

Decision 22-08-014 August 4, 2022

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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

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

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.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Public Utilities (Pub. Util.) Code §§ 1801-1812¹:

	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.

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:

#	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

	<p>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. (<i>See</i> 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 <i>example</i>.” (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.</p>	
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<p>11.</p>	<p>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</p>	<p>Noted</p>
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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
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

<p>Testimony of Thomas R. Del Monte, JD/MBA On Behalf Of Wild Tree Foundation</p> <p>Wild Tree Foundation Comments in Opposition to Proposed Settlement</p> <p>Wild Tree Foundation Comments in Response to Administrative Law Judge’s (ALJ) Request for Further Review</p> <p>Wild Tree Foundation Reply Comments in Response to ALJ’s Request for Further Review</p> <p>Wild Tree Foundation Opening Brief On The Application Of Southern California Gas Company And San Diego Gas & Electric Company For Renewable Natural Gas Tariff</p> <p>Wild Tree Foundation Reply Brief On The Application Of Southern California Gas Company And San Diego Gas & Electric Company For Renewable Natural Gas Tariff</p> <p>“Wild Tree acknowledges that, in the PD, the ALJ has attempted to address many of</p>	<p>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.</p> <p style="text-align: center;">- 4 -</p>	<p>Verified</p>
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<p>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</p>		
<p>“[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.</p> <p>“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</p>	<p>“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.</p>	<p>Verified</p>

<p>emissions in California.” Wild Tree Foundation Comments in Opposition to Proposed Settlement at 24; analysis at 21-31.</p> <p>“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.</p>	<p>“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.</p>	
<p>“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.</p> <p>Testimony of Thomas R. Del Monte, JD/MBA On Behalf Of Wild Tree Foundation</p> <p>“The sole substantive difference between the Application and the Contested Settlement is that there are</p>	<p>“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.)</p> <p>The non-settling parties’ concerns regarding potential lack of in-state RNG supplies are valid.” Decision at 18-19.</p>	<p>Verified</p>

<p>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.</p>		<p>Verified</p>
<p>“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</p>		<p>Verified</p>
<p>Tree Reply Brief at 18, analysis at 16-20.</p>		

<p>“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; <i>See also</i> Wild Tree Opening Brief at 6 citing Direct Testimony of Thomas R. Del Monte, JD/MBA On Behalf Of Wild Tree Foundation at 5.</p>	<p>“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.</p> <p>“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.</p>	<p>Verified</p>
<p>“[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</p>	<p>“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</p>	<p>Verified</p>

<p>and uses envisioned by Settling Parties proposal.” Wild Tree Foundation Opening Brief at 11, analysis at 11-14.</p>	<p>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</p>	
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<p>“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.</p> <p>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).</p> <p>“[T]he bigger problem is that the Contested Settlement is silent as to the point that</p>	<p>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</p>	<p>Verified</p>
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<p>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.</p> <p>“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</p>	<p>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</p>	<p>Verified</p>
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<p>“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</p>		
<p>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.</p> <p>“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.</p>		<p>Verified</p>

<p>“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</p>	<p>“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</p>	<p>Verified</p>
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<p>Opposition to Proposed Settlement at 34; analysis at 33-34.</p> <p>“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; <i>see also</i> Wild Tree Foundation Reply Brief at 22-23.</p>	<p>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.</p> <p>We find parties’ arguments for a shareholder backstop compelling.” Decision at 31-33.</p>	
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor’s Assertion	CPUC Discussion
<p>a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?</p>	<p>yes</p>	<p>Verified</p>
<p>b. Were there other parties to the proceeding with positions similar to yours?</p>	<p>yes</p>	<p>Noted</p>
<p>c. If so, provide name of other parties: Sierra Club, Leadership Counsel for Justice & Accountability, TURN, CUE</p>		<p>Noted</p>

<p>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 <i>example</i>, Wild Tree did not repeat but indicated support for TURN arguments regarding gas swaps and Sierra Club/LCJA arguments about the dairy</p>	<p>Noted</p>
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<p>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.</p>	
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PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

			CPUC Discussion												
<p>a. Intervenor’s claim of cost reasonableness:</p> <p>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.</p>			Noted												
<p>b. Reasonableness of hours claimed:</p> <p>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 assistance 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.</p>			Noted												
<p>c. Allocation of hours by issue:</p>			Noted												
<table border="1"> <thead> <tr> <th data-bbox="233 1463 837 1547">Issue Descriptions</th> <th data-bbox="837 1463 992 1547">Total HRS</th> <th data-bbox="992 1463 1159 1547">Allocation</th> </tr> </thead> <tbody> <tr> <td data-bbox="233 1547 837 1734"> <p>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</p> </td> <td data-bbox="837 1547 992 1734">83.09</td> <td data-bbox="992 1547 1159 1734">30%</td> </tr> <tr> <td data-bbox="233 1734 837 1881"> <p>PS: Proposed Settlement - The Proposed Settlement should be denied as not consistent with the law, not reasonable, and not in the public interest</p> </td> <td data-bbox="837 1734 992 1881">167.1</td> <td data-bbox="992 1734 1159 1881">59%</td> </tr> <tr> <td data-bbox="233 1881 837 2066"> <p>MD: Modified Proposed Settlement - The Modified Proposed Settlement should not be approved because it does not cure the 13 defects of the application and proposed settlement.</p> </td> <td data-bbox="837 1881 992 2066">23.52</td> <td data-bbox="992 1881 1159 2066">8%</td> </tr> </tbody> </table>	Issue Descriptions	Total HRS	Allocation	<p>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</p>	83.09	30%	<p>PS: Proposed Settlement - The Proposed Settlement should be denied as not consistent with the law, not reasonable, and not in the public interest</p>	167.1	59%	<p>MD: Modified Proposed Settlement - The Modified Proposed Settlement should not be approved because it does not cure the 13 defects of the application and proposed settlement.</p>	23.52	8%			
Issue Descriptions	Total HRS	Allocation													
<p>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</p>	83.09	30%													
<p>PS: Proposed Settlement - The Proposed Settlement should be denied as not consistent with the law, not reasonable, and not in the public interest</p>	167.1	59%													
<p>MD: Modified Proposed Settlement - The Modified Proposed Settlement should not be approved because it does not cure the 13 defects of the application and proposed settlement.</p>	23.52	8%													

G: Discovery, general preparation, case coordination, procedural matters.	8.74	3%		
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B. Specific Claim:*

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
				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	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.

				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

				<p>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. <i>See</i> attachment for Ms. Maurath Sommer's bio and resume.</p>				
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Subtotal: \$3,450.00		Subtotal: \$2,625.00	
TOTAL REQUEST: \$102,318.70		TOTAL AWARD: \$99,957.70	
<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 ³	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
April Maurath Sommer	2008	257967	no
Thomas Del Monte	2009	265275	no

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

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

D. 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 be obtained 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))

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. 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.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. 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.
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:	D2208014	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)