ALJ/NIL/mph **PROPOSED DECISION Agenda ID #21492**

Decision

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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| Order Instituting Rulemaking Regarding Policies, Procedures and Rules for the Self-Generation Incentive Program and Related Issues. | Rulemaking 20-05-012 |

**DECISION GRANTING COMPENSATION TO THE PROTECT
OUR COMMUNITIES FOUNDATION FOR SUBSTANTIAL CONTRIBUTION
TO DECISION 21-06-005**

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| **Intervenor: Protect Our Communities Foundation** | **For contribution to Decision (D.) 21-06-005** |
| **Claimed: $14,344** | **Awarded: $11,292.20** |
| **Assigned Commissioner: Alice Reynolds[[1]](#footnote-1)** | **Assigned ALJ: Nilgun Atamturk[[2]](#footnote-2)** |

**PART I: PROCEDURAL ISSUES**

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| **A. Brief description of Decision:**  | Decision 21-06-005 revises program requirements for Self-Generation Incentive Program (SGIP) renewable generation technologies alongside other issues. It limits eligible directed renewable fuels to those produced within California and strengthens renewable fuel documentation, verification, auditing, and enforcement requirements. The decision updates the definition of SGIP-eligible renewable fuels and revises certain SGIP application requirements for wind technologies. The decision also revises the eligibility requirements for the Equity Resiliency Budget and provides several other clarifications. |

1. **Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812[[3]](#footnote-3):**

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|  | **Intervenor** | **CPUC Verification** |
| **Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):** |
|  1. Date of Prehearing Conference: | 07/29/2020 | Verified |
|  2. Other specified date for NOI: | N/A |  |
|  3. Date NOI filed: | 08/28/2020 | Verified |
|  4. Was the NOI timely filed? | Yes |
| **Showing of eligible customer status (§ 1802(b) or eligible local government entity status(§§ 1802(d), 1802.4):** |
|  5. Based on ALJ ruling issued in proceeding number: | R.18-12-005 | Verified |
|  6. Date of ALJ ruling: | April 17, 2019 | Verified |
|  7. Based on another CPUC determination (specify): | D.19-05-035 (May 30, 2019);D.19-10-047(Oct. 24, 2019);D.19-12-017(Dec. 5, 2019);D.20-04-021(April 16, 2020);D.20-04-017(April 16, 2020);D.21-04-009(April 15, 2021);D.21-05-029(May 20, 2021);D.21-05-025 (May 29, 2021). | Verified |
|  8. Has the Intervenor demonstrated customer status or eligible government entity status? | Yes |
| **Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):** |
|  9. Based on ALJ ruling issued in proceeding number: | R.18-12-005 | Verified |
| 10. Date of ALJ ruling: | 4/17/2019 | Verified |
| 11. Based on another CPUC determination (specify): | D.19-05-035 (May 30, 2019);D.19-10-047(Oct. 24, 2019);D.19-12-017(Dec. 5, 2019);D.20-04-021(April 16, 2020);D.20-04-017(April 16, 2020);D.21-04-009(April 15, 2021);D.21-05-029(May 20, 2021);D.21-05-025 (May 29, 2021). | Verified |
| 12 12. Has the Intervenor demonstrated significant financial hardship? | Yes |
| **Timely request for compensation (§ 1804(c)):** |
| 13. Identify Final Decision: | D.21-06-005 | Verified |
| 14. Date of issuance of Final Order or Decision:  | 06/04/2021 | Verified |
| 15. File date of compensation request: | 08/03/2021 | Verified |
| 16. Was the request for compensation timely? | Yes |

