ALJ/CF1/mph **Date of Issuance 6/8/2022**

Decision 22-06-017 June 2, 2022

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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| Order Instituting Rulemaking to Implement Electric Utility Wildfire Mitigation Plans Pursuant to Senate Bill 901 (2018). | Rulemaking 18-10-007 |

**DECISION GRANTING COMPENSATION TO THE GREEN POWER INSTITUTE FOR SUBSTANTIAL CONTRIBUTION TO DECISIONS (D.)19-05-036,   
D.19-05-037, AND D.19-05-038**

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| **Intervenor: Green Power Institute** | **For contribution to Decisions (D.) 19-05-036,  D.19-05-037, D.19-05-038** |
| **Claimed: $45,364** | **Awarded: $36,664.13** |
| **Assigned Commissioner: Alice Reynolds[[1]](#footnote-1)** | **Assigned ALJ: Cathleen Fogel[[2]](#footnote-2)** |

**PART I: PROCEDURAL ISSUES:**

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| **A. Brief description of Decisions:** | **Decision D.19-05-036** is the guidance decision on the wildfire mitigation plans of the wires utilities.  **Decision D.19-05-037** adopts PG&E’s wildfire mitigation plan.  **Decision D.19-05-038** adopts SCE’s wildfire mitigation plan. |

1. **Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:**

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|  | **Intervenor** | **CPUC Verified** |
| **Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):** | | |
| 1. Date of Prehearing Conference (PHC): | November 14, 2018 | Verified |
| 2. Other specified date for NOI: |  |  |
| 3. Date NOI filed: | December 13, 2018 | Verified |
| 4. Was the NOI timely filed? | | Yes |
| **Showing of customer or customer-related status (§ 1802(b)):** | | |
| 5. Based on ALJ ruling issued in proceeding number: |  | R.12-12-010 |
| 6. Date of ALJ ruling: |  | 09/04/2014 |
| 7. Based on another CPUC determination (specify): | D.19-01-016 | Verified |
| 8. Has the Intervenor demonstrated customer or customer-related status? | | Yes |
| **Showing of “significant financial hardship” (§ 1802(g)):** | | |
| 9. Based on ALJ ruling issued in proceeding number: |  | R.12-12-010 |
| 10. Date of ALJ ruling: |  | 09/04/2014 |
| 11. Based on another CPUC determination (specify): | D.19-01-016 | Verified |
| 12. 12. Has the Intervenor demonstrated significant financial hardship? | | Yes |
| **Timely request for compensation (§ 1804(c)):** | | |
| 13. Identify Final Decision: | D.19-05-038 | Verified |
| 14. Date of issuance of Final Order or Decision: | June 4, 2019 | Verified |
| 15. File date of compensation request: | July 19, 2019 | Verified |
| 16. Was the request for compensation timely? | | Yes |

**PART II: SUBSTANTIAL CONTRIBUTION**

1. **Did the Intervenor substantially contribute to the final decision (*see* § 1802(i), § 1803(a), and D.98-04-059).**

