sponsored by the Environmental Health Coalition. CEJA’s organizations represent utility customers throughout California that are concerned about their health and the environment. In particular, CEJA is advocating for policies at the federal, state, regional and local levels that protect public health and the environment. CEJA is also working to ensure that California enacts statewide climate change policies that protect low‑income communities and communities of color. | Noted |

**PART II: SUBSTANTIAL CONTRIBUTION**

1. **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** |
| --- | --- | --- |
| Issue A: Short‑Term Fossil Fuel Use: Temporary GenerationCEJA strongly opposed utility proposals to procure a significant amount of fossil‑powered generation, highlighting the disproportionate health, safety, and environmental burdens borne by disadvantaged communities from fossil fuel generation. CEJA urged the Commission to reject IOU proposals for fossil fuel‑powered temporary generation and argued that fossil fuels should be a last resort. If the Commission found it necessary to authorize fossil fuels for PSPS mitigation in 2020, CEJA asked that the authorization be limited to only the 2020 fire season. In addition, CEJA asked that the Commission require IOUs to submit specific information after PSPS events detailing the use of fossil‑fuel generation, including the CalEnviroScreen score for the locations where fossil‑fuel generation would be used. The Commission’s Track 1 decision, D.20‑06‑017, approved limited use of temporary diesel generation for PSPS events in the 2020 fire season. Consistent with CEJA’s advocacy, the Commission only approved fossil generation for the 2020 fire season. As CEJA requested, the Commission recognized the health risks of fossil fuel generation, using these risks to justify limits. The Commission required PG&E to submit a compliance filing listing a summary of criteria pollutant and greenhouse gas (GHG) emissions for each diesel generation location, in addition to the location’s CalEnviroScreen percentile. The reporting requirement closely mirrors CEJA’s recommendation. | D.20‑06‑017, pp. 81‑82 (adopting CEJA’s recommendation to limit diesel generation to the 2020 fire season).D.20‑06‑017, pp. 82‑83 (acknowledging that diesel generation cannot be a long‑term resiliency strategy). D.20‑06‑017, p. 82 (“large diesel generators – even when localized in select areas – present potential health risks for individuals who live or work near a temporary generation site”).D.20‑06‑017, p. 82 (balancing harms of “limited, localized use of temporary diesel generation” against providing for “public health, safety, welfare and societal continuity”).D.20‑06‑017, p. 83 (requiring PG&E compliance filings to list a summary of: emissions by criteria air pollutant factors, GHG emissions, CalEnviroScreen percentile, and other criteria justifying use of diesel generation). CEJA Jan. 30, 2020 Opening Comments on Track 1, p. 13‑16 (arguing that authorizing diesel generation is counter to state and Commission policy prioritizing renewable generation). CEJA Jan. 30, 2020 Opening Comments on Track 1, pp. 12, 15‑16, 21‑22, 24‑25 (highlighting the harmful health and environmental effects of fossil fuel generation).CEJA Feb. 6, 2020 Reply Comments on Track 1, pp. 9, 10‑11, 14‑15 CEJA Feb. 6, 2020 Reply Comments on Track 1, pp. 9, 11‑13 (recommending that if the Commission approves diesel generation, it should be limited to 2020)CEJA April 21, 2020 Notice of Ex Parte Communication, pp. 4‑5 (recommending requirement that IOUs report temporary generation location, duration, and type of generation used after PSPS events).CEJA May 19, 2020 Comments on Proposed Decision, pp. 11‑14. | Verified |
| Issue A: Short‑Term Fossil Fuel Use: Creation of a Separate Diesel Alternatives ProcessCEJA advocated for a clear process to transition the utilities away from diesel backup generation, and to use clean, zero‑emissions generation sources instead. CEJA argued that the Commission should establish a firm timeline for this transition and that the Commission should hold the utilities accountable to this timeline. If the Commission found diesel generation necessary for 2020, CEJA requested that the Commission adopt a timeline to transition to clean energy by the 2021 wildfire season.In response, the Commission initiated a separate “diesel alternatives” process to examine clean alternatives to diesel backup generation, and to establish a plan to transition the utilities to renewable backup generation. The Commission solicited comments on proposed alternative methods to minimize emissions from power outage generation, addressing CEJA’s concern over the lack of structured process to implement renewables. | D.20‑06‑017, pp. 82‑83 (describing Commission’s initiation of a transition away from diesel to clean backup generation and dispelling notion that diesel can be a long‑term solution). D.20‑06‑017, p. 83 (inviting stakeholders to submit comments on alternatives).CEJA Jan. 30, 2020 Opening Comments on Track 1, pp. 22‑23 (describing concern over uncertain timeline for deployment of renewable generation, noting PG&E and SCE’s open‑ended statements, committing the utilities to “researching” non‑fossil‑fuel‑based alternatives without concomitant assurances that they would adopt such options later)CEJA Feb. 6, 2020 Reply Comments on Track 1, pp. 11‑13 (recommending that IOUs be required to transition to clean energy by 2021 fire season). | Verified |