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

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| **#** | **Intervenor’s Comment(s)** | **CPUC Discussion** |
| B.5-12 | The Protect Our Communities Foundation (“PCF”) meets the definition of a Category 3 customer under the Public Utilities Code section 1802(b)(1)(C) as a “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 PCF’s Bylaws specifically authorizes the organization to represent the interests of Southern California residential utility ratepayers in proceedings before the Commission and to seek intervenor compensation for doing so. PCF advocates for just and reasonable rates and against unreasonably costly or unnecessary utility projects.  PCF advocates for fair and reasonable energy practices, policies, rules, and laws, for the protection of natural resources from the impacts of large-scale energy and industrial infrastructure projects, and in support of sustainable, clean, locally-based energy systems. PCF also qualifies as an environmental group within the scope of Section 1802(b)(1)(C) because it represents the interests of customers with a concern for the environment. A copy of PCF’s Bylaws is on file with the Commission in R.13-12-010. In R.13- 12-010, PCF was found to have satisfied eligibility requirements and to have shown significant financial hardship in the September 26, 2014 Administrative Law Judge’s Ruling on Protect Our Communities Foundation’s Amended Showing of Significant Financial Hardship. A copy of PCF’s Bylaws, as well as a copy of PCF’s Articles of Incorporation, is also on file in A.15-09-013. In A.15-09-013, PCF was found to have satisfied eligibility requirements and to have shown significant financial hardship in D.19-04-031, Decision Granting Compensation to Protect Our Communities for Substantial Contribution to Decision 18-06-028 (April 25, 2019). PCF continues to meet the Commission’s longstanding requirements for a finding of significant financial hardship. The economic interest of the individual members of PCF “is small in comparison to the costs of effective participation in this proceeding.” (Pub. Util. Code, § 1802, subd. (h).) PCF is nonprofit public benefit corporation organized for charitable and public purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code.  PCF represents the interests of a specific constituency: San Diego and other Southern California area residential utility ratepayers, the majority of whom do not have the financial ability to represent themselves in this proceeding, and whose interests are often not adequately represented in Commission proceedings. PCF certifies that the economic interest in this proceeding of individual PCF members and constituents is small compared to the cost of effective participation. PCF’s circumstances are materially the same now as when PCF was found to meet the Commission’s eligibility requirements for intervenor compensation in numerous prior decisions including those listed here: R.17-06-026, D.21-05-025 (May 29, 2021);A.20-08-011, D.21-05-029 (May 20, 2021);A.20-03-018, D.21-04-009 (April 15, 2021);R.16-02-007, D.21-03-039 (March 18, 2021);A.15-09-010, D.21-02-027 (February 11, 2021);A.15-09-010, D.20-04-021 (April 16, 2020); R.18-12-005, D.20-04-017 (April 16, 2020); A.15-09-010, D.19-12-017 (December 5, 2019); A.12-10-009, D.19.10-047 (October 24, 2019); A.15-09-010, D.19-05-035(May 30, 2019); A.15-09-013, D.19-04-031 (April 25, 2019); R.16-02-007, D.18-09-039 (September 27, 2018); A.15-09-010, D.18-07-034 (July 26, 2018);A.14-07-009, D.15-12-045 (Dec. 12, 2014). | 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** |