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| Intervenor’s Claimed Contribution(s) | Specific References to Intervenor’s Claimed Contribution(s) | CPUC Discussion |
|  | (Please note that Attachment 2 includes a list issue areas, and of GPI Pleadings relevant to this Claim.) | Noted |
| **1. Meaning of Commission Approval.**  The GPI made substantial contributions to D.19-05-036 in the issue area of specifying the meaning of Commission approval of utility Wildfire Mitigation Plans. In particular, the utilities argued that Commission approval of their WMPs conferred a guarantee of cost recovery, while the GPI joined other intervenors in arguing that cost recovery is a matter left to the utilities’ general rate case, where cost reasonableness can be properly determined. D.19-05-036 adopts the GPI’s position on this matter, representing a substantial contribution on our part. | **Decision**  By contrast, many parties assert that SB 901 requires keeping approval of the WMPs separate from a judgment on reasonableness of any associated expenditures. They assert that the statute requires that reasonableness be left to GRC applications. They oppose treating the WMP proposals as compliance requirements, and allege that SB 901 does not support the IOUs’ claim that a finding of substantial compliance with the targets in a WMP satisfies the prudent manager standard.  [D.19-05-036, pg. 17.]  Similarly, Green Power Institute (GPI) suggests the Commission take a similar approach here as in the Integrated Resource Plan process, where approval does not guarantee cost recovery, “although it can authorize specific procurements that are included in the plans…. As far as we can tell, no such authorizations were requested in the February 6, 2019, WMP filings.” [D.19-05-036, pg. 19.]  Approval of the WMP does not determine whether, at the time an IOU seeks recovery for the costs of carrying out its plan, the IOU complied with the prudent manager standard. Indeed, approval of a WMP here is not dispositive of an IOU’s ultimate cost recovery for the operations and maintenance costs of hardening its system, managing vegetation, increasing situational awareness and taking the other steps to mitigate wildfire risk. [D.19-05-036, pg. 20.]  The question remains: what does WMP approval mean? Here again the statute provides the answer: approval means that every WMP contains 19 elements that the SB 901 Legislature deemed essential to catastrophic wildfire mitigation. Those elements are aimed at ensuring an electrical corporation has plans in place to protect the public from catastrophic wildfire. Without SB 901, existing wildfire-prevention and other safety requirements might not include all of the elements on the list.  [D.19-05-036, pg. 25.]  **Pleadings**  The GPI believes that the development and approval of the wildfire mitigation plans should be treated as a long-term planning exercise, much in the spirit of the IRP process that is currently nearing the completion of the initial round of its application in R.16-02-007. Approval of the individual IRPs of the LSEs does not guarantee cost recovery for any actions included in the plans, although it can authorize specific procurements that are included in the plans. The same approach should be applied to the WMPs. Approval of the WMPs should not guarantee cost recovery for any or all actions included in the plans, but there is no reason why specific funding authorizations should not be able to be considered within the context of approval of the overall plan. [GPI Comments, 3/13/19, pgs. 1-2.]  The GPI supports the PD’s determination that approval of an IOU’s WMP does not guarantee cost recovery. Cost recovery is a matter to be determined in an IOU’s general rate case, along with a host of other expenses. Indeed, this allocation of the responsibility for determining the suitability of cost recovery in the general rate case is explicitly specified in SB 901. We also support the PD’s determination that approval of a WMP simply means that the plan fulfills all of the 19 elements that are explicitly required by the underlying legislation, although we do believe that certifying a WMP’s overall orientation to fulfilling the overarching goal of reducing fire risks and losses also has to be considered a prerequisite to Commission approval of the plan. [GPI Comments on the Guidance Decision, 5/20/19, pgs. 1-2.] | Verified |
