

Decision 22-08-021 August 4, 2022

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

Application of SAN DIEGO GAS & ELECTRIC COMPANY (U902E) for Approval of its 2021 Electric Procurement Revenue Requirement Forecasts and GHG-Related Forecast.	Application 20-04-014
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**DECISION GRANTING COMPENSATION TO UTILITY CONSUMERS’ ACTION NETWORK FOR SUBSTANTIAL CONTRIBUTION TO DECISION 21-01-017**

<b>Intervenor: Utility Consumers’ Action Network</b>	<b>For contribution to Decision 21-01-017</b>
<b>Claimed:</b> \$38,340.68	<b>Awarded:</b> \$37,860.88
<b>Assigned Commissioner:</b> Alice Reynolds <sup>1</sup>	<b>Assigned ALJ:</b> Peter Wercinski

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	<p>The Energy Resource Recovery Account (“ERRA”) provides for recovery of energy procurement costs, including expenses associated with fuel and purchased power, utility retained generation, California Independent System Operator (CAISO) related costs, and costs associated with the residual net short procurement requirements to serve the bundled electric service customers of utilities.</p> <p>On April 15, 2020, San Diego Gas &amp; Electric (SDG&amp;E) filed its Application for approval of its 2021 Electric Procurement Revenue Requirement Forecasts and GHG Related Forecasts.</p> <p>On May 18, 2020, the California Public Advocates Office (Cal Advocates) and San Diego Community</p>
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<sup>1</sup> This PD was re-assigned to President Alice Reynolds on July 5, 2022.

	<p>Power (SDCP) filed protests to the Application. A prehearing conference (PHC) was held on June 17, 2020. Utility Consumers' Action Network (UCAN) was granted party status at the PHC.</p> <p>A Proposed Decision was issued on December 19, 2020, in which the Commission adopted a 2021 forecast electric procurement revenue requirement for SDG&amp;E of \$1,161.437 million. In addition, this decision approved SDG&amp;E's 2021 forecast greenhouse gas (GHG) allowance revenues of \$115.836 million and other Program Account Revenue Requirements adopted.</p> <p>Comments received from UCAN and other Parties, at the Proposed Decision stage, raised issues related to whether the SDG&amp;E sales forecast reflected the anticipated load departure to CCAs in 2021. Parties advocated for an updated and more accurate sales forecast in an ERRA forecast proceeding. Intervenors also recommended the application of the System Average Percent Change (SAPC) method in the implementation of bundled generation rates.</p> <p>The adopted Decision directed SDG&amp;E to use the same updated energy requirements forecast used to derive the 2021 ERRA forecast revenue requirement and the SAPC method to set the applicable bundled generation rates to be implemented. The Commission rejected SDG&amp;E's view that an outdated sales forecast from another proceeding must be blindly followed, particularly given the existence of SDG&amp;E's own updated forecast that properly takes account of anticipated load departures that were not known at the time the outdated sales forecast was created. The Commission agreed that this decision should reflect the most accurate bundled energy requirements forecast.</p>
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812<sup>2</sup>:**

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

	<b>Intervenor</b>	<b>CPUC Verification</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	June 17, 2020	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	July 15, 2020	July 17, 2020
4. Was the NOI timely filed?		Yes
<b>Showing of eligible customer status (§ 1802(b) or eligible local government entity status (§§ 1802(d), 1802.4):</b>		
5. Based on ALJ ruling issued in proceeding number:	R.20-07-013	Verified
6. Date of ALJ ruling:	December 14, 2020	Verified
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
<b>Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):</b>		
9. Based on ALJ ruling issued in proceeding number:	R.20-07-013	Verified
10. Date of ALJ ruling:	December 14, 2020	Verified
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.21-01-017	Verified
14. Date of issuance of Final Order or Decision:	1/20/2021	Verified
15. File date of compensation request:	3/22/2021	Verified
16. Was the request for compensation timely?		Yes

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

#	Intervenor’s Comment(s)	CPUC Discussion
Comment 1	UCAN was last found to satisfy the § 1802(g) “significant financial hardship” requirement in R.20-07-013 (filed 10/14/20; granted 12/14/20). This is contemporaneous with the Decision in this instant proceeding.	Noted

**PART II: SUBSTANTIAL CONTRIBUTION**

**A. Did the Intervenor substantially contribute to the final decision (see § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059):**

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p><u>UCAN CONTRIBUTED TO THE DECISION ENSURING DATA, FACTORS AND ISSUES PERTAINING TO THE REVENUE REQUIREMENT CALCULATIONS WOULD REFLECT THE MOST ACCURATE BUNDLED ENERGY REQUIREMENTS.</u></p> <p>The Commission held that this decision should reflect the most accurate bundled energy requirements forecast. <b>D.21-01-017 at p. 44.</b></p> <p>Consistently, UCAN contended, recommended and finally agreed with this finding.</p>	<p><i>“[T]his decision should reflect the most accurate bundled energy requirements forecast.”</i></p> <p><b>COMMENTS OF THE UTILITY CONSUMERS’ ACTION NETWORK (UCAN) ON THE ALTERNATE</b></p>	<p>Verified</p>

