

Decision 23-10-013 October 12, 2023

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

Order Instituting Rulemaking to Revisit Net Energy Metering Tariffs Pursuant to Decision 16-01-044, and to Address Other Issues Related to Net Energy Metering.	Rulemaking 20-08-020 (Filed August 27, 2022)
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**DECISION GRANTING COMPENSATION TO THE UTILITY REFORM NETWORK FOR SUBSTANTIAL CONTRIBUTION TO DECISION (D.) 21-02-007 AND D.22-12-056**

<b>Intervenor:</b> The Utility Reform Network	<b>For contribution to Decisions (D.) 21-02-007 and D.22-12-056</b>
<b>Claimed:</b> \$622,624.38	<b>Awarded:</b> \$589,957.25
<b>Assigned Commissioner:</b> Alice Reynolds	<b>Assigned ALJs:</b> Kelly A. Hymes

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	<p><u>D.21-02-007</u> This decision adopts eight guiding principles to assist in the development and evaluation of proposals for a successor to the current net energy metering tariff.</p> <p><u>D.22-12-056</u> This decision adopts a successor to the net energy metering tariff that addresses the guiding principles adopted in Decision 21-02-011 as well as the requirements of the Public Utilities Code.</p>
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812<sup>1</sup>:**


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<sup>1</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:	11/02/2020	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	11/04/2020	Verified
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:	See Comment #1	R.20-08-021
6. Date of ALJ ruling:	See Comment #1	12/11/2020
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:	See Comment #2	R.20-08-021
10. Date of ALJ ruling:	See Comment #2	12/11/2020
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.22-12-056	Verified
14. Date of issuance of Final Order or Decision:	12/19/2022	Verified
15. File date of compensation request:	2/16/2023	Verified
16. Was the request for compensation timely?		Yes

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

<b>#</b>	<b>Intervenor’s Comment(s)</b>	<b>CPUC Discussion</b>
1	TURN did not receive an affirmative ruling on its Notice of Intent in this proceeding. As explained in the Commission’s Intervenor Compensation guide, “normally, an	Noted

	<p>ALJ Ruling needs not be issued unless: (a) the NOI has requested a finding of “significant financial hardship” under § 1802(g). (b) the NOI is deficient; or (c) the ALJ desires to provide guidance on specific issues of the NOI.” (page 12) Since none of these factors apply to the NOI submitted in this proceeding, there was no need for an ALJ ruling in response to TURN’s NOI.</p>	
<p>2</p>	<p>California Public Utilities Code § 1804(b)(1) provides, “A finding of significant financial hardship shall create a rebuttable presumption of eligibility for compensation in another commission proceeding commencing within one year of the date of that finding.” As TURN explained in its NOI filed on November 4, 2020, this proceeding commenced in the window of time between the expiration on July 26, 2020, of TURN’s finding of significant financial hardship made by ALJ Ruling in R.19-01-011 on July 26, 2019, and the finding of significant financial hardship made by ALJ Ruling in R.20-08-021 on December 11, 2020.</p> <p>TURN’s NOI in this proceeding accordingly referred the Commission to TURN’s annual showing of financial hardship presented in the NOI filed by TURN on July 9, 2020 in A.20-03-004, where no ruling was issued. This is the same showing that formed the basis for the financial hardship finding in R.20-08-021. (See <i>Administrative Law Judge’s Ruling on The Utility Reform Network’s Showing of Significant Financial Hardship</i>, issued 12/11/20 in R.20-08-021, pp. 6- 7).</p>	<p>Noted</p>

	<p>The Commission declined to issue the ruling requested by TURN on TURN’s NOI in this proceeding. TURN accordingly refers the Commission to the showing TURN presented in the NOI filed by TURN on July 9, 2020 in A.20-03-004.</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
<p><b>1. GUIDING PRINCIPLES / PRINCIPLES 1, 2, 4</b></p> <p>TURN expressed concern with proposed guiding principles #1, #2 and #4 on the basis that additional details were required with respect to the manner in which costs and benefits would be measured and the metrics for satisfying each of the stated principles.</p> <p>In response to comments by TURN and other parties, the final decision declines to adopt proposed Principles 1, 2 and 4. Instead, the Decision adopts “an overarching principle that the successor to the current net energy metering tariff should comply with Public Utilities Code Section 2827.1, including 2827.1(3).”</p>	<p><u>TURN opening comments on guiding principles, December 4, 2020, pages 1-3, 5-6</u></p> <p><u>TURN reply comments on guiding principles, December 11, 2020, pages 1-2.</u></p> <p><u>D.21-02-007, pages 9-13, 17, Ordering Paragraph (1)(a).</u></p>	<p>Verified</p>
<p><b>2. GUIDING PRINCIPLES / PRINCIPLE 3</b></p>		<p>Verified</p>

<p>TURN expressed concerns with the proposed principle #3 and urged changes to address both the scope of equity (between participants and non-participants) and the applicability of consumer protection measures to customer-generators served under Net Energy Metering tariffs.</p> <p>In response to concerns raised by TURN and other parties, the Decision makes two changes to proposed Principle #3. The first revises the proposed equity principle to require that a successor tariff ensures equity among “all” customers. The second change adopts “an abbreviated version of TURN’s proposed principle regarding consumer protection measures.” (Conclusion of Law #9)</p>	<p><u>TURN opening comments on guiding principles, December 4, 2020, pages 4-5</u></p> <p><u>D.21-02-007, pages 14-16, Conclusion of Law 8, Conclusion of Law 9, Ordering Paragraph (1)(c).</u></p>	
<p><b>3. GUIDING PRINCIPLES / PRINCIPLE 8</b></p> <p>TURN urged the Commission to modify proposed Principle #8 to state that “a successor shall maximize the value of customer-sited renewable generation to <u>ratepayers and the electrical system.</u>” TURN argued that this addition would clarify for whom the value shall be maximized.</p> <p>The Decision revises proposed Principle #8 to reflect the comments of TURN and several other parties. The revised principle states that “a successor to the net energy</p>	<p><u>TURN opening comments on guiding principles, December 4, 2020, pages 8-9</u></p> <p><u>D.21-02-007, pages 23-24, Conclusion of Law 18, Ordering Paragraph (1)(h).</u></p>	<p>Verified</p>

<p>metering tariff should maximize the value of customer-sited renewable generation to all customers and to the electrical system”.</p>		
<p><b>4. GUIDING PRINCIPLES / ADDITIONAL PRINCIPLES</b></p> <p>TURN opposed the adoption of two additional principles proposed by the Solar Energy Industries Association (SEIA). The first additional principle would have established that customers have a “right to self-consume and store clean energy onsite.” TURN argued that there was no basis for this principle in federal or state law. The second additional principle would have required the successor tariff to be consistent with the Commission’s rate design principles. TURN argued that this proposed principle conflicts with state law.</p> <p>The Decision agreed with TURN’s critiques and declined to adopt either of SEIA’s proposed principles. In particular, the Decision notes “TURN maintains that there is no basis for concluding that Section 452 neuters the requirements of Section 2827.1. We agree.” (page 30)</p>	<p><u>TURN reply comments on guiding principles, December 11, 2020, pages 3-6.</u></p> <p><u>D.21-02-007, pages 27-30, Conclusions of Law 23, 24, 25, 26</u></p>	<p>Verified</p>
<p><b>5. LEGAL ISSUES / FEDERAL PREEMPTION</b></p> <p>In response to claims raised by CalSSA and SEIA, TURN argued that net metering policy</p>		<p>Verified</p>



