Decision 23-11-110 November 30, 2023

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Continue the Development of Rates and Infrastructure for Vehicle Electrification.	Rulemaking 18-12-006 (Filed December 13, 2018)

DECISION GRANTING INTERVENOR COMPENSATION TO UTILITY CONSUMERS' ACTION NETWORK FOR CONTRIBUTIONS TO DECISON 22-11-040

Intervenor: Utility Consumers' Action Network	For contribution to Decision D.22-11-040
Claimed: \$50,242.50	Awarded: \$49,960.00
Assigned Commissioner: Alice Reynolds ¹	Assigned ALJ: Marcelo Poirier & Colin Rizzo

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	D.22-11-040 (November 21, 2022):
	This decision adopted a long-term electrification policy
	framework that included a third-party administered statewide
	transportation electrification infrastructure rebate program to
	be funded by the Investor-Owned Utilities (IOUs). The
	adopted program prioritizes investment in low-income,
	underserved, and tribal communities to ensure participation
	from customers that lack access to the benefits of
	transportation electrification. While the proceeding remains
	open, this decision resolves the transportation electrification
	framework (TEF) policy and program design topics that have
	been under consideration since 2020. UCAN has participated
	in this proceeding since its inception and is requesting
	compensation for substantial contributions made in this
	decision, described in Part II (A) below.

¹ This proceeding was re-assigned to Commissioner Alice Reynolds on January 31, 2023.

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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ $1801-1812^2$:

	Intervenor	CPUC Verification
Timely filing of notice of intent to cla		
Date of Prehearing Conference:	March 1, 2019	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	March 27, 2019	Verified
4. Was the NOI timely filed?		Yes
Showing of eligible customer status (§ 1802(l) (§§ 1802(d)	, ,	rnment entity status
5. Based on ALJ ruling issued in proceeding number:	R.18-07-006	Verified
6. Date of ALJ ruling:	May 30, 2019	Verified
	See Comment 1	
7. Based on another CPUC determination	D.19-11-014,	Verified
(specify):	D.19-09-020,	
	D.19-10-049	
8. Has the Intervenor demonstrated customer stat government entity status?	us or eligible	Yes
Showing of "significant financial ha	ardship" (§1802(h) or §	1803.1(b)):
9. Based on ALJ ruling issued in proceeding number:	R.18-07-006	Verified
10. Date of ALJ ruling:	May 30, 2019	Verified
	See Comment 1	
11. Based on another CPUC determination	D.19-11-014,	Verified
(specify):	D.19-09-020,	
	D.19-10-049	
12. Has the Intervenor demonstrated significant fir	Yes	
Timely request for compensation (§ 1804(c)):		

² All statutory references are to California Public Utilities Code unless indicated otherwise.

13. Identify Final Decision:	D.22-11-040	Verified
14. Date of issuance of Final Order or Decision:	November 21, 2022	Verified
15. File date of compensation request:	January 20, 2023	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor's Comment(s)	CPUC Discussion
Comment 1	UCAN was last found to satisfy the § 1802(g) "significant financial hardship" requirement in R.18-07-006 (filed Nov. 8, 2018; granted May 30, 2019). This was five and one-half months after the TEF application was filed on December 13, 2018. A prior finding of significant financial hardship was made in A.17-01-012 on April 24, 2017.	Noted
	UCAN has also requested a significant financial hardship ruling in its NOI's filed in R.18-12-005 on March 20, 2019, in R.20-01-007 on April 13, 2020, in A.20-04-014 on July 17, 2020, in A.20-07-016 on October 14, 2020, and in R.21-03-011 on May 26, 2021. UCAN received a ruling on December 14, 2020 in R.20-07-013 and on May 27, 2022 in A.21-12-006.	

PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (see \S 1802(j), \S 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
Summary		Verified

UCAN has participated in the TEF proceeding since it began on December 13, 2018 and has previously submitted two claims for substantial contributions in four decisions. The current final decision, D.22-11-040, "resolves the transportation electrification framework policy and program design topics that have been under consideration since 2020 and adopts the most important elements of the statewide infrastructure rebate program." Therefore, any UCAN hours not claimed in the aforementioned intervenor compensation claims will be included here. UCAN represents and protects the interests of ratepayers in the San Diego Gas & Electric territory. From the beginning of this proceeding, UCAN's examination of the issues focused on how to measure the cost-effectiveness of TE investments, how to compare these investments to the potential for a more open marketplace, and the overall effect of TE project costs to utility payers, and how to strengthen ratepayer protections.	UCAN's intervenor compensation claim filed September 20, 2021 for D.20-12-029 and D.21-07-028; and another claim filed September 30, 2022 for D.22-08-024 and D.21-12-033. Both of these claims are still pending. D.22-11-040 at 2.	
Issues: 1. Electric Vehicle Rate Evolution Plans (EVREV) The Draft TEF recommended requiring each IOU's Transportation Electrification		Verified