<p>At the onset, UCAN focused on the application of particular factors and considerations that, UCAN believed, seemed pertinent to the revenue requirement calculation.</p> <p>In the least, UCAN sought review of the use of certain inputs and assumptions by SDG&amp;E that potentially affected the accuracy of the provided forecast. UCAN maintained that key factors in determining accurate financial costs were not appropriately reflected in the forecast.</p> <p>Ultimately, through its re-emphasis and reenforcement of the goal to seek better, more accurate forecasts, UCAN contributed to the Decision’s record and finding that Commission proceedings, rules and decisions should utilize accurate forecasting methodologies and more up-to-date data.</p>	<p><b>PROPOSED DECISION ADOPTING 2021 ELECTRIC PROCUREMENT REVENUE REQUIREMENT FORECASTS AND GREENHOUSE GAS-RELATED FORECASTS FOR SAN DIEGO GAS &amp; ELECTRIC COMPANY at p. 1.</b></p> <p><i>“It does so by addressing the use of certain inputs and assumptions by SDG&amp;E that, in UCAN’s opinion, potentially affect the accuracy of the provided forecast.”</i></p> <p><b>OPENING BRIEF OF THE UTILITY CONSUMERS’ ACTION NETWORK (UCAN) at p. 2.</b></p> <p><b>REPLY COMMENTS OF THE UTILITY CONSUMERS’ ACTION NETWORK (UCAN) ON THE PROPOSED DECISION ADOPTING 2021 ELECTRIC PROCUREMENT REVENUE REQUIREMENT FORECASTS AND GREENHOUSE GAS-RELATED FORECASTS FOR SAN DIEGO GAS &amp; ELECTRIC COMPANY at p. 5.</b></p> <p><b>OPENING BRIEF OF THE UTILITY CONSUMERS’ ACTION NETWORK (UCAN) at p. 2.</b></p>	
<p><u>UCAN CONTRIBUTED TO THE DECISION’S</u></p>		<p>Verified</p>

<p><u>REASONABLENESS REVIEW IN THIS PROCEEDING BY ITS INTRODUCTION AND QUESTIONS REGARDING SDG&amp;E'S CALCULATIONS AND METHODOLOGIES.</u></p> <p>This proceeding conducts a reasonableness review to determine whether SDG&amp;E's positions regarding the issues in scope are reasonable, based upon appropriate methodologies and calculations, and compliant with all applicable laws, regulations, rules, orders and Commission decisions. <b>D.21-01-017 at p. 18.</b></p> <p>In its Opening Brief, UCAN raises several arguments regarding the methodology used by SDG&amp;E in calculating the ERRA revenue requirement. <b>D.21-01-017 at p 21.</b></p> <p>UCAN suggested employing better data, which would also increase rate stabilization, would lead to more accurate and improved forecasting methodologies.</p> <p>While, ultimately, the Decision did not agree with UCAN's</p>	<p><i>UCAN stated it intervened in this matter to raise issues and concerns regarding the application of particular factors that seem pertinent to the revenue requirement calculation. It does so by addressing the use of certain inputs and assumptions by SDG&amp;E that, in UCAN's opinion, potentially affect the accuracy of the provided forecast.</i></p> <p><b>OPENING BRIEF OF THE UTILITY CONSUMERS' ACTION NETWORK (UCAN) at p. 2.</b></p>	
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<p>position that the manner in which load financial settlement transactions are conducted affects the forecasts and that SDG&amp;E may not be properly forecasting and settling bundled customer load in the CAISO market based solely on bundled customer interval load data, <b>D.21-01-017 at p. 22</b>; see also p. 18, UCAN contributed to the Commission’s reasonableness review to determine whether SDG&amp;E’s positions regarding the issues in scope were reasonable, based upon appropriate methodologies and calculations.</p> <p>Despite the Decision not finding its contentions affected the reasonableness of SDG&amp;E’s methodologies and calculations, UCAN’s position championed utilizing improved, up-to-date methodologies which was ultimately reflected in the Decision’s finding that SDG&amp;E should prepare a more accurate rate forecast.</p>	<p><b>OPENING BRIEF OF THE UTILITY CONSUMERS’ ACTION NETWORK (UCAN) at p. 2;</b>  <b>REPLY COMMENTS OF THE UTILITY CONSUMERS’ ACTION NETWORK (UCAN) ON THE PROPOSED DECISION ADOPTING 2021 ELECTRIC PROCUREMENT REVENUE REQUIREMENT FORECASTS AND GREENHOUSE GAS-RELATED FORECASTS FOR SAN DIEGO GAS &amp; ELECTRIC COMPANY at p. 3.</b></p>	
<p><u>UCAN CONTRIBUTED TO THE DECISION UPHOLDING THAT SDG&amp;E SHOULD USE FORECASTS THAT ACCURATELY REFLECT PROJECTED LOAD DEPARTURES.</u></p> <p>SDG&amp;E fails to cite any Commission decision that</p>		<p>Verified</p>