<p>emphasis on achieving sustainable growth of the solar industry relative to the other statutory obligations relating to the design of a successor tariff. The Decision further notes that “the growth of the market should not come at the undue and burdensome financial expense of nonparticipant ratepayers.” (page 58)</p>	<p><u>D.22-12-056, pages 55-58</u></p>	
<p><b>7. COST EFFECTIVENESS / LOOKBACK STUDY</b></p> <p>TURN reviewed the Verdant Lookback study authorized by the Commission and evaluated the methodology, assumptions and underlying modeling. As part of a Commission-authorized stakeholder engagement process, TURN identified 19 separate issues that required resolution and provided informal comments to Verdant.</p> <p>The final Verdant report made changes to the text, the model and other study assumptions in response to 14 of TURN’s comments. The Decision adopts the Lookback Study results as “a foundation to create a successor tariff that continues the elements that resulted in positive outcomes but corrects or replaces elements that resulted in negative outcomes.”</p>	<p><u>Ruling of ALJ Hymes Presenting Final Verdant Study and Instructing Parties to Respond, January 21, 2021, Attachment 2 (Verdant study), pages 127-131, comments 54-72.</u></p> <p><u>Ruling of ALJ Hymes Presenting Final Verdant Study and Instructing Parties to Respond, January 21, 2021, Attachment 2 (Verdant study), pages 127-131, see comments 54-57, 59-63, 65-68, 70, 72</u></p> <p><u>D.22-12-056, Conclusion of Law #1</u></p>	<p>Verified</p>
<p><b>8. COST EFFECTIVENESS / LOOKBACK STUDY</b></p> <p>TURN argued that the Lookback study is robust and</p>		<p>Verified</p>



<p>tariffs. TURN noted that the RIM test is the only approach that accounts for the impacts of successor tariff design on the net costs paid by all customers.</p> <p>The Decision finds that the evaluation of cost effectiveness tests should “allow for consideration of the tradeoffs between the tests” and notes that “parties have shown in this proceeding that each test has value and together the tests tell a complete story.” (page 65) The Decision agrees that the RIM test “is useful for examining whether disproportionate impacts occur on non-participants” and that “the Commission should place more weight on the results of the RIM test.” (page 50) The Decision’s evaluation of the adopted successor tariff includes RIM test results for different customer segments.</p>	<p><u>TURN rebuttal testimony, Ex. TRN-3, pages 18-19, 20-22.</u></p> <p><u>TURN opening brief, pages 18-25.</u></p> <p><u>TURN reply brief, pages 5-12.</u></p> <p><u>D.22-12-056, pages 50, 65, 168, 170, Finding of Fact #36, Conclusion of Law #4.</u></p>	
<p><b>10. COST EFFECTIVENESS / SOCIETAL COST TEST</b></p> <p>TURN opposed proposals to measure the successor tariff using a Societal Cost Test, noting that no party presented such results for tariff proposals based on the approach outlined in the CPUC Standard Practice Manual. TURN also noted that no party has provided reliable values that can be used for this analysis.</p> <p>The Decision rejects proposals to use a Societal Cost Test to analyze the cost-effectiveness</p>	<p><u>TURN rebuttal testimony, Ex. TRN-3, pages 22-23</u></p> <p><u>TURN opening brief, pages 32-34</u></p> <p><u>TURN reply brief, pages 17-19</u></p> <p><u>D.22-12-056, page 66.</u></p>	<p>Verified</p>

<p>of the successor tariff as premature.</p>		
<p><b>11. COST EFFECTIVENESS / RESILIENCY ADDERS</b></p> <p>TURN opposed the inclusion of resiliency adders to the cost effectiveness tests, noting that the claimed benefits are realized exclusively by the participating customer and the values proposed by parties are flawed.</p> <p>The Decision declines to adopt resiliency adders for behind the meter solar or storage systems based on the fact that the claimed benefits “are either private benefits or highly speculative and limited to unique circumstances”. (page 69)</p>	<p><u>TURN rebuttal testimony, Ex. TRN-3, page 19</u></p> <p><u>TURN reply brief, pages 17-19</u></p> <p><u>TURN opening brief, pages 28-31</u></p> <p><u>D.22-12-056, pages 69-70</u></p>	
<p><b>12. COST EFFECTIVENESS / PAYBACK PERIODS</b></p> <p>TURN urged the Commission to distinguish between the different types of payback period metrics used by parties in the case, identifying five separate approaches that produce varying results depending upon retail rate escalation, ongoing participant costs and the participant discount rate. TURN’s successor tariff modeling included results for all five of these payback metrics. TURN’s testimony and briefs placed greater reliance on simple and fully discounted</p>	<p><u>TURN direct testimony, Ex. TRN-1, pages 17-19, 37</u></p> <p><u>TURN rebuttal testimony, Ex. TRN-3, pages 24-26</u></p> <p><u>TURN opening brief, pages 36-40, 69, 89</u></p> <p><u>TURN reply brief, pages 21-25</u></p>	<p>Verified</p>

<p>payback periods for presentation of results. TURN further noted that customers may receive monthly savings on their bills even for discounted payback periods that extend as far as 17 years. TURN recommended that the Commission adopt a goal of a 10-year payback period for CARE customers and 15-year paybacks for non-CARE customers under an interim tariff.</p> <p>The Decision reviews TURN’s explanation of the five different types of payback period metrics and finds that the simple payback metric is “most transparent and consumer-friendly metric” (page 79) and will be used to determine the glide path incentive amounts.</p> <p>The Decision adopts a target 9-year payback period for residential customers, which falls between TURN’s recommendation (10 years for CARE customers, 15 years for non-CARE customers) and the solar industry proposal for a 7-year payback. (pages 73, 77)</p> <p>In adopting a 9-year target payback period, the Decision notes that customers will still save money in each month, explaining “as noted by TURN, a tariff expected to produce a fully discounted payback in a future year may still result in the customer</p>	<p><u>D.22-12-056, pages 71-79</u></p>	
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<p>realizing net savings in every year.” (page 77)</p>		
<p><b>13. COST EFFECTIVENESS / PAIRED STORAGE</b></p> <p>TURN’s analysis (using its own model) found that, compared to stand-alone solar installations located behind the customer meter, paired solar and storage projects provide larger avoided cost benefits, improve economics to participating customers, and reduce cost shifts from participants to nonparticipants. TURN argued that the Commission should adopt a tariff that prioritizes paired storage adoption.</p> <p>The Decision finds that “the addition of storage provides greater benefits to both the customer and the grid.” (page 98) Moreover, the Decision finds that the Commission will continue to encourage solar systems paired with energy storage.</p>	<p><u>TURN rebuttal testimony, Ex. TRN-3, pages 70-74</u></p> <p><u>TURN opening brief, pages 39, 56, 94-96.</u></p> <p><u>D.22-12-056, pages 98-99</u></p>	<p>Verified</p>
<p><b>14. TRANSITION / COST OF SOLAR</b></p> <p>TURN proposed that Commission modeling of payback periods under a new successor tariff rely on the \$2.34 per watt value from the NREL Annual Technology Baseline. TURN opposed the proposal by solar parties to use \$3.80 per watt because this value is based on historical</p>	<p><u>TURN direct testimony, Ex. TRN-1, page 25.</u></p> <p><u>TURN reply brief, pages 26-28</u></p>	<p>Verified</p>