| Issue B: Community Engagement and Outreach in Resiliency Planning & Semi‑Annual Workshops with Local Government CEJA repeatedly pushed the Commission to prioritize and facilitate community engagement in the development of resiliency and microgrid solutions. CEJA emphasized that “communication with local governments should not be a replacement for community engagement” and stressed the need to “establish a mechanism for community‑based organizations to lead the development of microgrid projects.” In D.20‑06‑017 the Commission directed the utilities to host semi‑annual workshops with local and tribal governments to collaborate on grid resiliency planning. In detailing the structure of those workshops, the Commission directed the utilities to contact and invite community organizations to participate. Additionally, an increased emphasis on community engagement is evident in the Commission’s instructions to the utilities to enumerate in their Tier 2 Advice Letter filing how these workshops will reflect outreach to community organizations. | D.20‑06‑017, p. 46 (directing utilities to conduct semi‑annual resiliency planning workshops)D.20‑06‑017, p. 49 (directing the utilities to “contact any other community organization – such as those that represent and support vulnerable populations like disadvantaged communities . . . that could provide input to enhance engagement on effective selection and implementation of community resiliency”) (citing to CEJA Jan. 30, 2020 Opening Comments on Track 1, p. 10).D.20‑06‑017, pp. 52‑53 (directing the utilities to discuss how the required planning session will reflect “[o]utreach to community organizations, including representation of disadvantaged communities”)CEJA Jan. 30, 2020 Opening Comments on Track 1, pp. 10‑11.CEJA Feb. 6, 2020 Reply Comments on Track 1, pp. 4‑5. | Verified |
| Issue C: Expanding Eligibility for PG&E’s CMEP Program CEJA urged the Commission to expand eligibility criteria for PG&E’s Community Microgrid Enablement Program (CMEP) beyond those areas located in Tier 2 or Tier 3 High Fire Threat Districts. CEJA argued that, under PG&E’s proposed criteria, communities who were vulnerable to PSPS events but were not actually located in High Fire Threat Districts would be prevented from participating. The Commission agreed with CEJA’s reasoning in holding that eligibility for the CMEP should apply to all areas prone to outage events. Further, the Commission’s direction to PG&E to prioritize vulnerable communities that apply for CMEP funds is in line with CEJA’s request that disadvantaged and vulnerable communities be prioritized in identifying short‑term solutions in Track 1. | D.20‑06‑017, p. 85 (“We agree with CEJA that eligibility for CMEP should be expanded to all areas prone to all outage events, not just Tier 2 and 3 HFTDs”)D.20‑06‑017, p. 85 (directing PG&E to “incorporate criteria for its CMEP to prioritize vulnerable communities and customers with access and function needs”).CEJA Jan. 30, 2020 Opening Comments on Track 1, pp. 4, 17‑18. | Verified |
| Issue D: Improving Interconnection Timelines for Disadvantaged CommunitiesCEJA pushed the Commission to address the complexity and varying approval times for interconnection queue approvals that lead to high costs and prevent more widespread and rapid development of functioning microgrids. CEJA proposed criteria for prioritizing projects, including: (1) projects that directly serve vulnerable and disadvantaged communities, or (2) are proposed by and sited in disadvantaged communities. CEJA argued that projects meeting those criteria should be eligible to “queue jump” and receive priority in the interconnection queue. Further, CEJA endorsed the criteria for “key sites and locations” identified in the ALJ Ruling generally but pushed the Commission to adopt a uniform definition of Disadvantaged Communities that utilizes criteria capturing climate risk, population sensitivity, and adaptive capacity.While the Commission did not adopt queue jumping or CEJA’s proposed alternative criteria for determining prioritization in the interconnection process, the Commission adopted three measures for prioritizing and streamlining interconnection applications for key resiliency projects. The three Proposals are aimed at improving interconnection queue processing and simplifying the application process. While the Commission did not agree with CEJA’s position on interconnection prioritization, it did consider queue jumping as a possible solution. | CEJA Jan. 30, 2020 Opening Comments on Track 1, pp. 5‑8.CEJA Jan. 30, 2020 Opening Comments on Track 1, pp. 8‑9 (proposing criteria for prioritizing interconnection projects and definition for disadvantaged communities).D‑20‑06‑017, pp. 23‑32 (discussing Staff Proposals adopted and the Commission’s approach and reasoning).D‑20‑06‑017, pp. 30‑32 (declining to adopt queue jumping at this stage because it could result in “cost allocation and administrative issues that should be dealt with prior to queue jumping implementation”). | Verified |