<p>would prevent use of an updated and more accurate sales forecast in an ERRA forecast proceeding. We reject SDG&amp;E’s view that an outdated sales forecast from another proceeding must be blindly followed, particularly given the existence of SDG&amp;E’s own updated forecast that properly takes account of anticipated load departures that were not known at the time the outdated sales forecast was created.  <b>D.21-01-017 at p. 43.</b></p> <p>UCAN contended that SDG&amp;E’s forecasting approach and modeling was not accurate enough and “could provide a higher degree of certainty than what SDG&amp;E’s current methodology offers.”</p> <p>UCAN observed that the use of various inputs and assumptions would lead to imprecision and inaccuracy in spite of SDG&amp;E admitting it “continually strives to improve modeling accuracy and increase modeling robustness.”</p> <p>UCAN expressed a sentiment that SDG&amp;E reluctantly considered, if at all, factors and analysis that possibly could provide a higher degree of certainty than SDG&amp;E’s current methodology- a notion</p>	<p><b>REPLY COMMENTS OF THE UTILITY CONSUMERS’ ACTION NETWORK (UCAN) ON THE PROPOSED DECISION ADOPTING 2021 ELECTRIC PROCUREMENT REVENUE REQUIREMENT FORECASTS AND GREENHOUSE GAS-RELATED FORECASTS FOR SAN DIEGO GAS &amp; ELECTRIC COMPANY at p. 5.</b></p> <p><b>OPENING BRIEF OF THE UTILITY CONSUMERS’ ACTION NETWORK (UCAN) at p. 2.</b></p> <p><i>“But, as mirrored and reflected in the Decision’s finding, UCAN also recognized, in reality, SDG&amp;E’s approach and forecasts ultimately reflected the IOU’s reticence to further pursue factors and analysis that possibly could provide a</i></p>	
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<p>and tone that the Decision ultimately adopted.</p> <p>UCAN concluded, at the very beginning, that SDG&amp;E’S ERRA revenue requirement was inaccurate as it’s modeling did not properly consider actual customer bundled load costs.</p> <p>Early on, UCAN understood that the significant load forecasted to depart SDG&amp;E’s bundled service with the expansion of CCAs would increase the ERRA forecast imprecision.</p> <p>UCAN focused on the consideration of the departing load projection and whether it was properly reflected in the calculations; if not, UCAN understood the error may become increasingly significant over the forecast term.</p>	<p><i>higher degree of certainty than what SDG&amp;E’s current methodology offers.”</i></p> <p><b>OPENING BRIEF OF THE UTILITY CONSUMERS’ ACTION NETWORK (UCAN) at pp. 3-4.</b></p> <p><b>OPENING BRIEF OF THE UTILITY CONSUMERS’ ACTION NETWORK (UCAN) at p. 2.</b></p> <p><b>OPENING BRIEF OF THE UTILITY CONSUMERS’ ACTION NETWORK (UCAN) at p. 6.</b></p> <p><i>“Given that significant load is forecasted to depart SDG&amp;E’s bundled service to CCA service over the course of 2021, to the degree that SDG&amp;E will serve less load compared to CCAs by year-end, the financial impact of this error may become increasingly significant over the forecast term. The magnitude of the ERRA revenue requirement forecast error is directly related to the volume of load that departs to CCA service relative to remaining bundled customer load. Thus, this methodological oversight only becomes a problem with large volumes of CCA departing load.’</i></p> <p><b>OPENING BRIEF OF THE UTILITY CONSUMERS’ ACTION NETWORK (UCAN) at p. 7.</b></p>	