<p>costs rather than forecasts of future costs.</p> <p>For purposes of modeling payback periods under the Net Billing Tariff, and setting the level of ACC plus adders during the glidepath, the Decision adopts an assumed cost of \$3.30 per watt for new solar installations. The Decision rejects proposals to use \$3.80 per watt on the basis that this value reflects historical, rather than forecasted future, costs.</p>	<p><u>D.22-12-056, pages 79-82</u></p>	
<p><b>15. TRANSITION / GLIDE PATH</b></p> <p>TURN supported an interim rate to provide a glide path between the current successor tariff and the future net billing tariff. This interim rate proposal was developed and supported by a range of parties (Cal Advocates, NRDC, CUE, CalWEA, IEPA). The interim rate would provide export compensation based on a fraction of the applicable retail rate and be designed to achieve a full discounted payback for non-CARE customers of no longer than 15 years for SCE and PG&amp;E and no longer than 10 years for SDG&amp;E. This tariff would be available for new customers until a new end state net billing tariff is implemented.</p> <p>The Decision adopts a compromise glide path approach involving a five-year glide path with declining</p>	<p><u>TURN opening brief, pages 66-72, Appendix A (Joint Recommendations)</u></p>	<p>Verified</p>

<p>export adders that will allow for a transition to the end-state net billing tariff. This glide path is longer than the approach proposed by TURN (and others supporting the joint recommendations) but shorter than the eight-year transition period proposed by the solar industry.</p>	<p><u>D.22-12-056, pages 85-89.</u></p>	
<p><b>16. TRANSITION / LEGACY NEM CUSTOMERS</b></p> <p>TURN recommended that all legacy NEM 1.0 and 2.0 customers be transitioned to the new net billing tariff starting 8 years after their initial interconnection to limit ongoing cost shifting to non-participants. TURN also challenged CalSSA’s contention that the Commission cannot lawfully consider any changes to NEM 1.0 or 2.0 tariffs in this proceeding.</p> <p>The December 21, 2021 Proposed Decision would require all existing residential non-CARE NEM 1.0 and 2.0 customers to transition to the new Net Billing Tariff 15 years after they initially installed their renewable generation.</p> <p>The final Decision does not adopt an accelerated transition period for legacy NEM 1.0 and 2.0 customers but specifically agrees with TURN that the issue is properly within the scope of the proceeding and rejects CalSSA’s arguments.</p>	<p><u>TURN opening brief, pages 68-69</u> <u>TURN reply brief, pages 56, 83, 92.</u></p> <p><u>Proposed Decision of ALJ Hymes, December 13, 2021, pages 149-150.</u></p> <p><u>D.22-12-056, pages 189-191.</u></p>	<p>Verified</p>

<p><b>17. NET BILLING TARIFF / MARKET TRANSITION CREDIT</b></p> <p>TURN proposed an up-front market transition credit to enable a reasonable payback period for customers investing in onsite renewable generation. TURN recommended that the credit be structured to provide a 10-year fully discounted payback to CARE customers and, if funds are provided from external sources, to provide a 15-year fully discounted payback to non-CARE customers. TURN recommended regular reviews of the credit to reflect the latest solar costs, avoided costs and retail rates. To the extent that the costs of the credit are collected in rates, TURN recommended that funds be collected from all customers through the Public Purpose Program charge.</p> <p>The December 21, 2021 Proposed Decision finds that a Market Transition Credit “provides the best approach to the glide path” and states that TURN’s proposed credit mechanism offers “options to the Commission.” The PD finds that the Market Transition Credit should achieve a 10-year payback period for customers installing solar with paired storage. The PD proposes a “transparent and uniform incentive” based on a customer’s system expected generation “as recommended</p>	<p><u>TURN direct testimony, Ex. TRN-1, pages 51-55</u></p> <p><u>TURN rebuttal testimony, Ex. TRN-3, pages 52-60</u></p> <p><u>TURN opening brief, pages 85-93</u></p> <p><u>TURN reply brief, pages 80-83</u></p> <p><u>Proposed Decision of ALJ Hymes, December 13, 2021, pages 104-105, 117, 122-123</u></p>	<p>Verified</p>
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<p>by TURN”. (page 117) The PD further agrees with TURN that the credit should be periodically evaluated and directs the IOUs to annually submit an Advice Letter proposing any changes to the credit.</p> <p>The final Decision does not adopt an up-front Market Transition Credit but instead orders the creation of an alternative approach using an Avoided Cost adder (ACC Plus) to exported energy for new net billing tariff customers during the glide path period. The ACC Plus adder is designed to target a nine-year simple payback for all residential successor tariff customers who enroll in the first five years. Consistent with TURN’s recommendation, the Decision finds that the costs of the adder should be recovered through the Public Purpose Program charge and collected from all customers.</p>	<p><u>D.22-12-056, pages 120-127, 148-153, 156-158.</u></p>	
<p><b>18. NET BILLING TARIFF / EXPORT COMPENSATION</b></p> <p>TURN argued that setting export compensation based on retail rates, rather than the costs and benefits of the generation facility, fails to comply with Public Utilities Code §2827.1 and the guiding principles adopted in D.21-02-007. TURN highlighted a variety of problems with using retail rates as the basis for compensating exports and</p>	<p><u>TURN direct testimony, Ex. TRN-1, pages 43, 45-47.</u></p> <p><u>TURN rebuttal testimony, Ex. TRN-3, pages 29-34, 37-39.</u></p> <p><u>TURN opening brief, pages 49-50, 55, 64, 73-76, 97-103</u></p> <p><u>TURN reply brief, pages 51-55.</u></p>	<p>Verified</p>

<p>argued that export compensation should be set based on values from the Avoided Cost Calculator (ACC). TURN urged the use of day ahead CAISO energy prices for the energy supply portion of the ACC to ensure that export values are better aligned with actual market conditions rather than historically generated hourly forecasts. TURN further recommended that new customers be allowed to lock into ACC export values for a period of 5 or 10 years.</p> <p>The Decision finds that continuing to base export compensation rates on retail rates does not comply with Public Utilities Code §2827.1 and would not reflect the actual costs of the exports or the benefits provided to all customers and the grid. The Decision concludes that export compensation should be based on values derived from the Avoided Cost Calculator. These values would be set using averaged monthly values for each hour to address “the false precision of potentially inaccurate forecasts of a specific hour’s weather and other conditions, as cautioned by NRDC and TURN.” (page 142) Further, the Commission adopts a 9-year lock-in period during the transition period.</p>	<p><u>D.22-12-056, page 104, 142-145.</u></p>	
<p><b>19. NET BILLING TARIFF / GRID BENEFIT CHARGES</b></p>		<p>Verified</p>



