ALJ/SCL/smt **PROPOSED DECISION Agenda ID #20724 (REV.1)**

**Ratesetting**

**8/4/2022 Item 22**

Decision \_\_\_\_\_\_\_\_\_

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

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| Application of Southern California Gas Company (U904G) and  San Diego Gas & Electric Company (U902G) for Renewable Natural Gas Tariff. | Application 19-02-015 |

**DECISION GRANTING COMPENSATION TO WILD TREE FOUNDATION FOR CONTRIBUTIONS**

**TO DECISION 20-12-022**

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| **Intervenor:** Wild Tree Foundation | **For contribution to Decision (D.) 20-12-022** |
| **Claimed:** $102,318.70 | **Awarded:** $99,957.70 |
| **Assigned Commissioner:** Clifford Rechtschaffen | **Assigned ALJ:** Scarlett Liang-Uejio |

**PART I: PROCEDURAL ISSUES**

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| **A. Brief description of Decision:** | In D.20-12-022, the Commission approved a three-year  voluntary pilot Renewable Natural Gas Tariff program for Southern California Gas Company and San Diego Gas & Electric Company. |

**B. Intervenor must satisfy intervenor compensation requirements set forth in Public Utilities (Pub. Util.) Code §§ 1801-1812**[**1**](#_bookmark0)**:**

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|  | **Intervenor** | **CPUC Verification** |
| **Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):** | | |
| 1. Date of Prehearing Conference: | 6/18/2019 | Verified |
| 2. Other specified date for NOI: | n/a |  |
| 3. Date NOI filed: | 7/16/2019 | Verified |

1 All statutory references are to California Pub. Util. Code unless indicated otherwise.

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| 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: | Rulemaking (R.)19-01-006 | Verified |
| 6. Date of ALJ ruling: | June 25, 2020 D.20-06-051 | Verified |
| 7. Based on another CPUC determination (specify): | n/a |  |
| 8. Has the Intervenor demonstrated customer status or eligible government entity status? | | Yes |
| **Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):** | | |
| 9. Based on ALJ ruling issued in proceeding number: | R.19-01-006 | Verified |
| 10. Date of ALJ ruling: | June 25, 2020 D.20-06-051 | Verified |
| 11. Based on another CPUC determination (specify): | n/ n/a |  |
| 12. Has the Intervenor demonstrated significant financial hardship? | | Yes |
| **Timely request for compensation (§ 1804(c)):** | | |
| 13. Identify Final Decision: | D.20-12-022 | Verified |
| 14. Date of issuance of Final Order or Decision: | 12/22/2020 | Verified |
| 15. File date of compensation request: | 2/19/2021 | Verified |
| 16. Was the request for compensation timely? | | Yes |

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

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| **#** | **Intervenor’s Comment(s)** | **CPUC Discussion** |
| 7. | The Wild Tree Foundation (Wild Tree) is a non-profit, 501(c)(3) tax exempt corporation registered with  the State of California that advocates for the protection of the environment, climate, and wildlife. Wild Tree is eligible for intervenor compensation based upon rebuttable presumption of  eligibility pursuant to D.20-06-051 | Noted |

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|  | and because it has previously met and continues to meet the Commission’s long-standing definitions of eligibility. Wild Tree meets the  definition of a Category 3 customer under the Pub. Util. Code Section 1802(b)(1)(C) as “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 Wild Tree’s Bylaws specifically authorizes the organization to  represent the interests of residential ratepayers and seek intervenor  compensation for doing so. A copy of Wild Tree’s bylaws was submitted with its NOI. Wild Tree represents the interests of residential ratepayers (100 percent) and not small  commercial customers receiving bundled electric service from an  electrical corporation. Wild Tree also qualifies as a Category 3 customer as an environmental group that  represents residential customers with concerns for the environment. (*See* D.98-04-059, footnote at 30.) The Commission has explained that, “With respect to environmental  groups, we have concluded they were eligible [for intervenor compensation] in the past with the understanding that they represent customers . . . who  have a concern for the environment which distinguishes their interests  from the interests represented by Commission staff, for *example*.” (D.88-04-066.) Wild Tree is such an environmental group because it  represents customers with a concern for the environment that is different from other interests in this  proceeding. |  |