| PCF advocated for an expanded definition of a discrete PSPS event and a broad view of affected PSPS customers and the Commission revised the eligibility requirements for SGIP incentives to expand eligibility consistent with PCF’s advocacy. “It is PCF’s position that the definition of “Discrete Public Safety Power Shutoff (PSPS) event” should be expanded to assure that customers with outage risk comparable to those that have experienced multiple PSPS events have equal access to SGIP reliability incentives.” (PCF 10/01/2020 Reply Comments on Questions B-K of the Scoping Memo and Ruling, p. 2)“PCF believes the Commission should take a broad view of potential PSPS customers, and include in this category those that have been subject PSPS events, those that could be subject to PSPS events, and those that have lost power due to actual fire events.” (PCF 09/16/2020 Comments on Questions B-K of the Scoping Memo and Ruling, p. 2)“It is reasonable to expand the SGIP definition of “discrete PSPS event” to include outages caused by wildfires and customers located in Tier 3 High Fire Threat District (HFTD) communities generally.” (PCF 09/16/2020 Comments on Questions B-K of the Scoping Memo and Ruling, p. 3)“PCF disagrees with SDG&E and SCE that the “discrete PSPS event” definition does not need any further clarifications or modifications at this time.” (PCF 10/01/2020 Reply Comments on Questions B-K of the Scoping Memo and Ruling, p. 3) | “Protect Our Communities Foundation … support a range of modifications to the definition of “discrete PSPS event,” with many of these parties supporting a modification to include outages due to actual wildfires.” (D.21-06-005, p. 68)“[T]he Scoping Memo asked if the Commission should clarify the definition of “discrete PSPS event” adopted in D.20-01-021 to address situations where customers: (1) experience an electricity outage due to an actual wildfire; (2) are at high risk of a future electricity outage, either from a PSPS event or due to an actual wildfire; or, (3) are de-energized due to an actual wildfire. Numerous parties commented on this question.” (D.21-06-005, pp. 65-66) “We revise eligibility requirements for the Equity Resiliency Budget and the General Market Resiliency Adder Incentive adopted in D.20-01-021 to extend eligibility to customer meters that have experienced one PSPS event and one de-energization or power outage due to an actual wildfire that occurred on or after January 1, 2017, in addition to customers that have experienced two or more discrete PSPS events.“Parties commenting on questions b – k of the Scoping Memo include…Protect Our Communities Foundation…” (D.21-06-005, p. 6 at fn 15) | VerifiedVerifiedVerifiedVerifiedVerified |
| “Multi-tenant commercial buildings should not be eligible for SGIP. These commercial structures are not occupied at night and batteries located at these sites would have no 24/7 reliability value to the customer.” (PCF 09/16/2020 Comments on Questions B-K of the Scoping Memo and Ruling, p. 3)PCF proposed an alternative, suggesting “batteries in residential applications, whether multi-family or single-family, would provide essential 24/7 reliability to the customer. This is necessary for residential structures generally, and especially those located in HFTDs, as these structures require continuous electric power.” (PCF 09/16/2020 Comments on Questions B-K of the Scoping Memo and Ruling, p. 3)Although the Commission did not adopt all of PCF’s recommendations, PCF’s comments enriched the Commission’s deliberations and decision-making, and thus PCF made a substantial contribution to the determination of D.21-06-005. | The Commission agreed with PCF and prohibited multi-tenant commercial buildings from eligibility for EER Budget incentives. “Protect Our Communities Foundation states that multi-tenant commercial buildings should not be eligible for SGIP incentives because they are not occupied at night and batteries located at these sites would have no “24/7” reliability value to the customer.” (D.21-06-005, p. 78)“This decision expressly prohibits multi-tenant commercial buildings from eligibility for the Equity and Equity Resiliency Budgets but allows such buildings to participate in all other energy storage incentive budgets if the project meets all SGIP eligibility and operational requirements.” (D.21-06-005, p. 78)“Multi-tenant commercial buildings participating in the General Market Budget must comply with all SGIP operational requirements, but we see no compelling reason to *a priori* prohibit this. Therefore, we clarify that multi-tenant commercial buildings are eligible for the General Market Budget.” (D.21-06-005, p. 80) | VerifiedVerifiedVerifiedVerified |