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<p>This point fell in step with the points raised by the CCA parties which focuses on whether SDG&amp;E’s forecasting fails to account for the CCA-related departing load in its sales forecast, which represents anticipated customer energy usage.</p> <p>UCAN supported the CCA entities argument that SDG&amp;E’s proposed reliance on a sales forecast ignored an anticipated departure of approximately 24% of SDG&amp;E’s bundled sales in 2021 creates an undeniable and significant rate distortion. UCAN recognized as much, in its Opening Brief, when it concluded that as significant load is forecasted to depart SDG&amp;E’s bundled service with the expansion of CCAs, this will result in an increase in the ERRA forecast imprecision.</p> <p>While UCAN’s more nuanced point discussed CAISO-related concerns, UCAN’s issue was similar and aligned to the load departure consideration.</p>	<p><b>REPLY COMMENTS OF THE UTILITY CONSUMERS’ ACTION NETWORK (UCAN) ON THE PROPOSED DECISION ADOPTING 2021 ELECTRIC PROCUREMENT REVENUE REQUIREMENT FORECASTS AND GREENHOUSE GAS-RELATED FORECASTS FOR SAN DIEGO GAS &amp; ELECTRIC COMPANY at p. 3.</b></p> <p><b>COMMENTS OF THE UTILITY CONSUMERS’ ACTION NETWORK (UCAN) ON THE ALTERNATE PROPOSED DECISION ADOPTING 2021 ELECTRIC PROCUREMENT REVENUE REQUIREMENT FORECASTS AND GREENHOUSE GAS-RELATED FORECASTS FOR SAN DIEGO GAS &amp; ELECTRIC COMPANY at p. 2.</b></p> <p><i>The observation by the Retail Alliance that the sales forecast used by SDG&amp;E does not include the 2021 load departure associated with San Diego Community Power aligned to UCAN’s prior critique of SDG&amp;E’s ERRA revenue forecast modeling in that SDG&amp;E is apparently forecasting and settling a portion of bundled customer load in the CAISO market using hourly load profiles that are based on the usage patterns of both bundled</i></p>	
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<p>Consistent with its arguments, UCAN also supported the principle that the Decision should seek to enforce consistency between the load forecast used to calculate the ERRA revenue requirement and billing determinants.</p>	<p><i>customers and customers that depart specifically to CCAs.</i>  <b>REPLY COMMENTS OF THE UTILITY CONSUMERS' ACTION NETWORK (UCAN) ON THE PROPOSED DECISION ADOPTING 2021 ELECTRIC PROCUREMENT REVENUE REQUIREMENT FORECASTS AND GREENHOUSE GAS-RELATED FORECASTS FOR SAN DIEGO GAS &amp; ELECTRIC COMPANY at p. 4.</b></p> <p><b>COMMENTS OF THE UTILITY CONSUMERS' ACTION NETWORK (UCAN) ON THE ALTERNATE PROPOSED DECISION ADOPTING 2021 ELECTRIC PROCUREMENT REVENUE REQUIREMENT FORECASTS AND GREENHOUSE GAS-RELATED FORECASTS FOR SAN DIEGO GAS &amp; ELECTRIC COMPANY at p. 3.</b></p>	
<p><u>UCAN RECOMMENDED THE DECISION SHOULD ADOPT THE SAPC METHOD TO HELP RECONCILE THIS PROCEEDING WITH THE ONGOING SDG&amp;E GENERAL RATE CASE.</u></p> <p>At the end, the Commission included that the application of the System Average Percent Change (SAPC) method in the implementation of bundled generation rates should be adopted pursuant to this decision. <b>D.21-01-017 at p. 44.</b></p>		<p>Verified</p>