| Issue E: Long‑Term Fossil Fuel Use in Temporary GenerationCEJA urged the Commission to require utilities to use zero‑emission backup generation, instead of the fossil fuel and biofuel options that the utilities proposed. CEJA argued that zero‑emission generation would reduce local air pollution and GHG emissions and would reduce the disproportionate impacts of pollution on vulnerable communities. In response to the proposed Interim Approach, CEJA asked the Commission to clarify and strengthen its percentage based GHG emissions targets and advocated against the use of Tier 2 Diesel as a baseline for GHG emissions reductions because it would be insufficiently protective. D.21‑01‑018 approved an Interim Approach for minimizing emissions from generation during transmission outages. Though this Interim Approach allows utilities to procure fossil fuel‑powered backup generation in 2021, the Commission responded to CEJA’s concerns by establishing more protective emissions standards for generation in 2022 and beyond and requiring utilities to develop plans to establish clean substation microgrids. The Interim Approach also set forth a process to transition to clean generation after 2021. In response to CEJA’s concern over the adequacy of the percentage based GHG emissions reductions, the Commission removed them in its final decision and instead adopted a standard based on the GHG emissions of the grid. The Commission adopted a standard in relation to overall grid GHG emissions rather than Tier 2 Diesel, as CEJA requested. | D.21‑01‑018, p. A‑2 to A‑3 (allowing IOUs in 2021 to contract for generation for up to 3 years only if generation reduces particulate matter and NOx emissions by 90% as compared to Tier 2 diesel).D.21‑01‑018, A‑3 (considering the “particularly high emissions of harmful air pollutants” from diesel to justify the Commission’s expectation that utilities minimize its use). D.21‑01‑018, Appendix A, p. A‑5, (requiring GHG emissions to be “roughly equivalent to, or less than, emissions from the current grid mix” and completed permanent projects to “demonstrate a fully renewable microgrid”).D.21‑01‑018, A‑6 to A‑8 (setting forth requirements for utilities’ June 2021 application declaring details of planned transition to clean temporary generation in 2022).CEJA Sept. 25, 2020 Opening Comments on Minimizing Emissions from Generation During Outages, pp. 3‑6, 11 (asking Commission to prioritize renewable backup generation due to health and environmental impacts of fossil fuels on disadvantaged communities). CEJA Sept. 25, 2020 Opening Comments on Minimizing Emissions from Generation During Outages, p. 6 (discussing SDG&E Generator Grant Program providing renewable generators to customers as an example of a feasible solution for disadvantaged ratepayers). CEJA Sept. 25, 2020 Opening Comments on Minimizing Emissions from Generation During Outages, pp. 16‑17 (finding the Interim Approach proposal’s percentage based GHG goals ambiguous and asking for clarification as to when generation assets must meet the targets). CEJA Oct. 2, 2020 Reply Comments on Minimizing Emissions from Generation During Outages, p. 12 (advocating against Tier 2 Diesel as a baseline for GHG emissions reductions).CEJA Oct. 2, 2020 Reply Comments on Minimizing Emissions from Generation During Outages, p. 6‑9. | Verified |
| Issue F: Microgrid Incentive Program: Scoring and Prioritization Criteria CEJA strongly advocated for a scoring priority system for determining microgrid project eligibility and argued that the scoring prioritization system should be developed through a stakeholder process, stating that developed criteria “must allow meaningful prioritization of vulnerable and disadvantaged communities.” The Commission agreed.CEJA provided follow‑up recommendations for the development and implementation of this process, including specifying that development should occur through a public stakeholder workshop and identifying specific ways to develop on Staff’s proposed criteria. The Commission adopted CEJA’s proposal of using public workshops to develop eligibility criteria.CEJA also proposed an alternative definition of critical facilities eligible