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| 11. | Wild Tree is eligible for intervenor compensation based upon rebuttable presumption of eligibility pursuant to D.20-06-051 and because it has  previously met and continues to meet the Commission’s long-standing  definitions of eligibility. Participation in this proceeding without intervenor compensation would pose a substantial financial hardship for Wild Tree because the economic interest of the residential ratepayers Wild Tree represents is small in comparison to the costs of Wild Tree’s effective participation. (*See* Pub. Util. Code § 1802,  subd. (h)).  The total sum that this proceeding -  $2.137 billion penalty: $1.823 billion in disallowances for wildfire-related expenditures; $114 million in System Enhancement Initiatives and  corrective actions; and a $200 million fine - is large, for any individual residential ratepayer that Wild Tree represents. The costs of participating individually thus would far outweigh the individual impacts of the outcome of this proceeding. Wild Tree has  shown significant financial hardship and should be allowed to recover its  costs in this proceeding. | 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):**

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| **Intervenor’s Claimed Contribution(s)** | **Specific References to Intervenor’s Claimed Contribution(s)** | **CPUC Discussion** |
| The Decision modified the  proposed settlement to address, in part, specific issues raised by Wild Tree in the following pleadings: | “The main issue in this proceeding is  whether the Commission should adopt a voluntary RNG Tariff program as initially proposed by the Utilities, as  proposed by the Settling Parties under the Settlement Agreement, or, | Verified |

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| Testimony of Thomas R. Del Monte, JD/MBA On Behalf Of Wild Tree Foundation  Wild Tree Foundation  Comments in Opposition to Proposed Settlement  Wild Tree Foundation  Comments in Response to Administrative Law Judge’s (ALJ) Request for Further Review  Wild Tree Foundation Reply Comments in Response to ALJ’s Request for Further Review  Wild Tree Foundation Opening Brief On The Application Of Southern California Gas  Company And San Diego Gas & Electric Company For  Renewable Natural Gas Tariff  Wild Tree Foundation Reply Brief On The Application Of Southern California Gas  Company And San Diego Gas & Electric Company For  Renewable Natural Gas Tariff  “Wild Tree acknowledges that, in the PD, the ALJ has  attempted to address many of the problems with the  settlement agreement raised by non-settling parties. The PD  has improved upon the Contested Settlement in a number of ways including:  a.) ensuring that ratepayers do not pay for any wind down costs for costs associated with | alternatively, adopt and authorize a modified program. We find that the latter approach is best. That approach  adopts an authorized program based on the framework and many reasonable  elements of the Settlement Agreement while resolving issues raised by non- settling parties. 27 (27 Five non-settling parties raised specific issues: CUE, TURN, LC, SC, and Wild Tree.)”  Decision at 13-14fn27. | Verified |

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| stranded assets; b.) requiring procurement be at least 50% in-state or provide  environmental benefits; c.) requiring public disclosure of RNG pricing and source  details; d.) providing some limitations on program marketing claims; e.) requiring the development of a modified GREET model. Wild Tree  supports these aspects of the PD but the PD fails to address the overarching policy  problems with approval of any voluntary pipeline injected RNG tariff.” Wild Tree  Foundation Comments On The Proposed Decision Adopting Voluntary Pilot  Renewable Natural Gas Tariff Program at 4 |  |  |
| “[T]he proposed biomethane  procurement would violate Pub. Util. Code requirements for sourcing in that it would  allow for 50-100% out-of-state sourcing without limitation regarding injection into  California pipelines or demonstrated benefit to  California’s environment.” Wild Tree Foundation  Comments in Opposition to Proposed Settlement at 5; analysis at 7-11.  “The Proposed Settlement program is fraught with  numerous deficiencies that call into serious question the  efficacy of the proposed  program in reducing global GHG emissions, much less | “We agree with the non-settling parties  that the Settlement Agreement does not fully align with SB 1440 and could potentially result in a situation in which 100 percent of RNG supplies comes  from outside of California and provides limited or no environmental benefits in California, thereby failing the  “consistent with law” and the “public interest” tests we use in reviewing  settlement agreements. We could, as a result, simply reject the Settlement Agreement and close the proceeding.  We find, however, that a better approach is to adopt an alternative program that is built on the Settlement Agreement, but with necessary modifications, relying on the comprehensive record that was established through testimony and  filings.” Decision at 16. | Verified |