Plan (TEP) to contain an EVREV plan, which would include collaborative, stakeholder guided strategy for improving the customer experience in paying for EV fueling and potentially providing compensation to customers for discharging their EV batteries at times of grid congestion. UCAN supported the idea of a collaborative process and considered it essential.	"UCAN believes that collaboration between the IOUs, ESPs and CCAs on rate design strategies to effect grid integration is essential to achieving these goals." UCAN Opening Comments on Sections 9, 10 and 12 of the Energy Division Staff Proposal for a Transportation Electrification Framework, filed September 11, 2020 at 9-10.	
The final decision noted UCAN's recommendation.	D.22-11-040 at 45, fn. 138 and please note UCAN reference at 43, fn. 134	
The Commission agreed that a collaborative process between the IOUs and stakeholders was worthwhile and directed the creation of a forum on vehicle-grid integration.	D.22-11-040 at 45.	
2. TE Programs Cost Recovery & Allocation		Verified
The draft TEF requested comment on whether the IOUs should recover TE program costs through the distribution rate component of the customer's bill.		
UCAN disagreed with recovering TE program costs		

through distribution rates and instead recommended an allocation of the costs on an equal cents per kilowatt-hour (kWh) basis through the Public Purpose Program (PPP) surcharge because the TE program serves a broader societal interest and its costs are direct subsidies by ratepayers who do not use the charging infrastructure to those who do.

The final decision noted UCAN's recommendation.

SCE argued the Commission's allocation of TE program costs must recognize the various categories of costs contained within a single TE program to equitably allocate these costs. PG&E and CLECA both supported the recommendation to recover costs through distribution rates.

In the final decision, the Commission directed the IOUs to record all BTM TE program costs in either one-way subaccounts within the IOUs' individual TE Balancing Accounts or through separate one-way balancing accounts and recover them through distribution rates. The Commissioned reasoned this method was consistent with past TE program decisions.

While the final decision did not adopt UCAN's recommendation, UCAN believes its comments helped develop the record and thoroughly examine this issue.

UCAN Opening Comments on Sections 9, 10 and 12 of the Energy Division Staff Proposal for a Transportation Electrification Framework, filed September 11, 2020 at 12.

D.22-11-040 at 48, fn. 147.

D.22-11-040 at 49.

D.22-11-040 at 50.

3. Annual Roundtable The Staff Proposal recommended the IOUs and Program Administrator host annual roundtables to review the program's efficacy in addressing equity, with participation from stakeholders, including CBOs, environmental justice organizations, tribal communities, Commission representatives, CCAs, the Disadvantaged Communities Advisory Group, and other stakeholders.	D.22-11-040 at 50.	Verified
UCAN supported annual roundtables to review the program's effectiveness in addressing equity issues and reaching out to CBOs that could help inform the program administrator and process. UCAN's recommendation was noted in the final decision.	UCAN Reply Comments on Energy Division Staff Proposal to Establish Transportation Electrification Funding Cycles and Statewide Behind-the-Meter Program issued February 25, 2022, filed May 16, 2022 at 6. D.22-11-040 at 83, fn. 268.	
The Commission adopted a single annual roundtable as opposed to separate data-and-equity focused roundtables.	D.22-11-040 at 83. Conclusion of Law #22	
4. <u>Total FC1 Budget</u> The Staff Proposal proposed a		Verified
total budget of \$1 billion over five years.	D.22-11-040 at 86.	
UCAN argued the Commission should wait to authorize such a large level of ratepayer funding until a full review of the TE program's costs and benefits. Other parties also found the budget excessive while other	UCAN Comments on Energy Division Staff Proposal to Establish Transportation Electrification Funding Cycles and Statewide Behind-the-Meter Program issued February 25, 2022, filed April 25, 2022 at 5-7.	