| PCF “provided a unique perspective that enriched the Commission’s deliberations and the record” (See comment II.A. in Section C below) through its expert Bill Powers’ recommendations on clarifications to the discrete PSPS event definition.  | “The following parties commented on this issue in their comments on the Scoping Memo: …Protect Our Communities Foundation…” (D.21-06-005, p. 66 at fn 129)“Parties filing opening comments include … Protect Our Communities Foundation.” (D.21-06-005, pp. 84-85 at fn 153) | Verified, however, we partially disallow for lack of substantial contribution. The PSPS issue is discussed above and the referenced contribution does not represent an additional contribution. |
| “Protect Our Communities Foundation asserts that SGIP incentives could make bi-directional electric vehicle chargers more economically accessible to customers and accelerate deployment, as these technologies are just entering the commercial market.” (D.21-06-005, pp. 82-83) “SGIP incentives could make bidirectional EV chargers more economically accessible to customers and accelerate deployment of technology. Bidirectional EV chargers are just entering the commercial market.” (PCF 09/16/2020 Comments on Questions B-K of the Scoping Memo and Ruling, p. 4)“At a minimum, the PD should be modified as suggested by SCE to instruct Commission staff to “convene workshops to discuss potential use-cases” of EVs as eligible SGIP technologies.” (PCF 05/19/2021 Comments on Proposed Decision, p. 3) | While the Commission declined to adopt PCF’s EV recommendations at this time, the Commission clarified that it may revisit the idea of incorporating bidirectional EV chargers and other electric vehicle storage equipment if the Legislature authorizes additional SGIP funds in the future.“We decline to create the complicated rules that would be needed for a new SGIP incentive program for bi-directional electric vehicle charging that serves customer load at this time. Rather, given the limited time and funds remaining for the SGIP program, the necessary pilot projects should be developed in the Commission proceeding(s) that specifically address issues related to electric vehicles, including vehicle-to-grid integration. As appropriate, we may revisit this issue at a later date, if the Legislature authorizes the collection of additional funds for SGIP purposes.” (D.21-06-005, p. 84)“CESA, Protect Our Communities Foundation and the Vehicle to Grid Coalition request that this decision indicate that the Commission may revisit the question of incentives for electric vehicle storage equipment as a form of energy storage at a future date, if additional funds are added to the SGIP program. The final decision clarifies that, as appropriate, the Commission may reconsider this issue if the Legislature authorizes additional SGIP funding collections.” (D.21-06-005, pp. 96-97) | Verified, however, we disallow for lack of substantial contribution. The decision states, “the necessary pilot projects should be developed in the Commission proceeding(s) that specifically address issues related to electric vehicles, including vehicle-to-grid integration,” reflecting a lack of substantive discussion regarding the EV recommendations and therefore the comments could not substantially contribute to the Decision. |