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| emissions in California.” Wild Tree Foundation Comments in Opposition to Proposed Settlement at 24; analysis at  21-31.  “Under the proposed program, the Applicant utilities would seek to circumvent the  requirements of SB 1440 that biomethane procured by the utilities enhance California’s environment.” Wild Tree  Foundation Opening Brief at 2; analysis at 7-18. | “We agree with the opponents of the  Settlement Agreement that, as proposed, the Settlement Agreement is potentially in conflict with policy goals set forth in state law.” Decision at 43. |  |
| “The Proposed Settlement  would have at least 50% of the procured biomethane from outside California. There is little chance that Applicants will be able to procure RNG  for pipeline injection in  California for significantly less cost than out of state and thus most likely 100% of the  biomethane procured for this project will not meet the  sourcing requirements. Critically, the out-of-state procurement would like  involve gas swaps which are clearly not in compliance with the section 651 requirements.” Wild Tree Opposition to  Proposed Settlement at 10.  Testimony of Thomas R. Del Monte, JD/MBA On Behalf Of Wild Tree Foundation  “The sole substantive difference between the  Application and the Contested Settlement is that there are | “One common argument among the non-settling parties is whether the  proposed program under the Settlement Agreement would provide direct  environmental benefits to California. The Settlement Agreement allows the Utilities to fulfill program demand with out-of-state RNG supplies if in-state RNG costs exceed the set limits. For  example, Wild Tree is concerned that there is little chance that the Utilities will be able to procure RNG for pipeline injection in California under the cost limit in the Settlement Agreement, and thus would result most likely in 100  percent of RNG procurement being  from of out-of-state. 32 (32 Wild Tree’s Comments on the Settlement Agreement at 10.)  The non-settling parties’ concerns regarding potential lack of in-state RNG supplies are valid.” Decision at 18-19. | Verified |

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| some claimed limits on the  sourcing of biomethane. These “limits” are nothing more than a ruse, designed to create the illusion that anything has actually been settled in the Contested Settlement. The “limits” do not cure the fact  that the proposed biomethane procurement would violate Pub. Util. Code requirements for sourcing in that it would  allow for 50-100% out-of-state sourcing without limitation regarding injection into  California pipelines or demonstrated benefit to  California’s environment. The terms are also written in such a way that they are almost  meaningless because in state non-landfill biomethane will undoubtedly be much more expensive than out-of-state, thereby resulting in little to no in-state procurement. At the same time, the Contested  Settlement effectively provides no restrictions on sourcing for in-state biomethane.” Wild Tree Foundation Opening Brief at 4; analysis at 7-11.  “In reality, if there is no  in-state biomethane that meets the price limits in the first solicitation, there will be no  in-state procurement for the “pilot” program as contracts terms would only get shorter  and shorter as the 5 year mark approached thus making them less and less appealing to  biomethane providers, and, in turn, more expensive.” Wild |  | Verified  Verified |