parties found the proposed level of funding insufficient. The Commission adopted the proposed \$1 billion budget for FC1 finding this level of funding appropriately balanced the benefits of increased access to TE and the costs of continued ratepayer investment. While not adopting UCAN's recommendation, UCAN believes its comments helped develop the record and examine this issue.	D.22-11-040 at 87-89. D.22-11-040 at 89.	
5. Ownership of BTM Equipment The Staff Proposal noted the varying degrees of IOU infrastructure ownership for BTM equipment.	D.22-11-040 at 100.	Verified
UCAN reiterated its argument that utility ownership of EVSE stifles competition, is not a cost-effective approach to attain California's goals and that third-party investment and a rebate structure is a more cost-effective option for ratepayers.	UCAN Reply Comments on Energy Division Staff Proposal to Establish Transportation Electrification Funding Cycles and Statewide Behind-the-Meter Program issued February 25, 2022, filed May 16, 2022 at 3.	
UCAN's concerns were noted in the final decision.	D.22-11-040 at 101.	
Parties offered a variety of recommendations on ownership models.	D.22-11-040 at 101 - 103.	
The Commission found it appropriate to eliminate all IOU ownership of BTM infrastructure beginning with FC1 reasoning that such a shift in the ownership paradigm		

allows for technology and construction flexibility while reducing the cost burden that capitalized IOU expenditure impose on ratepayers.	D.22-11-040 at 103. Conclusion of Law #24 and #42	
6. Targets UCAN argued that "meaningful targets, metrics and load data must be a priority for the TEF. Without these established indicators there is no way of know whether programs are incentivizing TE progress or meeting GHG reduction goalsthis is an important piece missing in the Staff Proposal."	UCAN Reply Comments on Energy Division Staff Proposal to Establish Transportation Electrification Funding Cycles and Statewide Behind-the-Meter Program issued February 25, 2022, filed May 16, 2022 at 3.	Verified
UCAN's arguments were noted in the final decision.	D.22-11-040 at 187.	
Other parties stressed the importance of targets and metrics.	D.22-11-040 at 186 - 187.	
The Commission agreed that "program targets can improve program implementation and performance. Therefore, we establish a target development process and provide a list of minimum target categories for FC1."	D.22-11-040 at 187.	
7. Data Assessment UCAN "strongly supported the recommendation that the IOUs submit to ED staff a complete audit of all TE-related data the IOUs are currently reporting." UCAN also emphasized the need for TE load forecasting and data collection because this	UCAN Comments on Energy Division Staff Proposal to Establish Transportation Electrification Funding Cycles and Statewide	Verified

data was, "most relevant to IOU's system needs, costs and ratemaking...in other words, this data is most relevant to that which will most affect the pocketbooks of ratepayers."

UCAN's recommendations were noted in the final decision.

The Commission adopted the Staff Proposal's [data assessment] structure "because it is a reasonable methodology to inventory all IOU TE data and ensure funds are properly spent."

While not adopting all of UCAN's recommendations, UCAN was cited on many of the major issues, some of which the Commission agreed with and adopted. UCAN believes its work and input helped inform and enhance the record and aided the Commission in reaching its decisions on many of these issues in this proceeding.

Behind-the-Meter Program issued February 25, 2022, filed April 25, 2022 at 8.

D.22-11-040 at 193, fn. 573.

D.22-11-040 at 194.

B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

		Intervenor's Assertion	CPUC Discussion
Uti	as the Public Advocate's Office of the Public dities Commission (Cal Advocates) a party to the occeding?	Yes	Verified
	ere there other parties to the proceeding with sitions similar to yours?	Yes	Noted
c. If s	o, provide name of other parties:		Noted

On the issue of cost recovery, UCAN, Cal Advocates and SBUA expressed similar positions. On BTM IOU ownership of equipment, UCAN, Cal Advocates and TURN expressed similar positions.	
d. Intervenor's claim of non-duplication:	Noted
The Commission opened this rulemaking to provide a forum for the development and implementation of policies to guide the Commission's review of investments proposed by the Electrical Corporations in pursuit of transportation electrification. The original Staff Proposal from Energy Division issued on February 3, 2020 was over 200 pages long and divided into 12 sections. An updated Staff Proposal was issued February 25, 2022. There are nearly two dozen active parties. With the multitude of issues in this proceeding, many parties agreed on some issues but disagreed on others. For example, on the issue of TE Program Cost Recovery and Allocation, UCAN and Cal Advocates disagreed with the Staff Proposal's recommendation that TE program costs be recovered through distribution rates. Instead, UCAN and Cal Advocates recommended TE program costs be recovered on an equal cents per kilowatt-hour (kWh) basis through the Public Purpose Program (PPP) surcharge because the TE program serves a broader social interest and its costs are direct subsidies by ratepayers who do not use the charging infrastructure to those who do. SCE argued that allocating all TE program costs through a PPP surcharge would increase rates unnecessarily in the rate classes expected to adopt MDHD technologies. PG&E and CLECA both supported the recommendation to recover costs through distribution rates. This is just one example of where parties offered a multiplicity of proposals and recommendations. Because no parties were aligned on all of the issues, yet all parties provided analysis and discussion on certain issues, duplication of effort was kept to a minimum. Due to the complexity and number of issues addressed in this decision, UCAN urges the Commission to find any duplication of efforts was minor and therefore reasonable.	