for the Microgrid Incentive Program, stressing that certain facilities such as community centers and libraries play a critical role in safety during power shutoffs and extreme heat events, and can provide additional benefits to multiple consumers if included in microgrid projects. While the Commission did not agree with CEJA’s position, it did make note of CEJA’s contributions on that topic and addressed the issue. | D. 21‑01‑018 Track 2, pp. 64‑65 (adopting a scoring system that targets projects for “resiliency and equity,” and stating that “the scoring criteria shall be developed through a stakeholder process during the working groups and/or public workshops”).D. 21‑01‑018, p. 61 (instructing the IOUs to develop Microgrid Incentive Program implementation details, including scoring criteria through “public workshops”).D. 21‑01‑018, pp. 34‑35 (rejecting modifications to the critical facilities list).D. 21‑01‑018, p. 56 (acknowledging CEJA’s contributions on critical facilities).CEJA Aug. 14, 2020 Opening Comments on Staff Proposals, p. 5 (recommending a scoring prioritization system developed through a stakeholder workshop).CEJA Aug. 14, 2020 Opening Comments on Staff Proposals, pp. 7‑8 (suggesting an expanded list of critical facilities, including community‑facing facilities).CEJA Aug. 14, 2020 Opening Comments on Staff Proposals, pp. 10‑12 (describing a stakeholder process for developing community criteria).CEJA Aug. 28, 2020 Reply Comments on Staff Proposals, pp. 4‑5 (requesting the expansion of the definition of critical facilities).CEJA Aug. 28, 2020 Reply Comments on Staff Proposals, pp. 5‑8 (providing rationale for the use of stakeholder workshops to develop scoring criteria).CEJA Dec. 28, 2020 Comments on Proposed Decision, pp. 3‑7 (urging the Commission to expand the definition of critical facilities).CEJA Dec. 28, 2020 Comments on Proposed Decision, pp. 9‑11 (describing the necessity of developing prioritization criteria through a stakeholder workshop process).CEJA Jan. 4, 2021 Reply Comments on Proposed Decision, pp. 2‑3 (requesting that the Commission adopt a new definition of “critical community infrastructure”).CEJA Jan. 4, 2021 Reply Comments on Proposed Decision, pp. 4‑5 (suggesting that the Commission provide clear objectives for stakeholder workshops). | Verified |
| Issue F: Microgrid Incentive Program: Subscription Limit and Project FundingCEJA urged the Commission to remove the project subscription limit for microgrids in vulnerable communities, arguing that such a limit obstructed “valuable information about the number of microgrid projects that are able to reach commercial operations.” The Commission agreed with CEJA’s position and stated that a subscription limit “may not be necessary.” The Commission declined to adopt a project subscription limit for the microgrid incentive program, leaving further discussion on limits to stakeholder workshops.CEJA advocated that funding for projects should not be limited to ratepayers within the same county, arguing that doing so would exacerbate existing inequalities, and that the purpose of these projects is to increase equity and resiliency in vulnerable communities.The Commission agreed with CEJA’s position, because “this [same‑county limitation] is inequitable to an already vulnerable group of customers” and that the Commission should “promote microgrids in vulnerable communities for the sake of resiliency and for purposes of equity.”CEJA argued that the incentive program should include funding for utility infrastructure costs associated with a community microgrid. The Commission agreed, instructing the IOUs to “ensure their customers have access to a one‑time matching funds payment to offset some portion of the utility upgrade costs associated with implementing the islanding function of the microgrid.” | D. 21‑01‑018, p. 62 (examining funding for utility infrastructure costs).D. 21‑01‑018, pp. 63‑64 (discussing same‑county funding restriction and deciding that “the costs shall be allocated to all distribution customers of the relevant IOU”).D. 21‑01‑018, p. 65 (declining to adopt a subscription limit for the microgrid incentives program)CEJA Aug. 14, 2020 Opening Comments on Staff Proposals, pp. 4‑5 (opposing same‑county limitations on funding from ratepayers).CEJA Aug. 14, 2020 Opening Comments on Staff Proposals, pp. 5‑6 (opposing a project subscription limit).CEJA Aug. 14, 2020 Opening Comments on Staff Proposals, p. 6 (supporting Staff’s recommendation to include funding for utility infrastructure costs).CEJA Dec. 28, 2020 Comments on Proposed Decision, pp. 7‑9 (describing necessary modifications to ensure the incentive program will serve vulnerable and disadvantaged communities).CEJA Jan. 4, 2021 Reply Comments on Proposed Decision, pp. 1‑2 (arguing for compensation to microgrid owners for grid services in disadvantaged and vulnerable communities). | Verified |