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| Tree Reply Brief at 18, analysis at 16-20. |  |  |
| “The initial time limitation on  the program and complete lack of demonstrated customer interest means that  procurement contracts would be short duration contracts for  small amounts. Such contracts would obviously be disfavored by RNG suppliers and would  demand a price premium. This would make procurement  exceedingly expensive given that contracts for pipeline-  injected RNG cannot possibly be competitive with contracts  for transportation use that carry greatly increased value due to credits.” Wild Tree  Foundation Comments in Opposition to Proposed  Settlement at 4; *See* also Wild Tree Opening Brief at 6 citing Direct Testimony of Thomas  R. Del Monte, JD/MBA On Behalf Of Wild Tree  Foundation at 5. | “We agree with the non-settling parties  that short-term RNG contracts with a duration less than the pilot period may not offer the same opportunities for  investment and development of additional RNG facilities that long-term contracts provide. 44 (44 TURN’s  Opening Brief at 5 to 9. CUE’s Opening Brief at 4. LC/SC’s Opening Comments at 9. Wild Tree’s Opening Brief at 6.)” Decision at 24fn44.  “However, the Utilities shall be mindful that if the pilot program is terminated, any stranded costs of RNG procured  under long-term contracts that cannot be recovered from the pilot program  participants shall not be passed onto customers. These costs should be the Utilities’ shareholders’ responsibility unless a subsequent Commission  decision expressly authorizes cost recovery from customers.” Decision at 25. | Verified |
| “[T]he use of the GREET  model to measure CI for pipeline injected RNG is  wholly inappropriate because the CI calculations employed by the GREET model use a CI baseline established based  upon current transportation fuel regulations and average  emissions per-mile-traveled. The assumptions involved in the various GREET well-to- wheel CI models are not  sufficiently analogous to those applicable to the RNG sources | “Wild Tree raises concerns that use of  the GREET methodology for the LCFS program to measure carbon intensity for pipeline injected RNG is inappropriate because its baseline calculation uses  current transportation fuel regulations  for vehicle GHG emissions. Wild Tree argues that the GREET methodology  does not have an equivalent baseline metric for pipeline RNG end uses by  commercial and residential customers. 45 (45 Wild Tree’s Opening Brief  at 12.)  We agree with Wild Tree that the GREET methodology is not designed to | Verified |

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| and uses envisioned by Settling Parties proposal.” Wild Tree Foundation Opening Brief  at 11, analysis at 11-14. | measure carbon intensity of pipeline injected RNG. However, we believe that the GREET methodology can be modified for the purpose of the RNG pilot program, which should include a carbon intensity baseline focused on  fossil natural gas for specific RNG sources. It should also include the energy inputs required for upgrading biogas for pipeline injection. We are  unable to adopt a specific methodology here, however, due to the lack of record on necessary GREET methodology modifications. Rather, we direct the Utilities to work with stakeholders,  including the Commission’s Energy Division staff, CARB, and parties in this proceeding, to develop a modified  GREET methodology to calculate RNG carbon intensity.” Decision at 26-27. |  |
| “There is no reliable,  independent, third party- administered system that currently exists and so any claimed reliance on such a system, to be developed at  some unspecified future date, is purely speculative.” Wild Tree Foundation Comments in Opposition to Proposed Settlement at 18; analysis at  17-19.  Rebuttal Testimony Of Thomas R. Del Monte,  JD/MBA on Behalf Of Wild Tree Foundation at Appendix A - Response to Wild Tree  Foundation Data Request #3 to SoCalGas/SDG&E  (October 25, 2019).  “[T]he bigger problem is that  the Contested Settlement is silent as to the point that | Wild Tree further argues that there is  currently no reliable, independent, third party-administered verification system. Wild Tree asserts that the Utilities do not indicate that they will use the Midwest Renewable Energy Tracking System(M-RETS), and the certification aligned with that system soon to be  offered by Green-E.46 Wild Tree argues, however, that even if the  Utilities use M-RETS, California does not participate in this system for compliance markets and it will therefore neither determine compliance nor  verification for the voluntary RNG Tariff program. Wild Tree is skeptical  whether the Green-E system can provide credible tracking and Green-E’s  developer, the Center for Resource Solutions, can provide independent  verification because the Utilities are the members and sponsors of this  organization’s Green-E Renewable Fuel working group.47  In response, the Utilities argue that the Settlement Agreement includes several | Verified |