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?[[4]](#footnote-4)** | Yes. | Verified |
| **b. Were there other parties to the proceeding with positions similar to yours?**  | Yes. | Verified |
| **c. If so, provide name of other parties:** RCRC, Tesla, Sunrun, Cal Advocates, GRID, CALSSA, CSE, CESA, VGIC, CEERT, SCE | Verified |
| **d. Intervenor’s claim of non-duplication:**  PCF made arguments that were not made by other parties, including advocating for batteries in residential multi-family or single-family dwellings to provide essential 24/7 reliability to the customer and presented data and analysis that SGIP incentives could make bidirectional EV chargers more economically accessible. All of PCF’s comments were necessary for a fair determination of the proceeding because they directly responded to the questions asked in the ACR Scoping Memo and Ruling seeking comments and, thus, were relevant. To PCF’s knowledge, no other party participating in this proceeding is focused on representing the interests of Southern California and San Diego residential utility ratepayers both with respect to ratepayer and environmental protection. To the extent PCF’s arguments were similar to other parties’ arguments, they supplemented, complemented, and contributed to the presentations by other parties; and they were neither unproductive nor unnecessary.   | Noted |

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

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| **#** | **Intervenor’s Comment** | **CPUC Discussion** |
| II(A) | **Substantial Contribution.**Pursuant to Section 1802(j), “Substantial contribution” means that, in the judgment of the commission, the customer’s presentation has substantially assisted the commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer.” | Noted |
| II(A) | **Substantial Contribution Includes Enriching Deliberations and the Record.**The Commission’s past decisionsrecognize that the Commission does not need to adopt an intervenor’s position on a particular issue for thatintervenor to make a substantialcontribution. D.08-04-004, p. 4-5; D.19-10-019, p. 3; D.03-03-031, p. 6 (“substantial contribution includes evidence or argument that supports part of the decision even if the Commission does not adopt a party’s position in total”). Rather, intervenors substantially contribute when they have “provided a unique perspective that enriched the Commission’s deliberations and the record.” D.05-06-027, p. 5. Intervenors also substantially contribute when they provide a full discussion of the matters at issue so as to allow the Commission “to fully consider the consequences of adopting or rejecting” the parties’ proposals, and when they “assist[] the Commission in the decision-making process.” D.08-04-004, p. 5-6; D.19-10-019, p. 4. | Noted |
| II(A) | **Substantial Contribution Includes Contributions that lead to adoption of procedural changes.**The Commission’s past decisions establish that intervenors substantially contribute and “assist with the decision-making process” when the Commission considers a party’s contentions and then adopts procedural changes. *See e.g.* D.19-10-019, p. 4 & decisions cited therein. | Noted |
| II(B)(d) | **No Duplication.**No reduction to PCF’scompensation due to duplicationis warranted given the standardadopted by the Commission inD.03-03-031 and consistent withPublic Utilities Code Sections1801.3(b) & (f), 1802(j), 1802.5,and 1803.Section 1803 sets forth therequirements for awardingintervenor compensation. Pub.Util. Code, § 1803; D.03-03-031,p. 12-14. An award of compensation for reasonable fees for participation in a proceeding is required when an intervenor (1) complies with Section 1804 and (2) “satisfies both of the following requirements: (a) The customer’s presentation makes a substantial contribution to the adoption, in whole or in part, of the commission’s order or decision. (b) Participation or intervention without an award of fees or costs imposes a significant financial hardship.” Pub. Util. Code, § 1803. Section 1801.3(f) seeks to avoid only (1) “unproductive or unnecessary participation thatduplicates the participation ofsimilar interests otherwiseadequately represented” or (2)“participation that is notnecessary for a fair determinationof the proceeding.” Pub. Util.Code, § 1801.3, subd. (f); D.03-03-031, p. 15-18. The“duplication language containedin the first dependent clauserequires the compensationopponent to establish threeelements – duplication, similarinterests, and adequaterepresentation.” D.03-03-031, p.18.Section 1802.5 provides for fullcompensation where participation“materially supplements,complements, or contributes tothe presentation of another party.”Pub. Util. Code. § 1802.5; *see**also* D.03-03-031, p. 14. | Noted |

**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:** PCF’s advocacy reflected in this claim substantially contributed to a decision that will impact San Diego and Southern California residential ratepayers. PCF advocated for an expansion of eligibility criteria for customers affected by PSPS events and for an expanded definition of reliability events beyond only PSPS events, all of which the Commission accepted, thus potentially benefitting many more ratepayers who are affected by PSPS events in the future. PCF also advocated to limit commercial building eligibility for certain funds, protecting those funds for residential ratepayers. PCF provided legal and factual citations in its comments that enriched the Commission’s deliberations and informed the Commission’s decision-making. PCF efficiently expended its resources on this case because Ms. Severson read all filings from other parties in this proceeding and drafted most of the comments and documents PCF filed in this proceeding, while Mr. Powers edited and added to Ms. Severson’s drafts, enabling Mr. Powers to forego reading all the filings in this proceeding and instead to concentrate only on certain filings. Something to show that Ms. Severson performed substantial work in this proceeding, enabling Mr. Powers to focus his work to a supervisory capacity, which included drafting additional expansions of points Ms. Severson drafted.  | Noted |
| **b. Reasonableness of hours claimed:** PCF is only claiming time expended by PCF’s expert and staff in developing or reviewing comments, which added significant value and efficacy to PCF’s advocacy and further establishes reasonableness.PCF is not claiming any time spent on administrative matters, such as time spent filing and serving comments. In an effort to minimize costs, PCF advocate Julia Severson, whose rate is significantly lower than that of Mr. Powers, aided in preparing this request. All of the hours claimed in this request were reasonably necessary to PCF’s participation in the determination of D.21-06-005. | Noted |
| **c. Allocation of hours by issue:** Based on the details in the time sheets, the approximate allocation of time spent towards D.21-06-005 is as follows:

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| 35% | PSPS Issues |
| 15% | EV Issues |
| 35% | Incentive Eligibility Issues |
| 15% | General Participation |

 | NotedWe find the hours related to “EV Issues” unreasonable due to a lack of substantial contribution, as noted in Part II.A, CPUC Discussion, and disallow the hours associated with the issue. |

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 $** |
| Bill Powers  | 2021 | 5.50 | $356.50 | See Comment #1. | $1,960.75 | 4.83 [6] | $355.00[1] | $1,714.65  |
| Bill Powers | 2020 | 27 | $300 | See Comment #2. | $8,100 | 20.4 [2][6] | $295.00 [3] | $6,018.00  |
| Julia Severson | 2021 | 3.50 | $115 | See Comment #3. | $402.50 | 3.17 [6] | $115.00 [4] | $364.55  |
| Julia Severson  | 2020 | 30.70 | $100 | See Comment #4.  | $3,070 | 23.85 [6] | $100.00 [5] | $2,385.00  |
| ***Subtotal: $13,533.25*** | ***Subtotal:* $10,482.20** |
| **INTERVENOR COMPENSATION CLAIM PREPARATION \*\*** |
| **Item** | **Year** | **Hours** | **Rate $**  | **Basis for Rate\*** | **Total $** | **Hours** | **Rate**  | **Total $** |
| Bill Powers | 2021 | 1 | $178.25 | ½ of hourly rate. See Comment #1. | $178.25 | 1 | $177.50[1] | $177.50 |
| Julia Severson | 2021 | 11 | $57.50 | ½ of hourly rate. See Comment #3. | $632.50 | 11 | $57.50 [4] | $632.50 |
| ***Subtotal: $810.75*** | ***Subtotal: $810.00*** |
| ***TOTAL REQUEST: $14,344*** | ***TOTAL AWARD: $11,292.20*** |
|  \*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[[5]](#footnote-5)** | **Member Number** | **Actions Affecting Eligibility (Yes/No?)****If “Yes”, attach explanation** |
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1. **Attachments Documenting Specific Claim and Comments on Part III:**