1. **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]](#footnote-3)** | Yes | Verified |
| **b. Were there other parties to the proceeding with positions similar to yours?**  | Yes | Verified |
| **c. If so, provide name of other parties:** Parties that took similar positions to CEJA on some issues were GRID Alternatives, Sierra Club, Public Advocates, and the Center for Accessible Technology.  | Verified |
| **d. Intervenor’s claim of non‑duplication:** Throughout the proceeding, CEJA communicated with the potentially allied parties named above to coordinate strategy and responses. Collaborating significantly minimized time spent drafting, researching, and analyzing issues. These coordination efforts also avoided the potential for duplication. CEJA focused its efforts on comments related to disadvantaged and vulnerable communities, since CEJA was the only active party directly representing environmental justice communities. CEJA’s comments provided analysis, research and data which highlighted its own arguments from the perspectives of an alliance of environmental justice organizations and environmental protection organizations. These varying perspectives avoided duplication by creating complementary and supplemental positions and approaches to the issues that helped the Commission more thoroughly evaluate the issues. | Noted |

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

|  | **CPUC Discussion** |
| --- | --- |
| **a. Intervenor’s claim of cost reasonableness:** CEJA participated in all major aspects of this time‑intensive, complicated proceeding, including filing multiple comments related to the definition of critical facilities, issues of temporary generation, and programs for supporting microgrids in vulnerable communities.CEJA’s filings reflected detailed substantive analysis. The comments CEJA submitted in this portion of the proceeding included significant legal, policy, and technical research on the many topics raised by the Commission’s rulings, workshops, and decisions. CEJA’s extensive participation and detailed filings ensured the Commission had sufficient information to make determinations from the record. CEJA’s participation helped to ensure that the Commission made progress towards its goal of facilitating the commercialization of microgrids pursuant to SB 1339, while also making progress towards the goals articulated in the Commission’s Environmental and Social Justice Action Plan. The majority of the work that CEJA performed in this proceeding was focused on how the proposed actions impact the communities CEJA represent, and how these communities could benefit from access to microgrids. Many of the collaboration hours were spent discussing the importance of aspects of the proposals with other parties in the proceeding to develop alignment on these issues that are critical to the communities CEJA represents.CEJA spent significant time writing detailed comments to ensure that the Commission and the Energy Division staff had the information needed to make informed decisions. Developing these many sets of detailed comments required significant research and an analysis of technical information and filings by dozens of parties. The major core positions of CEJA were adopted in the Final Decisions. The core considerations related to temporary generation, the Microgrid Incentive Program, and access to microgrids in vulnerable communities are hard to quantify monetarily, but they will significantly impact ratepayers throughout the State who experience energy reliability issues and have a desire to participate in energy decisions made in their community. CEJA’s request for fees and costs is likely to be a very small portion of the benefits that utility customers are likely to ultimately realize due to the development of microgrids promoting resiliency, the increased public participation in microgrid development, and the energy justice benefits to vulnerable communities.  | Noted |
| **b. Reasonableness of hours claimed:** As mentioned above, CEJA participated in all major aspects of theproceeding, including filing multiple comments, participating in ex parte meetings, and coordinating with multiple parties. CEJA’s total filings are reflected in many pages of detailed substantive analysis. CEJA often had to analyze dozens of filings to develop comments and critiques of other parties. The amount of time CEJA spent on this portion of the proceeding is reasonable considering CEJA’s extensive participation in and contribution to a wide range of outcomes. Furthermore, CEJA’s hours are likely very low considering the number of filings, meetings, wide range of issues, and parties in this proceeding. CEJA’s submitted significant legal, policy, and technical research on the topics raised by the Commission’s ultimate decision. As one of the only parties directly representing disadvantaged communities, CEJA took the lead on all issues that directly impacted the communities we represent.CEJA was conscious of limiting hours and time spent on the proceeding. Heather Lewis, an experienced attorney, took on the lead role in the proceeding. She supervised clinical law students who performed much of the research, analysis, and writing in the proceeding. They coordinated with co‑counsel Tyler Earl to assure that internal duplication was avoided. This coordination reduced the number of hours required to develop briefs and comments for their own work. Ms. Lewis, as a supervisor with the University of California Berkeley Environmental Law Clinic, was conscious of using staff with the appropriate amount of work experience for the tasks they performed; tasks that were appropriate for law students were mainly handled by law students, while Ms. Lewis handled tasks that required the work of a more experienced attorney. This kept fees reasonable. For instance, law students took a lead role in research, writing briefings, and participating in meetings and workshops. The briefings CEJA submitted in this proceeding included significant amounts of research on many topics, and much of this research was done by law student clinicians.CEJA is not requesting hours that its attorneys found to be duplicative or excessive, and they performed a thorough and detailed review of hours to ensure there is no unnecessary duplication or excessiveness. For example, CEJA removed all hours related to discussions with CEJA members related to the proceeding and its decision. CEJA also removed all hours related to supervisory meetings between Ms. Lewis and clinical law students. | Noted |
| **c. Allocation of hours by issue:** CEJA has allocated all of our attorney and advocate time by issue area or activity, as evident by our attached timesheets. The following issues allocate hours by specific substantive issues and activity areas addressed by CEJA. CEJA also provides an approximate breakdown of the number of hours spent on each task and the percentage of total hours devoted to each category.Issue A: Short Term Fossil Fuel Use (125.9 hours – 25.4% of total)Work on issues related to short term fossil fuel use includes time spent researching legal and factual issues, research of other agencies’ findings and documents, discussions with other groups, receiving input from various advocates, drafting technical and legal comments, and responding to critiques raised by other parties.Issue B: Community Engagement and Outreach in Resiliency Planning & Semi‑Annual Workshops with Local Government (30.7 hours – 6.2% of total)Work on issues related to community engagement and outreach includes time spent in discussions with other groups, receiving input from various environmental justice advocates, drafting technical and legal comments, and responding to critiques raised by other parties.Issue C: Expanding Eligibility for PG&E’s CMEP Program (12.9 hours – 2.6% of total)Work on issues related to expanded eligibility for CMEP includes time spent researching legal and factual issues, in discussions with other groups, receiving input from various environmental justice advocates, and drafting technical and legal comments.Issue D: Improving Interconnection Timelines for Disadvantaged Communities (24.9 hours – 5.0% of total)Work on issues related to interconnection timelines includes time spent researching legal and factual issues, research of other agencies’ findings and documents, discussions with other groups, receiving input from various environmental justice advocates, drafting technical and legal comments, and responding to critiques raised by other parties.Issue E: Long Term Fossil Fuel Use in Temporary Generation (180.2 hours – 36.4% of total)Work on issues related to long term fossil fuel use includes time spent researching legal and factual issues, research of other agencies’ findings and documents, participating in workshops, discussions with other groups, receiving input from various environmental justice advocates, drafting technical and legal comments, and responding to critiques raised by other parties.Issue F: Microgrid Incentive Program (36.5 hours – 7.4% of total)Work on issues related to the microgrid incentive program includes time spent researching other agencies’ findings and documents, discussions with other groups, receiving input from various environmental justice advocates, drafting technical and legal comments, and responding to critiques raised by other parties.Issue G: General Participation (48.7 hours – 9.8% of total)General participation work is work that is essential to participation in the proceeding that typically spans multiple issues and/or is necessary for participating in the proceeding. This includes reviewing the initial Commission rulings, initial review of proposals by Commission Staff, and work coordinating with other parties on general issues. If discussions with other parties were focused on a particular issue, those hours are allocated under that issue. Issue H: Intervenor Compensation (35.5 hours – 7.2% of total)Work preparing this request for compensation and analyzing the initial Commission decision related to compensation. CEJA submits that given the broad and extensive nature of this proceeding, this information should suffice to address the allocation requirement under the Commission’s rules. If the Commission wishes to see additional or different information at this point, CEJA requests that the Commission inform it and provide a reasonable opportunity to supplement this showing accordingly. | Noted |