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| section 95852.1.1 only applies to out-of-state biomethane.  The Contested Settlement  makes a commitment, albeit a commitment that can easily be ignored by claiming lack of cost-effectiveness, to procure in-state biomethane for the  proposed project. This leaves open a loophole for Applicants to procure in-state biomethane that fails to meet the additionality standards as set  out in section 95852.1.1.” Wild Tree Foundation  Comments In Response to ALJ’s Request for Further  Information at 4; analysis at 1-5.  “In so far as compliance with CARB regulations, verification for in-state sources would  verify only that a not unusual type of fuel was being used. This would provide no useful information as nothing of  consequence would be verified.” Wild Tree Foundation Reply  Comments In Response To ALJ’s Request For Further Information at 4; analysis at 1-4. | mechanisms to ensure that the procured RNG is appropriately verified. The Utilities assert that these include using a CARB-approved verifier, PAG review, contractual obligations, and built-in  provisions allowing for evolving verification procedures.48  We agree with the Utilities that the multiple verification options identified in the Settlement Agreement are  reasonable, with some additions.  Moreover, verification of the  compliance of out-of-State RNG supplies with CARB’s MRR and  Cap-and-Trade Regulation is required by 17 CCR Section 95852.1.1. We share Wild Tree’s concern, however, with respect to the lack of verification for in-state RNG supplies because that verification is not required under Pub.  Util. Code Section 651(b)(3)(B) and 17 CCR Section 95852.2. We resolve this issue in the following way. . . The PAG should monitor the compliance status  and make appropriate recommendations. The Utilities should report the status of the implementation of the PAG’s Wild Tree to join PAG or participate in PAG meetings. recommendations. The PAG is opened to interested non-market  participants, and we encourage.” Decision at 27-29. | Verified |
| “The Commission should consider further that the  Settling Parties attempt to rely on Section 95852.1 for a  meaningful standard at which it could comply for in-state RNG sources, further demonstrates the inappropriateness of using CARB biomethane regulations  for this program. Section |  |  |

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| 95852.1 is simply a state policy choice to freely exclude in- state biomethane emissions  from GHG compliance while erecting additional barriers to out-of-state sources. CARB, the Commission, and the  California Energy Commission worked very hard over a  number of years to design state regulatory principles that allowed California to favor  in-state projects paid for by its ratepayers while not running  afoul of the U.S. Constitution’s Commerce Clause. For these reasons, verification that an RNG source meets CARB’s  biomethane exemptions is, at best, misleading as evidence that actual the RNG Tariff  results in the claimed methane and carbon dioxide emissions.” Wild Tree Foundation Opening Brief at 19; analysis at 7-21.  “In regards to CARB requirements, there effectively are no requirements for in-state biomethane so verification of compliance with CARB  requirements for in-state biomethane would be  meaningless.” Wild Tree  Foundation Reply Brief at 10; analysis at 2-6. |  | Verified |
| “A program established via a  contested Proposed Settlement that would saddle ratepayers with undefined costs incurred as a result of a failed program that will provide no ratepayer or environmental benefit is per se against public interest and  should be denied.” Wild Tree Foundation Comments in | “Cal Advocates, TURN, LC/SC, and  Wild Tree oppose the Utilities’ proposal and argue that the Commission in this  proceeding should determine that wind down costs are the responsibly of the Utilities’ shareholders (called  “shareholder backstop”). . . Wild Tree is concerned that the Settlement Agreement leaves open the possibility  of subsidizing a failed program. Wild | Verified |