<p>As an intervenor in SDG&amp;E’s General Rate Case Phase 2 (A.10-07-009/A.19-03-002) and a party to the settlement agreement pending in that proceeding. UCAN raised concerns regarding the implications of the APD in that the decision potentially conflicts with the terms of the GRC settlement.</p> <p>UCAN opines a resolution to this problem is to use a system average percent change (SAPC) adjustment to calculate rates. UCAN, like before, recommends the APD should be clarified to ensure the new sales forecast is properly implemented in rates through a SAPC adjustment to protect rate stability.</p>	<p><b>REPLY COMMENTS OF THE UTILITY CONSUMERS’ ACTION NETWORK (UCAN) ON THE ALTERNATE PROPOSED DECISION ADOPTING 2021 ELECTRIC PROCUREMENT REVENUE REQUIREMENT FORECASTS AND GREENHOUSE GAS-RELATED FORECASTS FOR SAN DIEGO GAS &amp; ELECTRIC COMPANY at p. 2.</b></p> <p><b>COMMENTS OF THE UTILITY CONSUMERS’ ACTION NETWORK (UCAN) ON THE ALTERNATE PROPOSED DECISION ADOPTING 2021 ELECTRIC PROCUREMENT REVENUE REQUIREMENT FORECASTS AND GREENHOUSE GAS-RELATED FORECASTS FOR SAN DIEGO GAS &amp; ELECTRIC COMPANY at p. 3.</b></p> <p><i>“Given the all-party compromise reached in the GRC Phase 2 proceeding, the APD should be clarified to ensure the new sales forecast is properly implemented in rates through a SAPC adjustment to protect rate stability.”</i></p> <p><b>COMMENTS OF THE UTILITY CONSUMERS’ ACTION NETWORK (UCAN) ON THE ALTERNATE PROPOSED DECISION ADOPTING 2021 ELECTRIC PROCUREMENT REVENUE REQUIREMENT FORECASTS AND GREENHOUSE GAS-RELATED FORECASTS FOR SAN DIEGO GAS &amp; ELECTRIC COMPANY at p. 4.</b></p>	
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<p>UCAN was in concert with the views espoused by the CCAs and the Alliance in that the ERRA decision should not contribute to “rate distortion” nor should utility customers receive “inappropriate price signals” or “unnecessary rate volatility.”</p> <p>UCAN advocated for the application of the SAPC method to address these consumer concerns.</p> <p>UCAN concluded the SAPC maximizes rate stability by giving all customers the same rate change. And it avoids needing to rely on revenue allocation factors that are not based on the new Energy Requirements Forecast. Continuing to use the current revenue allocation factors would continue the inconsistency in load forecasts the Commission is attempting to avoid here.</p>	<p><b>REPLY COMMENTS OF THE UTILITY CONSUMERS’ ACTION NETWORK (UCAN) ON THE PROPOSED DECISION ADOPTING 2021 ELECTRIC PROCUREMENT REVENUE REQUIREMENT FORECASTS AND GREENHOUSE GAS-RELATED FORECASTS FOR SAN DIEGO GAS &amp; ELECTRIC COMPANY at p. 5.</b></p> <p><i>UCAN finds the application of the SAPC method addresses concerns about rate distortion and rate volatility.</i></p> <p><b>REPLY COMMENTS OF THE UTILITY CONSUMERS’ ACTION NETWORK (UCAN) ON THE PROPOSED DECISION ADOPTING 2021 ELECTRIC PROCUREMENT REVENUE REQUIREMENT FORECASTS AND GREENHOUSE GAS-RELATED FORECASTS FOR SAN DIEGO GAS &amp; ELECTRIC COMPANY at p. 5.</b></p> <p><b>REPLY COMMENTS OF THE UTILITY CONSUMERS’ ACTION NETWORK (UCAN) ON THE PROPOSED DECISION ADOPTING 2021 ELECTRIC PROCUREMENT REVENUE REQUIREMENT FORECASTS AND GREENHOUSE GAS-RELATED FORECASTS FOR SAN DIEGO GAS &amp; ELECTRIC COMPANY at p. 5.</b></p>	
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<p>The Decision directed SDG&amp;E to use the same updated energy requirements forecast used to derive the 2021 ERRA forecast revenue requirement and the SAPC method to set the applicable bundled generation rates to be implemented pursuant to this decision. <b>D.21-01-017 at p. 44.</b></p> <p>To achieve a more accurate forecast while also serving consumer goals of rate stabilization, UCAN supported inclusion of the SAPC in the final decision.</p> <p>UCAN agreed that the application of the SAPC could address GRC settlement parties' concerns while also supporting the desire for a better, updated sales forecast as</p>	<p><i>If the Commission does want to address this Sale Forecast issue in this proceeding (and, presumably, reject the GRC Phase 2 settlement and reopen that proceeding for what will be lengthy and likely contentious hearings), the Proposed Decision should still be clarified to ensure the new sales forecast is properly implemented in rates through a system average percent change (SAPC) adjustment to protect rate stability.</i></p> <p><b>REPLY COMMENTS OF THE UTILITY CONSUMERS' ACTION NETWORK (UCAN) ON THE PROPOSED DECISION ADOPTING 2021 ELECTRIC PROCUREMENT REVENUE REQUIREMENT FORECASTS AND GREENHOUSE GAS-RELATED FORECASTS FOR SAN DIEGO GAS &amp; ELECTRIC COMPANY at p. 5.</b></p> <p><i>UCAN, therefore, supports the positions adopted by the CCA Parties and Cal Advocates in their recommendation that the APD be modified to direct SDG&amp;E to apply the SAPC method when implementing its 2021 ERRA</i></p>	
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<p>suggested by parties in the instant proceeding.</p>	<p><i>Forecast rates. UCAN concurs that the application of the SAPC methodology could, in part, resolve the timing, complexity, notice, and rate impact issues claimed by SDG&amp;E in its opposition to utilizing an updated sales forecast.</i></p> <p><b>REPLY COMMENTS OF THE UTILITY CONSUMERS' ACTION NETWORK (UCAN) ON THE ALTERNATE PROPOSED DECISION ADOPTING 2021 ELECTRIC PROCUREMENT REVENUE REQUIREMENT FORECASTS AND GREENHOUSE GAS-RELATED FORECASTS FOR SAN DIEGO GAS &amp; ELECTRIC COMPANY at p. 1.</b></p>	
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**B. Duplication of Effort (§ 1801.3(f) and § 1802.5):**