| **2. Metrics, Monitoring, Reporting.**  The GPI made substantial contributions to Decisions D.19-05-036, D.19-05-037, and D.19-05-038 in the areas of metrics, monitoring and reporting. We argued that there is value in using both activity-based metrics, which were favored by the utilities, and performance-based metrics, which were favored by many of the intervenors. We also argued that context is needed in interpreting the performance of utilities with respect to their stated activity-based metrics. Decision D.19-05-037 adopts our call to take context into account in interpreting the results of utility performance with respect to the activity metrics in their WMPs, while D.19-05-036 makes the distinction between the two kinds of metrics, and calls for the application of context in interpreting results. We also endorsed the effort described in D.19-05-036 to develop a standard template for metrics, monitoring and reporting to be used in future WMPs. The GPI made substantial contributions to all three Decisions in the areas of metrics, monitoring and reporting. | **Decision**  The Commission's Safety and Enforcement Division (SED) will, through one or more workshops, work with all stakeholders, including the WMP filers, to develop a common template for capturing metrics of this type. These workshops should result in a list of metrics that provides the Commission, the Department of Forestry and Fire Protection (CAL FIRE), related agencies and researchers tools to evaluate the effectiveness of the WMPs at mitigating catastrophic wildfires. This is the statutory mandate, not simply program targets that measure how many actions an electrical corporation takes in the areas a Plan lists (e.g., how many trees it cuts down). To avoid confusion, these program targets should not be described as “metrics” in the future. [D.19-05-036, pgs. 26-27.]  EPUC’s comments suggest a need for further refinement to PG&E’s metrics, and GPI discusses the value of using both activity-based and performance-based metrics. GPI and others also argue that it is not enough to compare the activity metrics with the targets; PG&E should also provide sufficient context to understand whether there is a substantial benefit from the activity. [D.19-05-037, pg. 46.]  **Pleadings**  In the opinion of the GPI, there is a place for using both types of metrics, activity-based, and performance-based, in the WMPs. There is no reason not to monitor both kinds of metrics as part of the SB 901-directed annual WMP process. [GPI Comments, 3/13/19, pg. 7.]  What is missing is a thorough analysis of the annual level of the activity that needs to be pursued in the long run in order to be able to sustainably run a safe and reliable electric system. For example, if the rights-of-way in a given region need to be cleared every five years in order to maintain them in fire-safe condition throughout the cycle, then in the long run twenty percent of the rights-of-way in the region need to be cleared annually, which should be installed as the long-run target. Short-run targets may differ from long-run targets for any number of legitimate reasons, and when that is the case it should be discussed in the WMP. [GPI Comments, 3/13/19, pgs. 7-8.]  Most of the WMPs were loaded with activity-based metrics, such as number of trees cleared, or miles of powerline inspected and/or hardened. Many of the intervenors, including the GPI, urged the inclusion in the plans of performance-based metrics, such as deaths and/or property damage sustained in wildfire events. Indeed, the GPI advocated, in our comments on the initial round of WMPs, including both activity-based and performance-based metrics in future WMPs. [GPI Comments on the Guidance Decision, 5/20/19, pg. 3.]  With respect to metrics, we appreciate the PD’s embrace of our argument, “that it is not enough to compare the activity metrics with the targets; PG&E should also provide sufficient context to understand whether there is a substantial benefit from the activity (PD, pg. 45).” [GPI Comments on the Individual WMPs, 5/20/19, pg. 4.] | Verified |
| **3. Vegetation Management.**  The GPI made substantial contributions to Decisions D.19-05-036, D.19-05-037, and D.19-05-038 in the area of vegetation management operations, which are a key component in all of the WMPs. In particular, the GPI urged the utilities performing vegetation management services to pay more attention to the biomass residues that are produced in the course of tree removal and trimming operations, and to make efforts to direct the residues to biomass power plants. Although the Commission declines to adopt our proposals in the WMP Decisions, PG&E and SCE acknowledge and embrace our suggestions in reply comments regarding their WMPs. In any case the GPI made substantial contributions to the Decisions by enriching the record upon which the Decisions are based. | **Decision**  The parties raise several concerns about PG&E’s Enhanced Vegetation Management proposals, including the following (D.19-05-037, pg. 22):   * Does or will PG&E engage in clear-cutting, removing trees without proper permits, or failure to remove tree debris after cutting or trimming?   In reply comments, PG&E acknowledges the merit of several suggestions from parties, including that it increase communication with landowners, and inform landowners that PG&E will remove tree-trimming debris upon request (D.19-05-037, pg. 24).  Green Power Institute (GPI) raises concerns about the disposition of biomass material or vegetation that utilities remove during tree trimming. GPI argues that piles of vegetation pose their own fire hazard and recommends that future WMPs require utilities to send vegetation to biomass plants and prohibit them from leaving cuttings or downed trees on the ground. In reply, SCE states that its contractors remove all pruned vegetation. [D.19-05-038, pg. 21.]  