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| Opposition to Proposed Settlement at 34; analysis at 33-34.  “Ratepayers that do not  volunteer to sign up to pay for greatly increased bills in  exchange for dubious claimed environmental benefits should not pay one single dollar for  this program. The major issues of whether or not non-  volunteer ratepayers will end  up paying for this program and to what extent are not  addressed in the Contested Settlement.” Wild Tree  Foundation Opening Brief at 42, analysis at 42-44; *see* also Wild Tree Foundation Reply Brief at 22-23. | Tree argues that the Utilities intend ratepayers to be on the hook for the  stranded costs that will inevitably result from what Wild Tree believes will be a failed voluntary RNG Tariff pilot program.  We find parties’ arguments for a shareholder backstop compelling.” Decision at 31-33. |  |

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?** | yes | Verified |
| **b. Were there other parties to the proceeding with positions similar to yours?** | yes | Noted |
| **c. If so, provide name of other parties:** Sierra Club, Leadership Counsel for Justice & Accountability, TURN, CUE | | Noted |
| **d. Intervenor’s claim of non-duplication:**  While TURN, Sierra Club/LCJA (acting jointly), and CUE shared the general position with Wild Tree that the Application should be denied, the parties focuses diverged and thus commonly held positions were not duplicated so as to dilute the contributions of any of the parties in opposition to the application and proposed settlement. Wild Tree took care to not repeat arguments that were the focus of other parties’ advocacy. For *example*, Wild Tree did not repeat but indicated support for TURN arguments  regarding gas swaps and Sierra Club/LCJA arguments about the dairy | | Noted |

industry and marketing. At the same time, Wild Tree advanced arguments that made a substantial contribution to the decision that were not

substantially addressed by other parties such as the applicable CARB

standards and use of GREET methodology. Ultimately, Wild Tree’s work was complementary, and not overly duplicative of other parties.

# PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

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|  | | | | | **CPUC Discussion** |
| **a. Intervenor’s claim of cost reasonableness:**  Wild Tree’s advocacy contributed to a decision that will have an impact on ratepayers in that its advocacy contributed to a decision that will create a new tariff that will increase gas rates substantially for participating  ratepayers. The resources Wild Tree expended in its advocacy are minimal relative to the resulting impacts and Wild Tree’s costs are reasonable in light of the amount of time, resources, and effort Wild Tree put into the proceeding as a party. | | | | | Noted |
| **b. Reasonableness of hours claimed:**  Wild Tree spent a reasonable and prudent amount of time on this matter, working diligently to address highly complex and complicated issues in an efficient and expedient manner. An in-house attorney, experienced in practice before the Commission, drafted all filings for Wild Tree with the assistant of a law clerk and advice of an experienced expert thereby  leveraging many years of experience and expertise while limiting its costs. Due to the multi-faceted nature of this proceeding, a typical law firm would have expended significantly more resources than that spent by Wild Tree. | | | | | Noted |
| **c. Allocation of hours by issue:** | | | | | Noted |
|  | Issue Descriptions | Total HRS | Allocation |  |
|  | A: Application - Proposed tariff should be denied as contrary to law, counter to  efforts to decrease GHG and methane  emissions, and would result in unjust rates and harm to the environment | 83.09 | 30% |
|  | PS: Proposed Settlement - The Proposed Settlement should be denied as not  consistent with the law, not reasonable,  and not in the public interest | 167.1 | 59% |

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|  | MD: Modified Proposed Settlement - The  Modified Proposed Settlement should not be approved because it does not cure the defects of the application and proposed  settlement. | 23.52 | 8% |  |  |
|  | G: Discovery, general preparation, case  coordination, procedural matters. | 8.74 | 3% |
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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 $** |
| April Maurath Sommer | 2019 | 57.53 | $390 | D.21-02-021 | $22,436.70 | 57.53 | $390 | $22,436.70 |
| April Maurath Sommer | 2020 | 124.13 | $400 | D.21-02-021 | $49,652.00 | 124.13 | $400 | $49,652.00 |
| Marcus Friedman | 2020 | 45.20 | $150 | $150 is an appropriate rate for a law clerk with  experience working in energy,  environmental  , and administrative law pursuant to average  rate for law  clerk awarded as recorded in the Hourly Rate Table (Pre-2021  Adopted Rates). *See*  Attachment | $6,780.00 | 45.20 | $150 [1] | $6,780.00 |