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
a. Intervenor's claim of cost reasonableness:	Noted
UCAN seeks a total intervenor compensation award of \$50,242.50 as the reasonable cost of its participation in this portion of the proceeding. This	

amount includes time for UCAN's representative, experts, and support staff. UCAN urges the Commission to find these costs reasonable in light of its substantial contribution to the record detailed in Part II (A) above as well as the importance of the issues UCAN addressed for the protection of ratepayers (i.e. the importance of fairly allocating TE cost recovery so as not to unfairly burden ratepayers; the elimination of all IOU ownership of BTM infrastructure thereby reducing the cost burden of capitalized IOU expenditures on ratepayers; the need for a complete audit of TE related data to understand system costs, needs and ratemaking – issues that most affect ratepayer pocketbooks.)

Also noted above, this proceeding began on December 13, 2018 with the ambitious goal of developing a comprehensive framework to guide the Commission's role in the electrification of California's transportation sector. This included the February 3, 2020 Staff Proposal from Energy Division that is over 200 pages long and divided into twelve sections. There were numerous rulings in this proceeding including the Assigned Commissioner's Ruling adding an updated Staff Proposal on February 25, 2022 (to which UCAN is including hours in this present claim). UCAN, working closely with experts, provided analysis and feedback on different sections and ALJ questions to help inform the record. Given the number of UCAN contributions to the final decisions, UCAN believes that the \$50,242.50 cost of participation is reasonable.

b. Reasonableness of hours claimed:

In this proceeding, UCAN is claiming 52.25 hours of time for representative Ms. Jane Krikorian, 30.25 hours of time for expert Mary Neal, 60.75 hours of time for expert Michelle Mann, and 38 hours for expert Brandon Charles. The hours listed here are for their substantive work in this proceeding. The amounts listed here are for hours spent examining the issues and exclude hours for NOI and intervenor compensation request preparation.

This proceeding is unique in that it is trying to determine an overall TE Framework amidst a rapidly evolving TE landscape. As noted above, this decision resolves the transportation electrification framework policy and program design topics that have been under consideration since 2020. Therefore, UCAN is claiming hours from May 2020 through June 2020 for comments and reply comments on Sec. 3.4 (Targets and Metrics) even though not mentioned in this decision because this topic was also covered in the later issued Staff Proposal on February 25, 2022 where UCAN was mentioned for its work on targets and metrics (see Issue 6 in Part II (A) above). UCAN is also claiming hours for a TEF Scorecard Workshop on June 8, 2020 because this participation helped inform UCAN's work for the benefit of ratepayers. Without appropriate targets and metrics ratepayer

Noted

investments could be poorly tracked and evaluated thus ending up being wasteful. Because of the contribution UCAN believes it made in assisting the Commission regarding certain issues in the TE Framework and in particular protecting and guarding ratepayers from wasteful spending, UCAN believes the total amount of hours request for reimbursement is reasonable.

UCAN total amount of hours claimed = 189.50 (181.25 substantive hours and 8.25 for intervenor compensation work).

	on of hours by issue:		Noted
Total Hours	% of Hours per Issue	Issues	1,000
0.25	0.14%	1. General Prep (GP)	
10.00	5.52%	2. Hearings, Workshops, and Conference	
171.00	94.34%	3. Filings (F)	
0.00	0.00%	4. Discovery (D)	
0.00	0.00%	5. Testimony (T)	
0.00	0.00%	6. Coordination (C)	
0.00	0.00%	7. Evidentiary Hearings (EH)	
0.00	0.00%	8. Settlement (S)	
181.25	100.00%	-	