	<b>Intervenor's Assertion</b>	<b>CPUC Discussion</b>
<p><b>a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?</b></p>	<p>Yes</p>	<p>Verified</p>
<p><b>b. Were there other parties to the proceeding with positions similar to yours?</b></p>	<p>Yes</p>	<p>Verified</p>
<p><b>c. If so, provide name of other parties:</b> SDCP &amp; CalCCA</p>		<p>Verified</p>
<p><b>d. Intervenor's claim of non-duplication:</b>                  Although UCAN raised issues about the accuracy of SDG&amp;E methodologies and calculations in deriving its revenue requirement forecasts, UCAN carefully focused its participation, comments and advocacy on issues at a level that differed from the other parties. For example, UCAN's points examined more fully CAISO-related concerns but UCAN also argued and advocated the departing load issue – but avoided the deeper review of the latter. As UCAN put forth its positions, it contributed to the finding of inaccurate factors/determinants, but did so by avoiding the in-depth work the CCA-related parties conducted in examining the particular sales forecast variables. UCAN avoided duplication and complemented</p>		<p>Noted</p>

<p>core issues other parties pursued to help contribute to, and round the record of, the proceeding. UCAN also avoided duplication on the question of including the SAPC method as UCAN’s advocacy stemmed from its singular involvement in the SDG&amp;E GRC proceeding; CCA parties in the instant case were not intervenors there (at that time).</p>	
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**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

	<b>CPUC Discussion</b>
<p><b>a. Intervenor’s claim of cost reasonableness:</b> UCAN’s seeks an intervenor compensation award of \$38,340.68. as the reasonable cost of our participation in this proceeding. UCAN urges the Commission to find these costs reasonable in light of its substantial contribution to the record detailed in Part II (A) above as well as the importance of the issues that UCAN addressed for the protection of ratepayers. UCAN’s participation helped inform the Commission on whether it was reasonable to adopt SDG&amp;E’s revenue requirements, helped highlight and find that the projection of departing load (associated with the nascent CCA programs) was not accurately included in the forecasts and also helped conclude that adoption of the SAPC method would better protect customer interests. UCAN urges the Commission to find the costs of UCAN’s participation reasonable in light of all the related benefits to ratepayers.</p>	<p>Noted</p>
<p><b>b. Reasonableness of hours claimed:</b> In this proceeding, UCAN is claiming 107.8 total hours of attorney time, 57.25 hours of expert time, and 50.55 of ratepayer advocate time. UCAN believes that 107.8 hours of substantive work is reasonable due to the multitude of issues covered in the proceedings (see Part II (A) above). UCAN conducted base discovery, with limited Data Requests, to evaluate its concerns and questions pertaining to additional factors to be included in forecasting methodologies and calculations. Similarly, UCAN also reviewed Responses to Data Requests and considered the need for Evidentiary Hearings before determining not to pursue Hearings; however, the preparation and analysis related and provided an underlying basis for UCAN’s various comments/filings.</p>	<p>Noted</p>



<b>c. Allocation of hours by issue:</b>		
1.55	1%	1. General Prep (GP)
5.85	5%	2. Hearings, Workshops, and Conferenc
38.8	36%	3. Filings (F)
16.6	15%	4. Discovery (D)
36.15	34%	5. Testimony (T)
1.45	1%	6. Coordination (C)
7.4	7%	7. (Prep) Evidentiary Hearings (EH)
<b>107.8</b>	<b>100%</b>	

**B. Specific Claim:\***

<b>CLAIMED</b>						<b>CPUC AWARD</b>		
<b>ATTORNEY, EXPERT, AND ADVOCATE FEES</b>								
<b>Item</b>	<b>Year</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Basis for Rate*</b>	<b>Total \$</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Total \$</b>
Edward Lopez	2020	55	\$333.29	See Comment 1	\$18,330.95	55.00	\$325.00 [1]	\$17,875.00
Edward Lopez	2021	2.25	\$442.37	See Comment 1	\$995.33	2.25	\$440.00 [2]	\$990.00
Samuel Golding	2020	50.55	\$315	See Comment 3	\$15,923.25	50.55	\$315.00 [3]	\$15,923.25
<b>Subtotal: \$35,249.53</b>						<b>Subtotal: \$34,788.25</b>		
<b>INTERVENOR COMPENSATION CLAIM PREPARATION **</b>								
<b>Item</b>	<b>Year</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Basis for Rate*</b>	<b>Total \$</b>	<b>Hours</b>	<b>Rate</b>	<b>Total \$</b>
Edward Lopez	2020	.75	\$166.45	R.20-11-041	\$124.84	.75	\$162.50 [4]	\$121.88
Edward Lopez	2021	12.5	\$221.19	½ rate Requested Rate	\$2,764.88	12.50	\$220.00 [5]	\$2,750.00
Samuel Golding	2020	.10	\$157.50	½ rate Requested Rate	\$15.75	.10	\$157.50	\$15.75
Courtney Cook-Sloan	2021	2	\$92.84	½ rate Requested	\$185.68	2.00	\$92.50 [6]	\$185.00

				Rate (See Comment 2)			
<b>Subtotal: \$3,091.68</b>					<b>Subtotal: \$3,072.63</b>		
<b>TOTAL REQUEST: \$38,340.68</b>					<b>TOTAL AWARD: \$37,860.88</b>		
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate</p>							
ATTORNEY INFORMATION							
Attorney	Date Admitted to CA BAR <sup>3</sup>	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation				
Edward Chris Lopez	December 20, 1991	157052	No				