We do not address GPI’s biomass recommendations here, as they are more appropriately handled in proceedings focused on biomass power plants  (D.19-05-038, pg. 24).  **Pleadings**  One issue that particularly concerns the GPI is the complete absence of information in the IOUs’ WMPs about the disposition of the biomass material that is removed by utility and contractor crews in their vegetation management programs. Piled residues that are left in place for long periods of time become significant fire hazards in their own rights. Moreover, in our opinion there is an obvious nexus between the generation and disposition of these residues and the California biomass industry that ought to be embraced. [GPI Comments, 3/13/19, pg. 5.]  We encourage the utilities to develop programs and incentives to motivate the landowners whose vegetation is being cleared to send the removed material to its highest-valued beneficial use, which in many cases will be as fuel for the biomass industry. In addition to arranging for the clearing, the utilities ought to offer full service options in which the material is fully removed from the site and treated for beneficial use, to the convenience of both the landowner and the utility performing the vegetation management operation. [GPI Comments, 3/13/19, pg. 5.]  We note that on page 25 of the PD on the PG&E WMP the Commission acknowledges PG&E’s willingness to embrace some of our ideas: “In reply comments, PG&E acknowledges the merit of several suggestions from parties, including that it increase communication with landowners, and inform landowners that PG&E will remove tree-trimming debris upon request (PD, pg. 25).” We appreciate PG&E’s willingness to embrace some of our suggestions, and encourage them to follow through fully in their implementation. [GPI Comments on the Individual WMPs, 5/20/19, pg. 3.]  The GPI is not asking the Commission to impose new requirements or prohibitions on vegetation-management practices, but simply to direct the WMP filers to include a consideration of the disposition of their vegetation-management residues in their Vegetation Management Plans. We urge the Commission to direct all WMP filers, especially PG&E, to include residue-management plans as part of their Vegetation Management Plans, and further to use these plans to pursue public outreach and education on the subject of vegetation management in general. [GPI Comments on the Individual WMPs, 5/20/19, pg. 3.]  In response to our suggestions regarding the disposition of the residues generated in the course of the utilities’ vegetation management operations, the PD states: “We do not address GPI’s biomass recommendations here, as they are more appropriately handled in proceedings focused on biomass power plants (SCE WMP PD, pg. 24).” We strongly disagree. Not only are these issues not being addressed in any other proceedings, but failure to embrace our suggestion to encourage the utilities to include residue-management plans as part of their Vegetation Management Plans, and to use these plans to pursue public outreach and education, represents a significant lost opportunity. [GPI Comments on the Individual WMPs, 5/20/19, pg. 5.] | Verified, in part. We note that D.19-05-038 summarizes GPI’s concern regarding the disposition of biomass material, however, the commission elected not to address their concern in this proceeding. The Commission credits MGRA and TURN with a contribution on this issue. |
| **4. De-Energization.**  The GPI made substantial contributions to Decisions D.19-05-037 and D.19-05-038 in the area of de-energization of powerlines in order to avoid fire initiations by urging utilities to take a more nuanced view of the fire risks along their powerline rights-of-way than is provided by the CalFire fire-hazard classification system, and to improve the cooperation between the utilities and CalFire with respect to fire-prevention efforts. We also clarified to SCE that we do not believe that de-energization decisions should be based on the existence of red flag conditions alone, but rather that a variety of factors should be taken into account. The Decisions embrace the GPI’s suggestions regarding the need for community outreach before and during de-energization events, and in any case the GPI made substantial contributions by enriching the record that was the basis for the Decisions in this area. | **Decision**  In response to GPI’s suggestion that utilities de-energize during Red Flag Warning (RFW) conditions, SCE explains that RFW is only one criterion it considers in assessing the need for a PSPS. SCE states that it also considers a number of other variables when assessing risks, such as humidity, relative greenness of fuels, forecast wind speed and forecast wind gusts. [D.19-05-038, pg. 28.]  **Pleadings**  In our opinion the utilities need to start working with state and federal agencies and interest groups to take a more granular approach to fire-risk assessment, recognizing that in addition to overall forestry-health conditions in an area, which is what drives the CalFire fire-hazard classification system, fire behavior is also strongly influenced by geographic and weather factors, which can vary considerably within a given forest hazard-category region. [GPI Comments, 3/13/19, pg. 3.]  