<p>reform of retail rates to incorporate fixed charges should occur in a new proceeding (R.22-07-005) initiated after the filing of briefs in this proceeding (and after the issuance of the original Proposed Decision)</p>		
<p><b>20. NET BILLING TARIFF / NETTING</b></p> <p>TURN recommended that the quantity of customer generation treated as exports be determined based on instantaneous netting rather than the previously used hourly netting approach for residential customers.</p> <p>The Decision eliminates the prior netting practice (used for legacy NEM customers) for Net Billing Tariff customers and directs the use of the most granular data collected by utility meters (15 minute intervals), subject to an adjustment factor, to determine the actual quantity of real-time customer imports and exports.</p>	<p><u>TURN direct testimony, Ex. TRN-1, page 45</u></p> <p><u>TURN opening brief, pages 74-75.</u></p> <p><u>D.22-12-056, pages 129-134.</u></p>	<p>Verified</p>

<p><b>21. NET BILLING TARIFF / ELECTRIFICATION RATES</b></p> <p>TURN proposed that net billing tariff customers with both solar and paired storage be required to take service under electrification rate tariffs. TURN also recommended that electrification rate tariffs be used for all residential customers as part of a transition rate structure. Further, TURN agreed that electrification rates would be appropriate for all net billing tariff customers if the remaining elements of TURN’s successor tariff proposal (such as a grid charge) are not adopted in order to limit cost shifting.</p> <p>The Decision requires all Net Billing Tariff customers to enroll in an electrification tariff offered by each utility that include a fixed charge plus high time-of-use pricing differentials.</p>	<p><u>TURN opening brief, pages 68-72, 77, 93-95,</u> <u>TURN reply brief, pages 56, 83, 92.</u></p> <p><u>D.22-12-056, pages 111-112, 159-160.</u></p>	<p>Verified</p>
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**B. Duplication of Effort (§ 1801.3(f) and § 1802.5):**

	Intervenor’s Assertion	CPUC Discussion
<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></p>		<p>Noted</p>

<p>Natural Resources Defense Council, Independent Energy Producers Association, California Wind Energy Association, and Coalition of California Utility Employees.</p>	
<p><b>d. Intervenor’s claim of non-duplication:</b></p> <p>Although many parties proposed various types of reforms to Net Energy Metering tariffs, TURN recommendations were not fully aligned with any other party. TURN offered an entirely unique and comprehensive reform proposal that was backed up by extensive analysis including a cost-effectiveness model developed specifically for this proceeding. TURN’s proposal included a unique type of grid benefit charge, a unique export compensation mechanism, and a unique market transition credit structure. Moreover, TURN provided unduplicated analysis regarding cost-effectiveness tests, payback periods, and a comparison of various tariff proposals submitted by other parties. TURN also presented an array of unique legal arguments to support the case for reform including an overview of state law and precedents, and an analysis of federal preemption claims raised by the solar industry.</p> <p>To minimize duplication, TURN actively coordinated with other parties that shared common views on the issues presented in this proceeding. TURN participated in regular meetings with these parties (NRDC, IEPA, Cal Advocates, CalWEA, CUE) to coordinate participation, allocate issues amongst the groups, and develop a set of Joint Recommendations for a transition tariff that were incorporated into opening briefs.</p> <p>To the extent that duplication occurred, it was unavoidable given the need to participate on key issues of interest to TURN and its members. TURN worked diligently to ensure that its involvement efficiently influenced the outcome of the final Decision.</p>	<p>Noted</p>

**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></p> <p>As demonstrated in the substantial contribution section, TURN’s participation had a significant impact on the outcome of the core issues resolved in this proceeding. TURN’s contributions to both the proposed and final decision include:</p>	<p>Noted</p>

<ul style="list-style-type: none"> <li>• Supporting cost-effectiveness findings regarding the impacts on non-participating customers of both legacy NEM tariffs and proposed successor tariffs.</li> <li>• Adopting export compensation tied to avoided costs rather than retail rates, an approach that aligns participant compensation with the value provided to the grid without requiring subsidies from non-participants.</li> <li>• Rejecting various efforts by the solar industry to unreasonably boost compensation for NEM participants in a manner that would increase the cost of the successor tariff to non-participating customers.</li> <li>• Adopting a transition to the end-state net billing tariff based on reasonable target payback periods (9 years) and forward-looking (rather than historic) solar cost forecasts.</li> <li>• Recognizing the importance of collecting shared costs from all customers regardless of whether they have onsite generation.</li> <li>• Prioritizing the installation of solar with paired energy storage based on the higher benefits provided to the grid and all customers.</li> </ul> <p>Given the very specific benefits achieved for non-participating customers of the three utilities, the benefits associated with TURN’s participation far exceed the cost of TURN’s participation in this proceeding. TURN’s claim should be found to be reasonable.</p>	
<p><b>b. Reasonableness of hours claimed:</b></p> <p>Given TURN’s showings on the issues where it made contributions, the amount of time devoted by its staff is fully reasonable. TURN devoted the minimum number of hours to reviewing rulings, drafting pleadings, performing discovery, attending workshops, drafting testimony, participating in evidentiary hearings, drafting briefs and reviewing/commenting on the Proposed Decisions.</p> <p>TURN’s work in this case comprised a large number of pleadings and written submissions. TURN submitted six sets of comments on Proposed Decisions, six other sets of comments (comments on OIR, guiding principles, lookback study, June 2022 ALJ ruling), a formal summary of its reform proposal, two rounds of testimony, and two briefs. TURN also participated in an informal stakeholder engagement process relating to the Verdant Lookback study. TURN’s filed pleadings comprised over 440 pages and TURN’s two rounds of testimony were approximately 170 pages plus over 200 pages of attachments. The sheer volume of materials related</p>	<p>Noted</p>

to TURN's participation demonstrates the amount of work required to make a comprehensive showing on all material issues.

Given the scope of TURN's involvement, the number of hours devoted to the wide range of issues and process in this case demonstrates the efficiency of TURN's staff. Moreover, the time devoted to each task was reasonable in light of the complexity of the issues presented. The amount of time should be found to be fully reasonable.

**Reasonableness of Staffing**

Matthew Freedman

TURN's lead attorney for this proceeding was Matthew Freedman who also served as TURN's lead counsel in the prior NEM reform and rate reform proceedings. Mr. Freedman reviewed/edited/drafted all pleadings, analyzed proposals by other parties, assisted TURN's experts with discovery and the development of testimony, presented at the Commission workshop, and participated in evidentiary hearings and oral arguments.

Elise Torres

TURN staff attorney Elise Torres served as Mr. Freedman's backup during his absence and helped with coordination and planning in the early phase of the proceeding. Ms. Torres was one of TURN's attorneys on the prior NEM proceeding (R.14-07-002).