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

Attachment or Comment #	Description/Comment
Comment 1	<p>UCAN requests a new rate for Mr. Edward Lopez based on Resolution ALJ-393 Adopting Intervenor Compensation Market Rate Study and Addressing Related Matters issued December 22, 2020. The Resolution directs intervenors to use the Hourly Rate Chart spreadsheet available on the Commissions ICOMP webpage to determine the appropriate hourly rate when completing claims for work performed on or after January 1, 2021. Consequently, Mr. Lopez needs to establish an appropriate rate for work performed after January 1, 2021. According to the labor roles and rates established by this resolution and found in the hourly rate chart, Mr. Lopez's responsibilities are consistent with the title of a Level V Executive Director with 15+ years' experience, an education level of Juris Doctorate, and a member of the State Bar of California.</p> <p>Mr. Lopez has 15+ years as a non-profit executive. For the past two years he has served as the Executive Director at UCAN. As Executive Director, his responsibilities include providing overall direction and guidance to UCAN's non-profit mission, implementing special events,</p>

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

community outreach initiatives and fundraising activities, acts as UCAN's spokesperson and represents the organization before public agencies and the public, assesses UCAN's needs and objectives, ensures program objectives are met, draft, monitors and executes the organization's budget, and initiates changes to maintain members satisfaction and engagement. And as Executive Director, he is responsible for budget issues and monitoring and managing revenue and expenses regarding staff hours and payments to experts. With the hiring of two additional attorneys for UCAN, staff now composes a total of five employees of which 4 positions are allocated to support the CPUC work.

Additionally, Mr. Lopez graduated law school in 1991 and has 10+ years of legal experience. Mr. Lopez practices before the Commission on various UCAN proceedings. His increased involvement in UCAN's proceedings including filing protests, utilizing discovery, directing the work of expert consultants and witnesses, submitting testimony, cross examining witnesses in hearings, writing briefs and submitting comments on Commission issues and proposed decisions. As Executive Director, he works with UCAN's Legal Director in overseeing the overall legal work of the organization including providing strategic direction on which proceedings the organization should choose to best protect the interests of San Diego gas and electric ratepayers. Mr. Lopez meets weekly with legal staff to coordinate case assignments and discuss complex legal issues and actions before the Commission.

Mr. Lopez's last approved rate for 2020 was as an attorney at \$325/hr (D.20-11-041).

Mr. Lopez's non-profit background includes experience as an Executive Director of an educational foundation as well as the Executive Director for a community-based organization that provided financing for affordable housing as well as neighborhood economic development. For an environmental non-profit, he served as the principal author of a Master Plan for an Advanced Energy Community pursuant to a California Energy Commission grant. He has supervised staff between 3 to 7 employees.

As an attorney, Mr. Lopez provided counsel and services to public agencies and non-profit organizations. Additionally, he served in positions with SDG&E and Cox Communications, as part of their local Government/Community Affairs departments.

Due to Mr. Lopez's education, experience and current responsibilities, UCAN is requesting a rate of **\$442.37** which is the high level for an Executive Director Level V with 15+ years' experience and an education level of Juris Doctorate.

Furthermore, UCAN is requesting a rate of **\$333.29** for Mr. Lopez' hours in 2020 based on Resolution ALJ-387. This Resolution provided a rate

	<p>increase of 2.55% (to the 2019 approved rate) which results in the \$333.29 rate.</p>
<p>Comment 2</p>	<p>UCAN requests a new rate for Ms. Courtney Cook-Sloan based on Resolution ALJ-393 Adopting Intervenor Compensation Market Rate Study and Addressing Related Matters issued December 22, 2020. The Resolution directs intervenors to use the Hourly Rate Chart spreadsheet available on the Commissions ICOMP webpage to determine the appropriate hourly rate when completing claims for work performed on or after January 1, 2021. Consequently, Ms. Cook-Sloan needs to establish an appropriate rate for work performed after January 1, 2021. According to the labor roles and rates established by this resolution and found in the hourly rate chart, Ms. Cook-Sloan’s responsibilities are consistent with the title of a Level II Paralegal Manager with 2-5 years of experience and an education level of an Associate’s Degree plus four years of experience resulting in an educational equivalency of a Bachelor’s Degree. An additional three years of work experience are being used to establish her actual rate according to the market rate range found in the Lookup page of the Excel workbook.</p> <p>Ms. Cook-Sloan graduated Paralegal School in 2015 with an Associate’s Degree and has seven years of legal experience. For the past five years she has been working at UCAN steadily increasing her responsibilities and practice experience before the Commission. This includes increased involvement in UCAN’s proceedings including validating and overseeing preparation of legal documents, providing research and coordination on complex projects with UCAN’s attorneys. Ms. Cook-Sloan is also responsible for UCAN’s financial and reporting documents including assisting with budgeting and tracking revenue and expenses. Ms. Cook-Sloan’s last approved rate for 2019 was as an expert at \$170/hr. (D.20-07-031).</p> <p>Ms. Cook-Sloan’s background includes working in an office environment for 10 years including an internship at Elder Law and Advocacy and working for Springbrook Insurance. Skills learned at both jobs translated to Ms. Cook-Sloan’s current position at UCAN. Her previous responsibilities were maintaining documents, working with managerial staff, filling out forms and drafting documents. Since then, her skills have further developed at UCAN. She is responsible for researching utility law and reporting results to legal staff. She assists UCAN’s Legal Director and Executive Director with managing a CPUC calendar with deadlines and due dates. She is responsible for tracking all staff’s billable hours and travel receipts. She assists the Executive Director with consumer and member outreach. She maintains UCAN’s financial records and assists the Executive Director in preparing reports for the Board of Director’s. Due to Ms. Cook-Sloan’s education, experience and current responsibilities, UCAN is requesting a rate of <b>\$185.67</b> which is just above</p>