We have no objection to the content of the paragraph in the PD, but for the record the GPI did not suggest that utilities de-energize during all declared Red Flag Warning (RFW) conditions. This is a misinterpretation on SCE’s part. The entirety of our discussion of de-energization in our comments on the WMPs was focused on public outreach. We did not discuss the criteria for when to trigger a PSPS occurrence. We mentioned that de-energizations would occur under RFW conditions, but we did not mean to imply that they would happen under all RFW conditions. We fully agree with SCE that other factors should also be considered. [GPI Comments on the Individual WMPs, 5/20/19, pg. 7.] | Verified, in part. GPI’s March 2019 comments on page 6 state “One area in which community outreach and education is particularly needed is in connection with the use of de-energizations during red-flag fire conditions. At this point in time there is widespread public misunderstanding and suspicion surrounding the use of de-energizations, as well as confusion regarding how to maintain essential services during the sometimes extended blackouts. Overcoming this problem will require a well-designed and executed public outreach program. This effort will require a good deal more than simply public relations. Genuine interaction with and participation on the part of the public is necessary. These efforts can be limited to specific regions of the grid that are identified candidates for de-energization.”  We do not find further discussion regarding public outreach in GPI’s March or May comments. We find that GPI’s comments are lacking detail regarding a recommendation on how to improve public outreach. |
| **5. Emergency Preparedness, Outreach and Response.**  The GPI made substantial contributions to Decisions D.19-05-037 and D.19-05-038 in the area of emergency preparedness, outreach and response, including proposing that these activities be pursued beyond strictly Tiers 2 and 3 HFTD zones, proposing that these activities be pursued more vigorously in connection with de-energization events (before, during and after), and in connection with the treatment of residues from vegetation management operations. The Decisions adopt some of our proposals, and decline others, but in all cases we made substantial contributions by enriching the record underlying the Decisions in this area. | **Decision**  Parties also recommend specific actions for PG&E to take, such as … increasing outreach associated with possible de-energization events, and conducting outreach in both HFTD and non-HFTD areas. … In its reply comments, PG&E states it already takes many of these actions, and is open to expanding its outreach in many of the ways that parties suggest to better reach providers of critical services in communities. [D.19-05-037, pg. 37.]  On other topics, GPI suggests that SCE conduct public outreach and education about wildfires outside of the Tier 2 and 3 HFTD zones. SCE agrees and will execute a communication campaign in 2019 to all its customers about its wildfire mitigation activities.  [D.19-05-038, pgs. 35-36.]  **Pleadings**  One area in which community outreach and education is particularly needed is in connection with the use of de-energizations during red-flag fire conditions. At this point in time there is widespread public misunderstanding and suspicion surrounding the use of  de-energizations, as well as confusion regarding how to maintain essential services during the sometimes extended blackouts. Overcoming this problem will require a well-designed and executed public outreach program. This effort will require a good deal more than simply public relations. Genuine interaction with and participation on the part of the public is necessary. [GPI Comments, 3/13/19, pg. 6.]  With respect to public outreach, we appreciate PG&E’s willingness to increase communication with landowners and offer residue removal services. We also encourage PG&E to not only include information about its own vegetation-management efforts in its messaging, but also information about fire mitigation measures that customers can take to protect their own lives and property. [GPI Comments on the Individual WMPs, 5/20/19,  pgs. 3-4.]  With respect to public outreach, we appreciate SCE’s willingness to reach out beyond only the highest-risk zones with respect to delivering a wildfire preparedness and prevention message, although the utility’s extensive desert areas probably do not need significant resources spent on wildfire issues. We are confident that SCE understands this. We also encourage SCE to not only include information about its own wildfire-mitigation efforts in its messaging, but also information about fire-mitigation measures that customers can take to protect their own lives and property. [GPI Comments on the Individual WMPs, 5/20/19, pg. 7.] | Verified |