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|  |  |  |  | for Mr. Friedman’s bio and  resume. |  |  |  |  |
| Thomas Del Monte -  expert | 2019 | 32.20 | $305 | Res. ALJ-357  2019 range of expert rates  for 7-12 years experience is  $185-305.  Given Mr. Del Monte’s  education and specific  experience in the energy  industry,  $305 is an appropriate rate. *See* Attachment for Mr. Del Monte’s bio  and resume. | $9,821.00 | 32.2 | $290  [2] | $9,338.00 |
| Thomas Del Monte – attorney | 2020 | 23.40 | $435[2](#_bookmark1) | Res. ALJ-387  2020 range for attorney with 8-12 years  experience is  $360-$420.  Given Mr. Del Monte’s experience in energy law,  $410 is an appropriate rate.  Because Mr.  Del Monte  provided both expert and | $10,179.00 | 23.40 | $390  [3] | $9,126.00 |

2 Wild Tree Foundation requests a rate of $410 in the “Basis for Rate” Section.

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|  |  |  |  | legal services in this case, a  $25/hr  efficiency adder is  appropriate pursuant to  D.98-04-059.  *See* Attachment for Mr. Del Monte’s bio  and resume. |  |  |  |  |
| ***Subtotal: $98,868.70*** | | | | | | ***Subtotal:* $97,332.70** | | |
| **INTERVENOR COMPENSATION CLAIM PREPARATION \*\*** | | | | | | | | |
| **Item** | **Year** | **Hours** | **Rate $** | **Basis for Rate\*** | **Total $** | **Hours** | **Rate** | **Total $** |
| April Maurath Sommer | 2021 | 10 | $345 | ½ ($695 per Res. ALJ-393  Hourly Rate Chart for Legal Director, Level IV -0-  15 years  experience). The attached bio and  resume  demonstrates that Ms.  Maurath Sommer has more than 12 years’  experience directly relevant to the work  performed by attorneys  before this Commission, more than 6  years | $3,450.00 | 10 | $262.50 [4] | $2,625.00 |

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|  |  |  |  | experience specifically practicing before the  Commission, and more than 4 years  experience as a legal director for intervenors before the  Commission.  $695 is within the Level IV range of  $469.24 -  $783.36 and is an  appropriate market rate for Ms.  Maurath Sommer given her  experience in energy,  environmental  , and administrative law; practice before the Commission; and  experience as a legal director for intervenors  before this Commission.  *See*  attachment for Ms. Maurath Sommer’s bio and resume. |  |  |  |  |

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| ***Subtotal: $***3,450.00 | | | | ***Subtotal: $2,625.00*** |
| ***TOTAL REQUEST: $102,318.70*** | | | | ***TOTAL AWARD: $99,957.70*** |
| \*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**](#_bookmark2) | **Member Number** | **Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation** | |
| April Maurath Sommer | 2008 | 257967 | no | |
| Thomas Del Monte | 2009 | 265275 | no | |

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

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| **Attachment or Comment**  **#** | **Description/Comment** |
| 1 | Certificate of Service |
| 2 | Timesheets |
| 3 | Marcus Friedman Bio and Resume |
| 4 | Thomas Del Monte Bio and Resume |
| 5 | April Maurath Sommer Bio and Resume |

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

|  |  |
| --- | --- |
| **Item** | **Reason** |
| [1] 2020 Rate for Friedman | We apply the 2020 rate of $150 approved in D.22-01-005. |
| [2] 2019  Expert Rate | D. 22-01-006 approved an attorney rate of $380 for Del Monte. Wild Tree Foundation requests a 2019 rate of $305 for Del Monte in this claim,  categorizing him as an expert. Per Del Monte’s resume, he has 10 years of |