	the median range for a Paralegal Manager Level II with 2-5 years' experience and an educational equivalency of a Bachelor's Degree.
Comment 3	UCAN is requesting a rate of <b>\$315</b> for Samuel Nash Vautier Golding. Mr. Golding has helped to design and operate CCAs in California, and is an industry thought leader who predicted a number of significant market developments, including the reformation of the PCIA mechanism and the formation of the California Community Power "Super Agency" Joint Powers Authority. He helped pioneer the "CCA 2.0 and 3.0" maturity models to provide economies of scale and scope for aggregators, has contributed modeling of DSM potential assessments for the CPUC and of Demand Response potential to enable high renewable integration for the CEC, and has both managed and independently evaluated CEC PIER research projects. Mr. Golding was previously the Managing Director of the consultancy which created CCA, and a senior energy analyst at KEMA, Inc. His areas of focus include competitive power agency governance and operating model design, risk management, electricity system operability needs, market design, regulatory framework development, systems integration, commercial strategy, flexibility services and retail aggregator business models. He has been an expert witness in three regulatory proceedings. UCAN is attaching Mr. Golding's CV.
2	Certificate of Service

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

<b>Item</b>	<b>Reason</b>
[1]	Per D.20-11-041, Lopez's adopted rate for 2020 is \$325.
[2]	Adopting \$440 rate for 2021. Lopez has over 15 years of experience as a nonprofit executive. According to Market Rate Study ALJ-393, Lopez qualifies for a rate in the highest range for an Advocate Executive Director level V.
[3]	Adopting \$315 rate for 2020. Golding has 13 years of experience as an energy analyst. According to Market Rate Study ALJ-393, Golding qualifies for a rate between median and high ranges for an Energy Analyst.
[4]	Adopted rate for Lopez for 2020 is \$325. \$162.50 is the correct rate since Icomp preparation is compensated at 1/2 the preparers normal hourly rate.
[5]	Adopted rate for Lopez for 2021 is \$440. \$220 is the correct rate since Icomp preparation is compensated at 1/2 the preparers normal hourly rate.

[6]	Per D.21-12-050, adopted rate for Cook-Sloan for 2021 is \$185. \$92.50 is the correct rate since Icomp preparation is compensated at ½ the preparers normal hourly rate.
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**PART IV: OPPOSITIONS AND COMMENTS**

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

<b>A. Opposition: Did any party oppose the Claim?</b>	No
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<b>B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?</b>	Yes
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**FINDINGS OF FACT**

1. Utility Consumers’ Action Network has made a substantial contribution to D.21-01-017.
2. The requested hourly rates for Utility Consumers’ Action Network’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 \$37,860.88.

**CONCLUSION OF LAW**

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

**ORDER**

1. Utility Consumers' Action Network is awarded \$37,860.88.
2. Within 30 days of the effective date of this decision, San Diego Gas & Electric Company shall pay Utility Consumers' Action Network 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 June 5, 2021, the 75<sup>th</sup> day after the filing of Utility Consumers' Action Network'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 August 4, 2022, at San Francisco, California.

ALICE REYNOLDS

President

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

DARCIE L. HOUCK

JOHN REYNOLDS

Commissioners

**APPENDIX****Compensation Decision Summary Information**

Compensation Decision:	D2208021	Modifies Decision?	No
Contribution Decision(s):	D2101017		
Proceeding(s):	A2004014		
Author:	ALJ Peter Wercinski		
Payer(s):	San Diego Gas & Electric Company		

**Intervenor Information**

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Utility Consumers' Action Network	3/22/2021	\$38,340.68	\$37,860.88	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
Edward	Lopez	Attorney	\$333.29	2020	\$325.00
Edward	Lopez	Attorney	442.37	2021	\$440.00
Courtney	Cook-Sloan	Advocate	\$185.67	2021	\$185.00
Samuel	Golding	Expert	\$315	2020	\$315.00

**(END OF APPENDIX)**