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

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|  | **Intervenor’s Assertion** | **CPUC Discussion** |
| **a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?[[3]](#footnote-3)** | Yes | Yes |
| **b. Were there other parties to the proceeding with positions similar to yours?** | Yes | Yes |
| **c. If so, provide name of other parties:** TURN, CLECA, Mussey Grade Road Alliance, Protect Our Communities Foundation, CEJA, EPUC, and SBUA. | | Verified |
| **d. Intervenor’s claim of non-duplication:** This proceeding covers a wide variety of topics related to the state’s resource adequacy program. The Green Power Institute has been an active participant in the Commission’s RPS, LTPP, and other proceedings for which renewable energy plays a key role, and is continuing these efforts in the present proceeding (R.18-10-007). The Green Power Institute coordinated its efforts in this proceeding with other parties in order to avoid duplication of effort, and added significantly to the outcome of the Commission’s deliberations through our own unique perspective. Some amount of duplication has occurred in this proceeding on all sides of contentious issues, but Green Power avoided duplication to the extent possible, and tried to minimize it where it was unavoidable. | | Not verified. GPI’s claimed explanation of non-duplication references a resource adequacy proceeding which is not the topic of this proceeding. |

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

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| **a. Intervenor’s claim of cost reasonableness:**  The GPI is providing, in Attachment 2, a listing of all of the pleadings we provided in this Proceeding, R.18-10-007, that are relevant to matters covered by this Claim, and a detailed breakdown of GPI staff time spent for work performed that was directly related to our substantial contributions to Decisions D.19-05-036, D.19-05-037 and D.19-05-038.  The hours claimed herein in support of Decisions D.19-05-036, D.19-05-037 and D.19-05-038 are reasonable given the scope of the Proceeding, and the strong participation by the GPI. GPI staff maintained detailed contemporaneous time records indicating the number of hours devoted to the matters settled by this Decision in this case. In preparing Attachment 2, Dr. Morris reviewed all of the recorded hours devoted to this proceeding, and included only those that were reasonable and contributory to the underlying tasks. As a result, the GPI submits that all of the hours included in the attachment are reasonable, and should be compensated in full.  Dr. Morris is a renewable energy analyst and consultant with more than 35 years of diversified experience and accomplishments in the energy and environmental fields. He is a nationally recognized expert on biomass and renewable energy, climate change and greenhouse-gas emissions analysis, integrated resources planning, and analysis of the environmental impacts of electric power generation. Dr. Morris holds a BA in Natural Science from the University of Pennsylvania, an MSc in Biochemistry from the University of Toronto, and a PhD in Energy and Resources from the University of California, Berkeley.  Dr. Morris has been actively involved in electric utility restructuring in California throughout the past two decades. He served as editor and facilitator for the Renewables Working Group to the California Public Utilities Commission in 1996 during the original restructuring effort, consultant to the CEC Renewables Program Committee, consultant to the Governor’s Office of Planning and Research on renewable energy policy during the energy crisis years, and has provided expert testimony in a variety of regulatory and legislative proceedings, as well as in civil litigation.  Decision D.98-04-059 states, on pgs. 33-34, “Participation must be productive in the sense that the costs of participation should bear a reasonable relationship to the benefits realized through such participation. … At a minimum, when the benefits are intangible, the customer should present information sufficient to justify a Commission finding that the overall benefits of a customer’s participation will exceed a customer’s costs.” This proceeding is concerned with the wires utilities reducing the risks that the electrical systems under their control will spark future wildfires in California. The cost savings and environmental benefits of reducing wildfire risks overwhelm the cost of our participation in this proceeding. | **CPUC Discussion**  Noted |
| **b. Reasonableness of hours claimed:**  The GPI made Significant Contributions to Decisions D.19-05-036, D.19-05-037 and D.19-05-038, by participating in workshops and working groups, and providing a series of Commission filings on the various topics that were under consideration in the Proceeding, and are covered by this Claim. Attachment 2 provides a detailed breakdown of the hours that were expended in making our Contributions. The hourly rates and costs claimed are reasonable and consistent with awards to other intervenors with comparable experience and expertise. The Commission should grant the GPI’s claim in its entirety. | Noted |
| **c. Allocation of hours by issue:**  1. Meaning of Commission Approval 15%  2. Metrics, Monitoring, Reporting 25%  3. Vegetation Management 30%  4. De-Energization 10%  5. Emergency Preparedness, Outreach and Response 20% | Noted |