Hayley Goodson

TURN managing attorney Hayley Goodson provided limited support relating to analysis of the Rate Impact Measure in this proceeding. As TURN's longstanding attorney on energy efficiency matters, Ms. Goodson was able to use her familiarity with cost effectiveness tests to assist TURN's lead attorney.

Marcel Hawiger

TURN staff attorney Marcel Hawiger provided limited assistance relating to transmission and distribution costs and the development of TURN's successor tariff proposal. Mr. Hawiger also serves as TURN's attorney on the valuation of Distributed Energy Resources and the Avoided Cost Calculator, issues that were central to the litigation in this proceeding.

Michele Chait

TURN expert Michele Chait was TURN's witness in this proceeding. Ms. Chait assisted with most of TURN's substantive pleadings, authored two rounds of prepared testimony, and was cross examined during evidentiary hearings. Ms. Chait conducted a comprehensive review of the Verdant Lookback study modeling and offered extensive comments that were incorporated by the study authors. Ms. Chait also built a cost-effectiveness model that was used to analyze both TURN's tariff proposal along with alternatives submitted by other parties. As explained in Part III(C) of this request, Ms. Chait has an extensive background in cost modeling including previously serving as the lead for E3 on the development of the Public Tool used by the Commission to analyze the cost-effectiveness of NEM successor tariff proposals in R.14-07-002.

#### Modeling costs

In comments on the original OIR, TURN urged the Commission to develop or identify common analytical tools that could be used to evaluate successor tariff options presented in this proceeding. (TURN comments on preliminary scope and schedule, October 5, 2020, pages 10-11) The Commission did not identify or reference any such tool in either the November 19, 2020 scoping memo or the Decision adopting the guiding principles (D.21-02-007). The Commission did direct parties to demonstrate the cost effectiveness of their tariff proposals in the manner directed by D.19-05-019 by providing results under the Standard Practice Manual's Total Resource Cost (TRC) test, Program Administrator Cost (PAC) test, and Ratepayer Impact Measure (RIM) test. (D.21-02-007, pages 7, 12, 35, 36, Finding of Fact #4.) The ALJ affirmed these requirements in a January 28, 2021 ruling (Email Ruling Introducing White Paper, Noticing Workshop, and Providing Instructions for Successor Proposals).

In order to provide these cost effectiveness showings, TURN developed its own successor tariff evaluation model for use in this proceeding. The Excel model contains transparent input assumptions that may be modified by users, was made available for download and use by all parties via a public download link, and was entered into the record of the proceeding. (Ex. TRN-1, pages 20-27, Ex. TRN-5) TURN provided a comprehensive description of its model inputs and logic in both its original tariff proposal and direct testimony. (Ex. TRN-1, pages 20-31; Ex. TRN-2, Attachment C (TURN March 15, 2021 Tariff Proposal), Appendix A (Description of TURN Model)). In D.22-12-056, the Commission noted that "While the Commission has not adopted the TURN model, this decision does not consider it a black box, as TURN provided it to all parties and, as they stated, the model is fully transparent, runs on Microsoft Excel, and has no confidential material." (page 122).

<p>Subsequent to the development of TURN’s model, the Commission modified the schedule of the proceeding and directed parties to provide successor tariff design information to E3 for use in a neutral modeling exercise. (ALJ ruling noticing April 22, 2021 Workshop and Revising Procedural Schedule, issued April 8, 2021) Until the issuance of the April 8 ruling, TURN reasonably believed that parties would be required to perform a suite of cost-effectiveness tests on any successor tariff proposal.</p> <p>In prepared testimony, TURN used its model to analyze its own successor tariff proposal and proposals submitted by a number of other parties. This analysis formed the basis for TURN’s recommendations in opening and reply briefs. TURN further demonstrated that the results produced by its model are comparable to those produced by E3 and explained the basis for any differences. (Ex. TRN-1, pages 28-31, 63-65.) TURN’s model provided significant additional functionality beyond the E3 model including results for installation years 2022, 2024 and 2025, five different payback metrics (simple, E3 payback, escalated simple, simple discounted and full discounted), Internal Rates of Return, Program Administrator Cost (PAC) test results (which were required pursuant to D.21-02-007), and Market Transition Credit values needed to achieve a specific target payback for the selected customer. (Ex. TRN-1, pages 20, 23-24, 69.)</p> <p>TURN submits that the work devoted to modeling was justified and reasonable given the explicit directive for parties to provide a suite of cost effectiveness test results for any successor tariff proposal. The development of this model involved a significant amount of work to produce robust and reliable results across a range of tariff designs.</p> <p><u>Compensation Request</u></p> <p>TURN’s request also includes hours devoted to the preparation of compensation-related filings. Given the voluminous record in this proceeding and the scope of activities occurring over the course of more than two years, the time devoted to developing this compensation request is appropriate and should be found to be reasonable.</p>	
<p><b>c. Allocation of hours by issue:</b> TURN has allocated all of our attorney and consultant time by issue area or activity, as evident on our attached timesheets. The following codes relate to specific substantive issue and activity areas addressed by TURN. TURN also provides an approximate breakdown of the number of hours spent on each task and the percentage of total hours devoted to each category.</p> <p><b>General Participation (GP) – 116.25 hours – 7.63% of total</b> General Participation work essential to participation that typically spans multiple issues and/or would not vary with the number of issues that TURN addresses. This includes reviewing Commission rulings and</p>	<p>Noted, totals 100%</p>

Proposed Decisions, reviews of pleadings and testimony submitted by other parties, review of data requests and responses, drafting multi-issue data responses, participation in status/prehearing conferences, initial comments on the OIR, case strategy and schedule discussions.

**Evidentiary Hearings, Workshops, Oral Arguments (EHWOA) – 196.25 hours – 12.87% of total**

Preparation for, and participation in, Evidentiary Hearings, workshops, oral arguments and ex parte meetings.

**Coordination (COORD) – 52.75 hours – 3.46% of total**

Coordination with other parties in the proceeding to promote alignment of positions, reduce duplication of effort and develop joint proposals.

**Guiding Principles (GUIDE) – 78.75 hours – 5.17% of total**

Work relating to the guiding principles adopted in D.21-02-007.

**Legal issues (LEGAL) – 45.39 hours – 2.98% of total**

Work relating to the legal issues raised by parties that were resolved in D.22-12-056 including the relevance of applicable federal and state law to the development of a successor tariff.

**Cost Effectiveness (COST) – 271.31 hours – 17.8% of total**

Work relating to the analysis of the cost-effectiveness of legacy NEM tariffs and proposed successor tariff options. Includes work relating to various party proposals to modify the standard cost-effectiveness tests and different approaches to measuring and setting payback periods. Also includes analysis of paired solar and energy storage installations.

**Net Billing Tariff (NBT) – 405.7 hours – 26.61% of total**

Work relating to the design of the Net Billing Tariff including the Market Transition Credit, export compensation, Grid Benefit Charges, Netting, and the role of electrification rates. Review, analysis and critique of other party successor tariff proposal elements and concepts.

**Transition Issues (TRANS) – 81.6 hours – 5.35% of total**

Work relating to the development of a glidepath and transitional tariff elements including forecasted cost of solar and ACC Plus values. Also includes recommendations for changes to legacy NEM customer tariffs.