B. Specific Claim:*

	CLAIMED						CPUC	AWARD
	ATTORNEY, EXPERT, AND ADVOCATE FEES							
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Jane Krikorian	2020	25.25	\$265	D.21-04-012	\$6,691.25	25.25	\$265	\$6,691.25
Jane Krikorian	2021	0.50	\$350	D.21-12-050	\$175.00	0.50	\$350	\$175.00
Jane Krikorian	2022	26.50	\$350	D.21-12-050	\$9,275.00	26.50	\$350	\$9,275.00
Mary Neal	2020	30.25	\$315	D.21-12-050	\$9,528.75	30.25	\$305 [1]	\$9,226.25

Brandon Charles	2020	38.00	\$250	D.20-07-031	\$9,500.00	38.00	\$250	\$9,500.00
Michelle Mann	2020	60.75	\$225	D.21-12-050	\$13,668.75	60.75	\$225	\$13,688.75
				Subtotal:	\$48,838.75		Subto	otal: \$48,556.25
	IN	TERVE	NOR COM	IPENSATION	CLAIM PRE	PARATI	ON **	
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Jane Krikorian	2023	7.75	\$175	D.21-12-050	\$1,356.25	\$175	7.75	\$1,356.25
Courtney Cook-Sloan	2022	.25	\$95	D.22-04-024	\$23.75	\$95	0.25	\$23.75
Courtney Cook-Sloan	2023	.25	\$95	D.22-04-024	\$23.75	\$95	0.25	\$23.75
Subtotal: \$1,403.75 Subtotal: \$1,403.75								

^{*}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.

TOTAL REQUEST: \$50,242.50

TOTAL AWARD: \$49,960.00

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

ATTORNEY INFORMATION								
Attorney	Date Admitted to CA BAR ³	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation					

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

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

Attachment or Comment #	Description/Comment
	Certificate of Service

D. CPUC Comments, Disallowances, and Adjustments (CPUC completes)

Item	Reason
[1] Mary	D.21-12-050 awards Neal a 2020 rate of \$305.
Neal (Neal) 2020 Rate	

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. Utility Consumers' Action Network has made a substantial contribution to D.22-11-040.
- 2. The requested hourly rates for Utility Consumers' Action Network's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
- 3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
- 4. The total reasonable compensation is \$49,960.00.

CONCLUSION OF LAW

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

ORDER

1. Utility Consumers' Action Network is awarded \$49,960.00.

- 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 Utility Consumers' Action Network their respective shares of the award, based on their California-jurisdictional electric revenues for the 2020 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 April 5, 2023, the 75th day after the filing of Utility Consumers' Action Network's request, and continuing until full payment is made.
- 3. The comment period for today's decision is waived.

This decision is effective today.

Dated November 30, 2023, at Sacramento, California.

ALICE REYNOLDS
President
GENEVIEVE SHIROMA
DARCIE L. HOUCK
JOHN REYNOLDS
KAREN DOUGLAS

Commissioners

APPENDIX

Compensation Decision Summary Information

Compensation Decision:	D2311110	Modifies Decision?	No		
Contribution Decision(s):	D2211040				
Proceeding(s): R1812006					
Author:	Author: Marcelo Poirier & Colin Rizzo				
Payer(s):	Pacific Gas and Electric Company, Sa	an Diego Gas & Electric C	Company,		
	and Southern California Edison Company				

Intervenor Information

Intervenor	Date Claim	Amount	Amount	Multiplier?	Reason
	Filed	Requested	Awarded		Change/Disallowance
Utility	1/20/2023	\$50,242.50	\$49,960.00	N/A	See CPUC Comments,
Consumers'					Disallowances, and
Action Network					Adjustments

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Jane	Krikorian	Public Policy Analyst	\$265	2020	\$265
Jane	Krikorian	Public Policy Analyst	\$350	2021	\$350
Jane	Krikorian	Public Policy Analyst	\$350	2022	\$350
Jane	Krikorian	Public Policy Analyst	\$350	2023	\$350
Brandon	Charles	Expert	\$250	2020	\$250
Mary	Neal	Energy and Resource Expert	\$315	2020	\$305
Michelle	Mann	Mechanical Engineer Expert	\$225	2020	\$225
Courtney	Cook-Sloan	Paralegal Manager	\$190	2022	\$190
Courtney	Cook-Sloan	Paralegal Manager	\$190	2023	\$190

(END OF APPENDIX)