1. **Specific Claim:\***

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| **Claimed** | | | | | | | | | | **CPUC Award** | | |
| **ATTORNEY, EXPERT, AND ADVOCATE FEES** | | | | | | | | | | | | |
| **Item** | | **Year** | | **Hours** | **Rate $** | | **Basis for Rate\*** | | **Total $** | **Hours** | **Rate $** | **Total $** |
| G. Morris | | 2018 | | 16 | 285 | | D.18-05-035 | | 4,560 | 14.04[4, 5,6] | $285 [1] | $4,001.40 |
| G. Morris | | 2019 | | 118 | 325 | | See Comment 1 below | | 38,350 | 97.45 [4, 5, 6] | $325 [1] | $31,671.25 |
| ***Subtotal:* $42,910** | | | | | | | | | | ***Subtotal: $35,672.65*** | | |
| **INTERVENOR COMPENSATION CLAIM PREPARATION \*\*** | | | | | | | | | | | | |
| **Item** | | **Year** | **Hours** | | | **Rate $** | | **Basis for Rate\*** | **Total $** | **Hours** | **Rate** | **Total $** |
| G. Morris | | 2019 | 15 | | | 162.50 | | ½ rate for 2019 | 2,438 | 6 [2] | $162.50 | $975.00 |
| ***Subtotal:* $ 2,438** | | | | | | | | | | ***Subtotal:* $975.00** | | |
| **COSTS** | | | | | | | | | | | | |
| **#** | **Item** | | **Detail** | | | | | | **Amount** | **Amount** | | |
|  | Postage | | Postage for serving documents (see Attachment 2 for detail) | | | | | | 16 | $16.48[3] | | |
| ***Subtotal:* $16** | | | | | | | | | | ***Subtotal:* $16.48** | | |
| **TOTAL REQUEST: $ 45,364** | | | | | | | | | | **TOTAL AWARD: $36,664.13** | | |
| \*\*We remind all intervenors that Commission staff may audit their records related to the award and that 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 typically compensated at ½ of preparer’s normal hourly rate | | | | | | | | | | | | |

1. **Attachments Documenting Specific Claim and Comments on Part III: (*attachments not attached to final Decision)***

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| **Attachment or Comment #** | **Description/Comment** |
| Attachment 1 | **Certificate of Service** |
| Attachment 2 | **Allocation of effort by issue, list of pleadings, breakdown of hourly efforts** |
| Comment 1 | Dr. Morris’ approved rate for 2018 is $285/hr (D.18-05-035). Dr. Morris has been actively practicing before the Commission since 2003. Based on his more than 16 years of practice before the Commission, we are asking for a transition into the highest-experience category for Dr. Morris, resulting in a 2019 rate of $325/hr. Dr. Morris received one step-increase in each of the first two experience categories, and no category-promotion between them. This request is consistent with D.07-01-009 and D.08-04-010.  Dr. Morris has been representing the GPI before the Commission since the beginning of 2003, and thus has accumulated more than 16 years of experience. He was already a senior-level renewable-energy expert before beginning his work at the Commission. During his more than 16 years of practice before the Commission, Dr. Morris has received two step increases in rate from PUC, in 2009 and 2014. During his years of practice before the Commission Dr. Morris has become a respected authority on matters relating to renewable-energy policy issues and greenhouse-gas emissions and climate-change policy issues, and has made many important contributions to the Commission’s deliberations. Dr. Morris deserves to transition into the highest-experience category for experts (13+ years) in his approved PUC rate. The requested rate of $325 for 2019 leaves Dr. Morris well within the mid-range approved for his experience level ($185-455, per Resolution ALJ-357, April 8, 2019). We use this rate in this Request for Award. Please note that we are making this same rate request for Dr. Morris for 2019 in intervenor claims in R.17-07-007 and R.16-02-007, both of which were filed on 5/24/19. |