**Modeling (MODEL) – 247.25 hours – 16.22% of total**

Work related to the development of TURN's model used to analyze the cost-effectiveness of both legacy and proposed NEM tariffs. This work was incorporated into TURN's cost-effectiveness showings and analysis of successor tariff options.

<p><b>Settlement (SETTLE) – 29.25 hours – 1.92% total</b>                  Participation in settlement meetings with active parties participating in the proceeding.</p> <p><b>Compensation – 21.25 hours</b>                  Time spent on the notice of intent to claim compensation and the preparation of this compensation request.</p> <p>-----</p> <p>TURN used two multi-issue allocation codes to describe time devoted to a mix of issues. The following codes were used to allocate hours as follows:</p> <p># = 45% COST, 45% NBT, 10% TRANS                  % = 15% LEGAL, 25% COST, 40% NBT, 20% TRANS</p> <p>All hours assigned a multi-issue code were subsequently allocated (using the percentages identified) to each of the specific issue/task areas. As a result, <u>the total hours shown for each issue area incorporate all hours that were marked with the multi-issue allocation code.</u> This allocation process is shown in the attached documentation (specifically the allocation by issue showing in Attachment 3).</p> <p>TURN submits that under the circumstances this information should suffice to address the allocation requirement under the Commission’s rules. Should the Commission wish to see additional or different information on this point, TURN requests that the Commission so inform TURN and provide a reasonable opportunity for TURN to supplement this showing accordingly.</p>	
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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 \$
Elise Torres, Attorney	2020	5.75	\$360	D.20-11-008	\$2,070.00	5.75	\$360	\$2,070.00
Elise Torres, Attorney	2021	2.50	\$450	D.21-12-049	\$1,125.00	2.50	\$450	\$1,125.00
Hayley Goodson, Attorney	2021	0.50	\$550	D.21-12-046	\$275.00	0.50	\$550	\$275.00
Marcel Hawiger, Attorney	2021	2.00	\$650	D.22-07-021	\$1,300.00	2.00	\$650	\$1,300.00

Matthew Freedman, Attorney	2020	37.75	\$455	D.20-10-022	\$17,176.25	36.20 [3]	\$455	\$16,471.00
Matthew Freedman, Attorney	2021	514.00	\$625	D.22-03-028	\$321,250.00	487.55 [3]	\$625	\$304,718.75
Matthew Freedman, Attorney	2022	100.25	\$645	D.22-03-028 + Res. ALJ-393	\$64,661.25	95.23 [3]	\$645	\$61,423.35
Matthew Freedman, Attorney	2023	1.25	\$705	2022 Rate plus 4.5% COLA (Res. ALJ-393) plus 5% step increase See Comment #1	\$881.25	1.25	\$710 [1]	\$887.50
Michele Chait, Expert	2020	160.25	\$240	See Comment #2	\$38,460.00	148.23 [4]	\$240 [2]	\$35,575.20
Michele Chait, Expert	2021	700.25	\$240	See Comment #2	\$168,060.00	661.23 [4]	\$240 [2]	\$158,695.20
<b>Subtotal: \$615,258.75</b>						<b>Subtotal: \$582,541.00</b>		

<b>INTERVENOR COMPENSATION CLAIM PREPARATION **</b>								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Matthew Freedman	2020	1.00	\$227.50	50% of 2020 approved rate	\$227.50	1.00	\$227.50	\$227.50
Matthew Freedman	2023	20.25	\$352.50	50% of 2023 rate	\$7,138.13	20.25	\$355.00	\$7,188.75
<b>Subtotal: \$7,365.63</b>						<b>Subtotal: \$7,416.25</b>		
<b>TOTAL REQUEST: \$622,624.38</b>						<b>TOTAL AWARD: \$589,957.25</b>		

\*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.

\*\*Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate

<b>ATTORNEY INFORMATION</b>			
<b>Attorney</b>	<b>Date Admitted to CA BAR<sup>2</sup></b>	<b>Member Number</b>	<b>Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation</b>
Matthew Freedman	March 2001	214812	No
Hayley Goodson	December 2003	228535	No
Elise Torres	December 2011	280443	No
Marcel Hawiger	January 1998	194244	No

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

<b>Attachment or Comment #</b>	<b>Description/Comment</b>
<b>Attachment 1</b>	<b>Certificate of Service</b>
<b>Attachment 2</b>	<b>Daily Time Records for Attorneys and Experts</b>
<b>Attachment 3</b>	<b>Allocation by issue</b>
<b>Attachment 4</b>	<b>Resume of Michele Chait</b>
<b>Comment #1</b>	<p><b>2023 Hourly Rate for Matthew Freedman</b></p> <p>TURN requests that the Commission adopt a 2023 hourly rate of \$705 for TURN Staff Attorney Matthew Freedman. This rate is based on the \$625 rate authorized by the Commission in D.22-03-028 for Mr. Freedman’s work in 2021, the 3.3% annual escalation for 2022 pursuant to Res. ALJ-393, the 4.5% annual escalation for 2023 pursuant to Res. ALJ-393, and a 5% step increase authorized by Res. ALJ-393.</p> <p>For escalation in 2022 and 2023, TURN relies on the methodology adopted in Res. ALJ-393. The annual escalation methodology is based on the annual percentage change in the Bureau of Labor Statistics Employment Cost Index, Table 5, for the Occupational Group “Management, Professional, and Related excluding Incentive Paid Occupations.” (Res. ALJ-393, p. 4; Intervenor Compensation Market Rate Study, Final Report, p. 8). The percent change for this occupational group for the 12-months ended December 2021 is 3.3%. The percent change for this occupational group for the 12-months ended December 2022 is 4.5%. See <a href="https://www.bls.gov/news.release/eci.t05.htm">https://www.bls.gov/news.release/eci.t05.htm</a>.</p> <p>TURN further requests a 5% “step increase” for Mr. Freedman in 2023. Res. ALJ-393 permits intervenor representatives to additionally claim up to two 5% annual “step increases” within each labor role experience tier, as long as their final requested rate does not exceed the maximum approved rate for that experience level. (Res. ALJ-393, p. 5). The maximum approved rate for an Attorney - Level V is \$699 for work</p>

<sup>2</sup> This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch> .