***(Intervenor completes; attachments not attached to final Decision)***

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| **Attachment or Comment #** | **Description/Comment** |
| Attachment #1 | Certificate of Service |
| Attachment #2 | Time Sheet and Categorization |
| Attachment #3 | Bill Powers Resume |
| Attachment #4 | Julia Severson Resume |
| Comment #1 | Bill Powers Basis for 2021 Rate: $356.50Per Resolution ALJ-393, PCF calculates new 2021 rates and justifies them herein. Based on the expert knowledge and experience Mr. Powers provides to PCF, the organization categorizes his work as “Expert – Not Otherwise Classified.” Mr. Powers is a PCF Board Member and a registered professional engineer with extensive knowledge and over 35 years of experience in the fields of energy and environmental engineering, air emissions control, and regional energy planning. Mr. Powers has served as an expert in multiple proceedings at the California Public Utilities Commission and California Energy Commission, and has also served as an expert witness and provided expert testimony on numerous power plant cooling system conversions, power plant and natural gas compressor station emission control assessments, liquefied natural gas (LNG) export projects. Mr. Powers has served as a lead engineer and principal technical consultant on projects such as combustion equipment permitting, non-wires alternatives to transmission lines, air engineering, petroleum refinery and testing, oil and gas production, and more. Because of Mr. Powers’ degrees in mechanical engineering and environmental sciences, his certification as a registered professional engineer in California and Missouri, the recognition of his expert status in dozens of administrative and judicial proceeding, and over 35 years of experience in energy and environmental engineering, PCF recommends that the Commission categorize Mr. Powers as “Expert – Not Otherwise Classified,” “Level V,” and set his hourly rate at $356.50, which corresponds to an hourly rate at the upper end of the range for his level of experience.  |
| Comment #2 | Bill Powers Basis for 2020 Rate: $300/hour$290/hour rate adopted in D.21-03-039 for Mr. Powers for 2019 rate. COLA for 2020 per Resolution ALJ-387 = 2.55%Thus, starting with the adopted 2019 rate of $290/hour:$290 x (1 + COLA percent) and rounded up to the nearest $5 = $300/hour as the requested rate for Mr. Powers in 2020. |
| Comment #3 | Julia Severson Basis for 2021 Rate: $115/hourPer Resolution ALJ-393, PCF calculates new 2021 rates and justifies themherein. Based on the variety of work Ms. Severson completes at PCF, Ms.Severson is most accurately categorized as “Advocate – Not OtherwiseClassified.” Level I of the 2021 rate calculations sets the experience timelineto 0-1 years. Level II sets the experience timeline to 2-5 years. Ms. Seversonholds a bachelor’s degree and 1.5 years of experience in the legal field, whichexceeds the experience of Level I. Based on her experience and Ms.Severson’s substantial and substantive responsibilities at PCF, PCF requests a2021 rate of $115, which is commensurate with the high-level rate for LevelI. This rate is also the median rate for Paralegals with less than one year of experience. Ms. Severson has more than one year of experience assisting and supporting attorneys with research, which thus also supports Ms. Severson’s requested hourly rate for 2021. |
| Comment #4 | Julia Severson Basis for 2020 Rate: $100/hourJulia Severson is an advocate at The Protect Our Communities Foundation. 2020 rates approved for similar positions have been $130 or higher (D.18-10-017, Paralegal; D.18-09-039, D.19-05-035, D.19-04-031, Law Clerk). Given Ms. Severson’s experience, PCF's claimed rate falls within, and at the lower end of, rates provided to persons with similar abilities.  |

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

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| **Item** | **Reason** |
| [1] Bill Powers 2021 Rate | D.22-08-022 verified a 2021 rate of $356.50 for Bill Powers, however, that rate did not include rounding to the nearest $5 increment, per D.08-04-010, bringing the 2021 rate to $355.00 for Bill Powers. We find this rate reasonable and adopt it here. Intervenor Compensation Claim Preparation rates are compensated at ½ of preparer’s normal, bringing Bill Powers’ 2021 Claim Preparation rate to $177.50. |
| [2] Bill Powers 2020 Reduction for Lack of Substantial Contribution | PCF stated that a contribution was made “through its expert Bill Powers’ recommendations on clarifications to the discrete PSPS event definition,” however, we found the claimed contribution does not represent an additional contribution to the issue. We disallow the claimed contribution and reduce associated 2020 hours by 15%, bringing the awarded total from 27 hours to 22.95 hours. |
| [3] Bill Powers 2020 Rate | D.21-08-018 verified a 2020 rate of $295.00 for Bill Powers. We apply the same rate here.  |
| [4] Julia Severson 2021 Rate | D.22-08-053 verified a 2021 rate of $115.00 for Julia Severson. We apply the same rate here.Intervenor Compensation Claim Preparation rates are compensated at ½ of preparer’s normal, bringing Julia Severson’s 2021 Claim Preparation rate to $57.50. |
| [5] Julia Severson 2020 Rate | D.21-08-018 verified a 2020 rate of $100.00 for Julia Severson. We apply the same rate here. |
| [6] Reduction of Hours Associated with EV Issues for Julia Severson and Bill Powers | We find the hours related to “EV Issues” unreasonable due to a lack of substantial contribution, as noted in Part II.A, CPUC Discussion, and disallow the hours associated with the issue. The decision states, “the necessary pilot projects should be developed in the Commission proceeding(s) that specifically address issues related to electric vehicles, including vehicle-to-grid integration,” reflecting a lack of substantive discussion regarding the EV recommendations and therefore the comments could not substantially contribute to the Decision. We remind PCF acknowledgement of a comment does not necessitate a substantial contribution to the overall decision.Bill Powers’ hours associated with the EV issue are 3 hours in 2020 and 0.67 hours, bringing the awarded 2020 hours to 20.4 and 2021 hours to 4.83.Julia Severson’s hours associated with the EV issue are 6.85 hours in 2020 and 0.33 hours in 2021, bringing the awarded 2020 hours to 23.85 and 2021 hours to 3.17.We note that the hours associated to EV issues were also associated with IE and PSPS on the submitted timesheets, therefore the calculation methodology to isolate the EV Issue is as follows: EV/PS/IE hours, divided by 3 and reduced from the 2020/2021 claimed hours for Bill Powers and Julia Severson, respectively.  |