1. **Specific Claim:\***

| **Claimed** | **CPUC Award** |
| --- | --- |
| **ATTORNEY, EXPERT, AND ADVOCATE FEES** |
| **Item** | **Year** | **Hours** | **Rate $** | **Basis for Rate\*** | **Total $** | **Hours** | **Rate $** | **Total $** |
| Heather Lewis | 2019 | 8.8 | $320.00 | D.15‑10‑011, Resolution ALJ‑357, Comment 1 | $2,816.00 | 8.80 | $330.00[1] | $2,904.00 |
| Heather Lewis | 2020 | 146.0 | $330.00 | D.15‑10‑011, Resolution ALJ‑387, Comment 1 | $48,193.66 | 146.00 | $340.00[2] | $49,640.00 |
| Heather Lewis | 2021 | 1.5 | $413.00 | D.15‑10‑011, Resolution ALJ‑393, Comment 1 | $619.5.00 | 1.50 | $415.00[3] | $622.50 |
| Tyler Earl | 2019 | 13.1 | $180.00 | Resolution ALJ‑357, Comment 2 | $2,358 | 13.10 | $180.00 | $2,358.00 |
| Tyler Earl | 2020 | 30.7 | $195.00 | Resolution ALJ‑387, Comment 2 | $5,986.50 | 30.70 | $195.00 | $5,986.50 |
| Tyler Earl | 2021 | 1.3 | $305.00 | Resolution ALJ‑393, Comment 2 | $396.50 | 1.30 | $305.00[4] | $396.50 |
| Amee Raval (Advocate) | 2020 | 12.1 | $170.00 | D.19‑10‑046, Resolution ALJ‑387, Comment 3 | $2,057 | 12.10 | $170.00 [5] | $2,057.00 |
| ***Subtotal: $62,427.16*** | ***Subtotal: $63,964.50*** |
| **OTHER FEES****Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel \*\*, etc.):** |
| **Item** | **Year** | **Hours** | **Rate $** | **Basis for Rate\*** | **Total $** | **Hours** | **Rate $** | **Total $** |
| Clinical Law Students | 2020 | 246.3 | $100.00 | D.16‑10‑016, D.19‑01‑013, Comment 4 | $24,630 | 246.30 | $100.00 | $24,630.00 |
| ***Subtotal: $24,630.00*** | ***Subtotal: $24,630.00*** |
| **INTERVENOR COMPENSATION CLAIM PREPARATION \*\*** |
| **Item** | **Year** | **Hours** | **Rate $** | **Basis for Rate\*** | **Total $** | **Hours** | **Rate $** | **Total $** |
| Heather Lewis | 2021 | 4.1 | $206.50 | D.04‑04‑012 | $846.65 | 4.10 | $207.50 | $850.75 |
| Tyler Earl | 2020 | 2.2 | $97.50 | D.04‑04‑012 | $214.50 | 2.20 | $97.50 | $214.50 |
| Clinical Law Students | 2021 | 29.2 | $100.00 | D.04‑04‑012 | $2,920 | 29.20 | $50.00 [6] | $1,460.00 |
| ***Subtotal: $3,981.15*** | ***Subtotal: $2,525.25*** |
| ***TOTAL REQUEST: $91,038.31*** | ***TOTAL AWARD: $91,119.75*** |
|  \*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. \*\*Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer’s normal hourly rate  |
| **ATTORNEY INFORMATION** |
| **Attorney** | **Date Admitted** **to CA BAR[[3]](#footnote-4)** | **Member Number** | **Actions Affecting Eligibility (Yes/No?)****If “Yes”, attach explanation** |
| Heather Lewis | December 3, 2013 | 291933 | No |
| Tyler Earl | June 5, 2018 | 320771 | No |