	<p>conducted in 2021, which escalates to \$755 in 2023 by first applying the 3.3% 2022 COLA and then the 4.5% 2023 COLA. The requested 2023 rate for Mr. Freedman of \$705 is well below the maximum 2023 rate for an Attorney – Level V.</p>
<p><b>Comment #2</b></p>	<p><b>2020 and 2021 Hourly Rate for Michele Chait</b></p> <p>TURN submits its first request for an hourly rate for Michele Chait for 2020 and its second request for an hourly rate for 2021. For both years, TURN requests an hourly rate of \$240. TURN previously submitted a compensation request seeking approval of Ms. Chait’s 2021 hourly rate on August 18, 2021 in R.14-10-003. The Commission has not yet acted on that request.</p> <p>In Resolution (Res.) ALJ-387, the Commission adopted ranges for hourly rates performed by intervenor representatives. The hourly rate range for experts with 13+ years of experience was \$190-465. As explained below (and shown in the resume submitted as Attachment 4), Ms. Chait had worked in the energy industry, either directly for independent producers or as a consultant to industry and government for over 21 years as of January 1, 2020. The requested rate of \$240 is well below the mid-point for the authorized range. TURN submits that this rate is fully reasonable under the methodology adopted in Res. ALJ-387.</p> <p>In Resolution (Res.) ALJ-393, the Commission adopted a new methodology for setting Intervenor Compensation hourly rates, based on a Market Rate Study. The new methodology defines comparable hourly rates for seventy-nine intervenor “labor roles,” at five levels of experience and education. For each level, a market rate-based hourly rate range is established.</p> <p>The Commission directed intervenors “to use the Hourly Rate Chart spreadsheet available on the Commission’s ICOMP website (<a href="http://www.cpuc.ca.gov/icomp">www.cpuc.ca.gov/icomp</a>) to determine the appropriate hourly rate when completing claims for work performed on or after January 1, 2021.” (Res. ALJ-393, pp. 3-4). The Commission clarified that hourly rates for 2021 will be based on the approved hourly rate ranges in the Market Rate Study, without regard to previously established hourly rates for 2020 or prior years. (Res. ALJ-393, p. 4). Finally, the Commission directed intervenors to submit, in their first claim seeking compensation for work completed in 2021 and beyond, the following information to establish hourly rates: (1) a current resume as a supporting document, and (2) a justification for the requested rate that ties to the individual’s labor role and level of experience, per the Market Rate Study’s Hourly Rate Chart. (Res. ALJ-393, p. 5).</p> <p>Pursuant to the requirements of ALJ-393, TURN hereby requests a 2021 hourly rate for TURN Consultant and Expert Witness Michele Chait.</p> <p><b>Intervenor Representative:</b> Michele Chait  <b>Labor Role:</b> Energy and Resources Expert  <b>Level:</b> V  <b>2021 Hourly Rate Range:</b> \$169.03 - \$357.15  <b>Requested Hourly Rate:</b> \$240  <b>Current Resume:</b> See Attachment 4.</p> <p><b>Justification for the Requested Hourly Rate</b>  TURN requests an hourly rate of \$240 for Ms. Chait for 2021, which is the median level</p>

	<p>for a Level V Energy and Resources Expert. Ms. Chait earned a B.A. in Mathematics and Middle Eastern Studies from the University of California at Berkeley and a Masters of Business Administration (MBA) from the University of Chicago Graduate School of Business.</p> <p>From 1998 to 2003 Ms. Chait worked for independent power producers on power project development and project financing, both in California and internationally. From 2006 to 2019 Ms. Chait was a Director with the consulting firm E3, working on numerous projects related to utility regulation, cost of service and rate design, project finance and valuation, resource planning, and the valuation, financing and business models for distributed energy resources. Ms. Chait conducted consulting work on behalf of various U.S. and foreign government agencies; international NGOs; California municipal and state agencies, including the California Public Utilities Commission; electric utilities; as well as private firms. One of her assignments at E3 was the development of the Public Tool used by the CPUC in R.14-07-002 to evaluate NEM tariffs. Since 2020 Ms. Chait has been the principal of her own energy consulting firm, continuing to consult for government, non-profit and private clients on a variety of clean energy, energy market and distributed energy resource economics issues.</p> <p>As of January 1, 2021, Ms. Chait had worked in the energy industry, either directly for independent producers or as a consultant to industry and government at E3, for over 22 years. The Market Rate Study Hourly Rate Chart instructs that an “Energy and Resources Expert” in Level V should have a Bachelor’s or equivalent degree and 15+ years of experience. Ms. Chait easily satisfies these requirements for a Level V Energy and Resources Expert. Indeed, given her extensive consulting with government agencies, at the state, municipal and international level, concerning regulatory policies and clean energy policies, Ms. Chait could also qualify in the category “Public Policy Analyst,” which has higher hourly rates in each level. TURN thus submits that an hourly rate of \$240, which is exactly at the median of the market rate range established for the Energy and Resources Expert in Level V, is entirely reasonable for Ms. Chait for 2021.</p>
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**D. CPUC Comments, Disallowances, and Adjustments**

Item	Reason
<p>[1] Matthew Freedman (Freedman) 2023 Hourly Rate</p>	<p>D.23-04-054 previously approved the 2022 hourly rate of \$645 for Freedman. TURN requests an hourly rate of \$705 for Freedman in 2023. For Freedman’s 2023 hourly rate, the Commission applies the annual escalation methodology adopted in Resolution ALJ-393. Per ALJ-393 methodology, a percentage addition of 4.46% for 2023 is applied. With a 2022 rate of \$645 previously established for Freedman, and based on the escalation factor of 4.46%, a 2023 rate of \$675 is calculated, rounded to the nearest five dollars.</p> <p>TURN is also requesting a 5% step increase added to the calculation of Freedman’s 2023 rate. This would be the first step increase for Freedman in the Legal – Attorney - V role. Adding this 5% step increase to the \$675 rate calculated above equals a 2023 rate of \$710, rounded to the nearest five dollars, and is adopted.</p>

<p>[2] Michele Chait (Chait) 2020 &amp; 2021 Hourly Rates</p>	<p>TURN requests an hourly rate of \$240 for Chait in 2020 and 2021 in the role of Expert - Energy and Resources Expert – Level V. D.23-04-031 previously approved the 2021 hourly rate of \$240 for Chait.</p> <p>Chait’s resume and information provided by TURN in this claim indicate she is a consultant. TURN has confirmed that the rate of \$240 is the actual rate charged by Chait to TURN for 2020, so we therefore approve the 2020 rate of \$240 here.</p>
<p>[3] Freedman 2020, 2021 &amp; 2022 Hours</p>	<p>Time records submitted for Freedman excessively label hours in the category of “General Participation.” Normally, the “general work” category includes work for which allocation by issue is almost impossible. Per Intervenor Compensation Program Guide at 26, time records must not excessively label work as of a “General” issue type (general work on the proceeding). Most of the professional work on the proceeding can and must be associated with the proceeding’s substantive issues.</p> <p>For 2020, we note that Freedman claimed a total of 37.75 hours. 15.50 of these hours are labeled as general participation. We therefore assess a 10% reduction on these hours, which equals 1.55. Freedman’s 2020 hours now total 36.20.</p> <p>Pub. Util. Code Section 1801.3(f) provides that the Commission should administer the Intervenor Compensation Program “in a manner that avoids unproductive or unnecessary participation that duplicates the participation of similar interests otherwise adequately represented or participation that is not necessary for a fair determination of the proceeding.”</p> <p>Therefore, the following hours are disallowed from Freedman’s 2021 hours because they are deemed to be unproductive/excessive hours claimed:</p> <ul style="list-style-type: none"> <li>• 8/2/21, 7.25 hours, “Attendance at evidentiary hearings.” TURN claimed a total of 7.25 hours in this entry. The transcript from the hearing on this date shows a hearing duration of 6.50 hours, making the remaining hours claimed here excessive. 0.75 hours are deemed excessive and are disallowed.</li> </ul> <p>Time records submitted for Freedman in 2021 combine several specific tasks in their timesheet entries. Time records must not combine hours for several specific tasks in one timesheet entry. <i>See</i> Rule 17.4(b)(2) and IComp Program Guide at 25. We therefore reduce Freedman’s 2021 hours by 5%.</p> <p>For 2021, we note that Freedman claimed a total of 514.00 hours, and a 5% reduction on these hours equals 25.70. Combined with the other disallowances noted above, Freedman’s total disallowance hours for 2021 equal 26.45, and Freedman’s 2021 hours now total 487.55.</p>