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

|  |  |
| --- | --- |
| for Del Monte | experience as an attorney and in varied business/operational capacities for  various organizations. The requested rate of $305 reflects the maximum rate for an expert with 7-12 years of experience ($185-$305) per Resolution ALJ-357.  We set his 2019 expert rate at $290 which reflects his 10 years of experience. |
| [3] 2020  Attorney  Rate for Del Monte | Based on the hourly rate adopted in D.22-01-006. Wild Tree Foundation also  requested an efficiency adder. Efficiency adders typically are considered when a participant acts as the sole attorney and expert for a party because it allows the  party to forgo the additional expense of having two representatives for the proceeding. Because that is not the case here, we decline to consider an  efficiency adder. |
| [4] 2021 Rate for Sommer | Although Wild Tree Foundation requests a 2021 rate of $695/hour for Sommer, we ultimately adopt a rate of $525/hour. The $525 rate is reflective of  Sommer’s 6 years of experience as a legal director for Wild Tree Foundation and Protect our Communities and an additional 13 years of experience as a practicing attorney. According to the hourly rate chart implemented by Resolution ALJ-393, the rate range for Legal Director III (5-10 years) is $396 - $673, and the rate range for Attorney IV (10-15 years) is $381.81–$619.29. We award the rate of $525 based on Sommer’s experience as an attorney and legal director. |

# 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))**

No

**A. Opposition: Did any party oppose the Claim?**

Yes

**B. Comment Period: Was the 30-day comment period waived (*see* Rule 14.6(c)(6))?**

**FINDINGS OF FACT**

1. Wild Tree Foundation has made a substantial contribution to D.20-05-019.
2. The requested hourly rates for Wild Tree 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.

1. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
2. The total of reasonable compensation is $99,957.70.

**CONCLUSION OF LAW**

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

**ORDER**

1. Wild Tree Foundation is awarded $99,957.70.
2. Within 30 days of the effective date of this decision, San Diego Gas & Electric Company and Southern California Gas Company shall pay Wild Tree Foundation their respective shares of the award, based on their California-jurisdictional gas

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 gas 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 Wild Tree Foundation’s request, and continuing until full payment is made.

1. The comment period for today’s decision is waived. This decision is effective today.

Dated , at Sacramento, California.

**APPENDIX**

Compensation Decision Summary Information

|  |  |  |  |
| --- | --- | --- | --- |
| Compensation Decision: |  | Modifies Decision? | No |
| Contribution Decision(s): | D2012022 | | |
| Proceeding(s): | A1902015 | | |
| Author: | ALJ Liang-Uejio | | |
| Payer(s): | San Diego Gas & Electric Company, and Southern California Gas Company | | |

Intervenor Information

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Intervenor | Date Claim Filed | Amount Requested | Amount Awarded | Multiplier? | Reason  Change/Disallowance |
| Wild Tree Foundation | 2/9/2021 | $102,318.70 | $99,957.70 | N/A | *See* CPUC Comments, Disallowances, and Adjustments section  above |

Hourly Fee Information

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| First Name | Last Name | Attorney, Expert, or Advocate | Hourly Fee Requested | Year Hourly Fee Requested | Hourly Fee Adopted |
| April | Maurath Sommer | Attorney | $390 | 2019 | $390 |
| April | Maurath  Sommer | Attorney | $400 | 2020 | $400 |
| April | Sommer | Attorney | $695 | 2021 | $450 |
| Marcus | Friedman | Law clerk | $150 | 2020 | $150 |
| Thomas | Del Monte | Expert | $305 | 2019 | $290 |
| Thomas | Del Monte | Attorney | $435 | 2020 | $390 |

**(END OF APPENDIX)**