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

| **Attachment** **or Comment #** | **Description/Comment** |
| --- | --- |
| Attachment 1 | Certificate of Service |
| Attachment 2 | Timesheets |
| Attachment 3 | Resumes of Tyler Earl, Heather Lewis, and Amee Raval |
| Comment 1 | Heather Lewis is a Clinical Supervising Attorney in UC Berkeley’s Environmental Law Clinic. Ms. Lewis has practiced public interest law in California for over seven years. Before joining the Clinic, she was an associate attorney at Earthjustice, a staff attorney at ChangeLab Solutions, and a legal fellow at Communities for a Better Environment. Ms. Lewis graduated from NYU School of Law in 2013. Ms. Lewis’s resume is attached to this request.Pursuant to Resolution ALJ‑387, CEJA requests an hourly rate for Ms. Lewis of $320 for work in 2019 and $330 for work in 2020. The Commission previously awarded Ms. Lewis a rate of $165 for work in 2014, in D.15‑10‑011. The hourly rates requested for Ms. Lewis reflect her previously adopted rates and years of expertise in environmental and energy law and policy. These rates are the lowest rates for an attorney with her experience. Pursuant to Resolution ALJ‑393 and The Commission’s Market Rate Study Hourly Rate Chart, CEJA requests a rate of $413 for Ms. Lewis’s work in 2021. This is the median rate for an attorney with her experience (Attorney Level III).  |
| Comment 2 | Tyler Earl is a Staff Attorney with Communities for a Better Environment, a CEJA member organization. In law school, he furthered his study of environmental law by interning with the U.S. Department of Justice’s Environmental Enforcement Section and the California Public Utilities Commission and helped severely disadvantaged clients through internships at the Working Peoples’ Law Center and USC’s Post‑Conviction Justice Project. He also volunteered with the Los Angeles chapter of the National Lawyers Guild to protect the First Amendment rights of demonstrators as a legal observer. He graduated with a B.A. in History and Political Science from Cal Poly San Luis Obispo and earned a J.D. from the University of Southern California Gould School of Law in 2017. Mr. Earl’s resume is attached to this request.CEJA requests an hourly rate of $180 for Mr. Earl in 2019, which is the lowest rates for an attorney of his experience. For his work in 2020, CEJA requests a rate of $195, which reflects a 5% step increase as authorized by Resolution ALJ‑387. This is the first step increase request for Mr. Earl in his level of experience. Pursuant to Resolution ALJ‑393 and The Commission’s Market Rate Study Hourly Rate Chart, CEJA requests a rate of $305 for Mr. Earl’s work in 2021. This is the median rate for an attorney with his experience (Attorney Level II). |
| Comment 3 | Amee Raval is the Research Director of the Asian Pacific Environmental Network, a CEJA member organization. Through her role at APEN, she offers an environmental justice and health equity lens to climate and energy policy in California. She previously worked with the Natural Resources Defense Council (NRDC) on research and advocacy addressing the environmental and occupational health impacts of extreme heat due to climate change. Amee graduated with an MS in Environmental Health Sciences from UC Berkeley School of Public Health. Ms. Raval’s resume is attached to this request.Ms. Raval was awarded a rate of $150/hour in D.19‑10‑046 for work in 2018. For Ms. Raval’s work in 2020, CEJA requests a rate of $170/hour, which reflects a modest 5% step increase as authorized by D.08‑04‑010 and Resolution ALJ‑387. This is the first step increase request for Ms. Raval in her level of experience. |
| Comment 4 | CEJA requests the addition of the COLA to the clinical law students’ rates for 2019 and 2020 as this rate has not changed for many years. Adding a COLA will make the rate more consistent with decisions in which law students received rates higher than $100. See, e.g., D.06‑04‑036 (awarding law students a rate of $150 per hour). For law student work on the Intervenor Compensation Claim, the Commission has previously awarded law students their full rate, rather than half the rate as for attorneys. See D.15‑06‑030; D.04‑04‑012 (awarding full rate approved for law students for time spent on the application for intervenor compensation). Accordingly, CEJA requests $100/hour, plus applicable COLA, for law student work on the Intervenor Compensation Claim. |