	<p>Time records submitted for Freedman in 2022 combine several specific tasks in their timesheet entries. Time records must not combine hours for several specific tasks in one timesheet entry. We therefore reduce Freedman’s 2022 hours by 5%.</p> <p>For 2022, we note that Freedman claimed a total of 100.25 hours, and a 5% reduction on these hours equals 5.02. Freedman’s 2022 hours now total 95.23.</p>
<p>[4] Chait 2020 &amp; 2021 Hours</p>	<p>The following hours are disallowed from Chait’s 2020 hours because they are deemed to be unproductive/excessive hours claimed:</p> <ul style="list-style-type: none"> <li>• 12/1-12/4/20, 12.25 hours, “Develop thoughts on CPUC proposed guiding principles, Develop draft of TURN's comments on CPUC proposed guiding principles, Finish draft of TURN's comments on CPUC proposed guiding principles, Redline Matthew's draft of guiding principles.” TURN claimed a total of 12.25 hours in these entries. Time spent drafting these comments are excessive for work produced as another attorney claimed hours for work performed on these comments (Freedman, 4.25 hours claimed). 2.00 hours are deemed excessive and are disallowed.</li> <li>• 12/9-12/11/20, 7.50 hours, “Develop Reply Comments on Guiding Principles, Finish Reply Comments on Guiding Principles &amp; send draft to Matthew, Produce final version of Reply Comments.” TURN claimed a total of 7.50 hours in these entries. Time spent drafting these comments are excessive for work produced as another attorney claimed hours for work performed on these comments (Freedman, 3.50 hours claimed). 2.00 hours are deemed excessive and are disallowed.</li> </ul> <p>Time records submitted for Chait in 2020 combine several specific tasks in their timesheet entries. Time records must not combine hours for several specific tasks in one timesheet entry. We therefore reduce Chait’s 2020 hours by 5%.</p> <p>For 2020, we note that Chait claimed a total of 160.25 hours, and a 5% reduction on these hours equals 8.02. Combined with the other disallowances noted above, Chait’s total disallowance hours for 2020 equal 12.02, and Chait’s 2020 hours now total 148.23.</p> <p>Time records for each individual included in the Claim must be provided and must chronologically list the following information, among other things, about each task included in the records: 1) Date when the specific task was performed, 2) The issue in the proceeding that the task addressed (as identified in the Scoping Memo or by the ALJ), 3) Description of the specific task, and 4)</p>

	<p>Amount of the time spent on the task (in hours or hour fraction). <i>See</i> IComp Program Guide at 25.</p> <p>Therefore, the following hours are disallowed from Chait’s 2021 hours because they are deemed to be assigned to tasks that were vague in nature:</p> <ul style="list-style-type: none"> <li>• 4/6/21, 1.00 hour, “Conf call with Matthew.” TURN claimed a total of 1.00 hour in this entry. TURN did not provide any information explaining what this conference call was regarding, as it is listed under the ‘general participation’ issue area. Other timesheet entries from TURN regarding conference calls specifically describe what the calls entailed. 1.00 hour is disallowed.</li> <li>• 12/14/21, 0.50 hours, “Conf call with Matthew.” TURN claimed a total of 0.50 hours in this entry. TURN did not provide any information explaining what this conference call was regarding, as it is listed under the ‘general participation’ issue area. Other timesheet entries from TURN regarding conference calls specifically describe what the calls entailed. 0.50 hours are disallowed.</li> </ul> <p>The following hours are disallowed from Chait’s 2021 hours because they are deemed to be unproductive/excessive hours claimed:</p> <ul style="list-style-type: none"> <li>• 1/27/21, 6.50 hours, “Finish reading opening comments on Guiding Principles PD.” TURN claimed a total of 6.50 hours in this entry. Hours claimed in this entry are deemed excessive for the number of comments filed on the record regarding this proposed decision. 2.50 hours are deemed excessive and are disallowed.</li> </ul> <p>Time records submitted for Chait in 2021 combine several specific tasks in their timesheet entries. Time records must not combine hours for several specific tasks in one timesheet entry. We therefore reduce Chait’s 2021 hours by 5%.</p> <p>For 2021, we note that Chait claimed a total of 700.25 hours, and a 5% reduction on these hours equals 35.02. Combined with the other disallowances noted above, Chait’s total disallowance hours for 2021 equal 39.02, and Chait’s 2021 hours now total 661.23.</p>
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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 (<i>see</i> Rule 14.6(c)(6))?</b>	Yes
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**FINDINGS OF FACT**

1. The Utility Reform Network has made a substantial contribution to D.21-02-007 and D.22-12-056.
2. The requested hourly rates for The Utility Reform 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 \$589,957.25.

**CONCLUSION OF LAW**

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

**ORDER**

1. The Utility Reform Network is awarded \$589,957.25.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company shall pay The Utility Reform Network their respective shares of the award, based on their California-jurisdictional electric 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 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 2, 2023, the 75<sup>th</sup> day after the filing of The Utility Reform 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 October 12, 2023, at Stockton, California.

ALICE REYNOLDS

President

GENEVIEVE SHIROMA

JOHN REYNOLDS

KAREN DOUGLAS

Commissioners

Commissioner Darcie L. Houck being necessarily absent  
did not participate in the vote of this item.

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

Compensation Decision:	D2310013	Modifies Decision?	No
Contribution Decision(s):	D2102007, D2212056		
Proceeding(s):	R2008020		
Author:	ALJ Kelly A. Hymes		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company		

**Intervenor Information**

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Utility Reform Network	February 16, 2023	\$622,624.38	\$589,957.25	N/A	Excessive general participation hours, combining several tasks in timesheet entries, unproductive/excessive hours, vague tasks/timesheet hours

**Hourly Fee Information**

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Elise	Torres	Attorney	\$360	2020	\$360.00
Elise	Torres	Attorney	\$450	2021	\$450.00
Hayley	Goodson	Attorney	\$550	2021	\$550.00
Marcel	Hawiger	Attorney	\$650	2021	\$650.00
Matthew	Freedman	Attorney	\$455	2020	\$455.00
Matthew	Freedman	Attorney	\$625	2021	\$625.00
Matthew	Freedman	Attorney	\$645	2022	\$645.00
Matthew	Freedman	Attorney	\$705	2023	\$710.00
Michele	Chait	Expert	\$240	2020	\$240.00
Michele	Chait	Expert	\$240	2021	\$240.00

**(END OF APPENDIX)**