**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. Protect Our Communities Foundation has made a substantial contribution to
D.21-06-005.
2. The requested hourly rates for Protect Our Communities 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 are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is $11,292.20.

**CONCLUSION OF LAW**

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

**ORDER**

1. Protect Our Communities Foundation is awarded $11,292.20.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, Southern California Gas Company and San Diego Gas & Electric Company shall pay Protect Our Communities Foundation their respective shares of the award, based on their California-jurisdictional electric and gas revenues for the 2021 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data are unavailable, the most recent electric and 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 October 17, 2021, the 75th day after the filing of Protect Our Communities Foundation’srequest, and continuing until full payment is made.
3. The comment period for today’s decision is waived.

This decision is effective today.

Dated \_\_\_\_\_\_\_\_\_\_\_\_\_, at San Francisco, California.

**APPENDIX**

Compensation Decision Summary Information

|  |  |  |  |
| --- | --- | --- | --- |
| Compensation Decision: |  | Modifies Decision?  | No |
| Contribution Decision(s): | D2106005 |
| Proceeding(s): | R2005012 |
| Author: | ALJ Atamturk |
| Payer(s): | Pacific Gas and Electric Company, Southern California Edison Company, Southern California Gas Company and San Diego Gas & Electric Company |

Intervenor Information

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Intervenor | Date Claim Filed | Amount Requested | Amount Awarded | Multiplier? | Reason Change/Disallowance |
| Protect Our Communities Foundation | 08/03/2021 | $14,344 | $11,292.20 | N/A | *See* Part III.D, Comments, Disallowances and Adjustments |

Hourly Fee Information

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| First Name | Last Name | Attorney, Expert, or Advocate | Hourly Fee Requested | Year Hourly Fee Requested | Hourly Fee Adopted |
| Bill | Powers | Expert – Not Otherwise Classified | $356.50 | 2021 | $355.00 |
| Bill | Powers | Expert | $300 | 2020 | $295.00 |
| Julia | Severson | Advocate – Not Otherwise Classified | $115 | 2021 | $115.00 |
| Julia | Severson | Advocate | $100 | 2020 | $100.00 |

**(END OF APPENDIX)**

1. This proceeding was reassigned to Commissioner Douglas on January 20, 2023. [↑](#footnote-ref-1)
2. This proceeding was reassigned to ALJ Atamturk on February 07, 2022. [↑](#footnote-ref-2)
3. All statutory references are to California Public Utilities Code unless indicated otherwise. [↑](#footnote-ref-3)
4. The Office of Ratepayer Advocates was renamed the Public Advocate’s Office of the Public Utilities Commission pursuant to Senate Bill No. 854, which the Governor approved on June 27, 2018.  [↑](#footnote-ref-4)
5. This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch> . [↑](#footnote-ref-5)