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

| **Item** | **Reason** |
| --- | --- |
| [1] | Per D.22‑03‑031, adopted rate for Lewis for 2019 is $330. |
| [2] | Per D.22‑03‑031, adopted rate for Lewis for 2020 is $340. |
| [3] | We adopt a $415 hourly rate for Lewis. The $415 is reflective of Lewis’ 7 plus years of experience in areas relevant to the Commission. According to the Hourly Rate Chart implemented by Resolution ALJ‑393, the rate range for Legal ‑ Attorney ‑ III (5 – 10 years) is $310 ‑ $520. A rate in the median of the rate range is appropriate for Lewis. |
| [4] | Adopting $305 for 2021 for Earl. Earl has over 2 years of experience as a practicing attorney. According to Market Rate State Resolution ALJ‑393, Earl qualifies for a rate in the median range for an Attorney II. |
| [5] | We adopt the $170 hourly rate requested for Amee Raval. D.19‑10‑046 verified a 2018 rate of $150.00 for Amee Raval. Using the 2018 rate as a basis:2018: **$150**2019: $150 x 2.35% = 3.53 + $150 = 153.53 = **$155**2020**:**  $155 x 2.55% x 5% = 3.95 +$155 = 158.95 = $160 x 5% step increase = $168 = **$170**Per Resolution ALJ‑393, including rounding to the nearest $5 increment, we find the requested 2020 rate of $170 to be reasonable and apply it here. This rate includes the first 5% step increase for the expert range with 0‑6 years of experience. |
| [6] | CEJA requested $100 rate for 2021 for Clinical Law Students. Icomp prep time is compensated at ½ the preparer’s normal hourly rate, hence correct rate is $50 and not $100 as requested. |

**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. California Environmental Justice Alliance has made a substantial contribution to D.20‑06‑017 and D. 21‑01‑018.
2. The requested hourly rates for California Environmental Justice Alliance’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 $91,119.75.

**CONCLUSION OF LAW**

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

**ORDER**

1. California Environmental Justice Alliance shall be awarded $91,119.75.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company and San Diego Gas & Electric shall pay California Environmental Justice Alliance their respective 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 June,5, 2021, the 75th day after the filing of California Environmental Justice Alliance’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 May 19, 2022, at Sacramento, California.

ALICE REYNOLDS

President

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

DARCIE L. HOUCK

JOHN R.D. REYNOLDS

Commissioners

**APPENDIX**

**Compensation Decision Summary Information**

|  |  |  |  |
| --- | --- | --- | --- |
| **Compensation Decision:** | D2205028 | **Modifies Decision?**  | No |
| **Contribution Decision(s):** | D2006017, D2101018 |
| **Proceeding(s):** | R1909009 |
| **Author:** | ALJ Rizzo |
| **Payer(s):** | Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company |

**Intervenor Information**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Intervenor** | **Date Claim Filed** | **Amount** **Requested** | **Amount** **Awarded** | **Multiplier?** | **Reason Change/****Disallowance** |
| California Environmental Justice Alliance | Mar. 22, 2021 | $91,038.31 | $91,119.75 | N/A | *See* CPUC Comments, Disallowances, and Adjustments above |

**Hourly Fee Information**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **First Name** | **Last Name** | **Attorney, Expert,****or Advocate** | **Hourly** **Fee Requested** | **Year Hourly** **Fee Requested** | **Hourly** **Fee Adopted** |
| Heather | Lewis | Attorney | $320 | 2019 | $330.00 |
| Heather | Lewis | Attorney | $330 | 2020 | $340.00 |
| Heather | Lewis | Attorney | $413 | 2021 | $415.00 |
| Tyler | Earl | Attorney | $180 | 2019 | $180.00 |
| Tyler | Earl | Attorney | $195 | 2020 | $195.00 |
| Tyler | Earl | Attorney | $305 | 2021 | $305.00 |
| Amee | Raval | Advocate | $170 | 2020 | $170.00 |
| Clinical Law Students |  |  | $100 | 2020 | $100.00 |
| Clinical Law Students |  |  | $100 | 2021 | $100.00 |

**(END OF APPENDIX)**

1. All statutory references are to California Public Utilities Code unless indicated otherwise. [↑](#footnote-ref-2)
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.  [↑](#footnote-ref-3)
3. This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>. [↑](#footnote-ref-4)