1. **CPUC Disallowances and Adjustments:**

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| **Item** | **Reason** |
| [1] Gregory Morris (Dr. Morris) | D.18-05-035 approved a 2018 hourly rate of $285 and D.19-12-019 approved a 2019 hourly rate of $325 for Dr. Morris. |
| [2] IComp Prep Hours | GPI did not include IComp prep hours in the timesheet provided. Furthermore, we find the claimed amount of 15 hours to be excessive for the work produced. We make a 60% reduction to the IComp hours for a total of 6 hours allowed.  We remind GPI to includetime spent preparing the intervenor compensation claim in the timesheet attachment to their request. *See* Intervenor Compensation Program Guide at 22. |
| [3] Other Fees Total | Amount adjusted to reflect accurate postage costs. |
| [4] Morris’ Hours | The following timesheet entries for Morris are disallowed for lack of substantial contribution: 11/14/18, “Attempt to remote attend PHC, but webcast failed to broadcast”, 0.5 hour, and 5/23/2019, “Review parties’ Comments on the PDs”, 4 hours. |
| [5] Time records | Time records must not combine several issues in one timesheet entry. Instead, the time must be allocated by issues within each task. As the time spent on each issue is not clearly allocated, we divide the total number of hours by the number of issues listed to get the time spent on each issue. *See* Intervenor Compensation Program Guide at 26. We therefore disallow Morris’ hours by 5%. |
| [6] Substantial Contribution- % Disallowance | As determined in our analysis of GPI’s claims of substantial contributions (Part II(A)), GPI does not meet all of the substantial contribution standards of Section 1802(j) or Section 1802.5 for issues 3 and 4. We disallow 20% percent of the hours claimed on issue 3, and 20% of the hours claimed on issue 4. |

**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. Green Power Institute has made a substantial contribution to D.19-05-036,   
   D.19-05-037, and D.19-05-038.
2. The requested hourly rates for Green Power Institute’s representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is $36,664.13.

**CONCLUSION OF LAW**

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

**ORDER**

1. Green Power Institute shall be awarded $36,664.13.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay Green Power Institute the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning October 2, 2019, the 75th day after the filing of Green Power Institute’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 June 2, 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: | D2206017 | Modifies Decision? | No |
| Contribution Decision(s): | D1905036, D1905037, and D1905038 | | |
| Proceeding(s): | R1810007 | | |
| Author: | ALJ Fogel | | |
| Payer(s): | Pacific Gas and Electric Company | | |

Intervenor Information

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Intervenor | Date Claim Filed | Amount Requested | Amount Awarded | Multiplier? | Reason Change/Disallowance |
| Green Power Institute (GPI) | July 19, 2019 | $45,364 | $36,664.13 | N/A | Lack of substantial contribution, timesheet formatting deduction. |

Hourly Fee Information

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| First Name | Last Name | Attorney, Expert, or Advocate | Hourly Fee Requested | Year Hourly Fee Requested | Hourly Fee Adopted |
| Gregory | Morris | Expert | $285 | 2018 | $285 |
| Gregory | Morris | Expert | $325 | 2019 | $325 |

**(END OF APPENDIX)**

1. This proceeding was reassigned to President Alice Reynolds on January 31, 2022. [↑](#footnote-ref-1)
2. This proceeding was reassigned to ALJ Cathleen Fogel on July 9, 2020. [↑](#footnote-ref-2)
3. The Office of Ratepayer Advocates was renamed the Public Advocate’s Office of the Public Utilities Commission pursuant to Senate Bill No. 854, which the Governor approved on June 27, 2018.  [↑](#footnote-ref-3)