

Decision 24-04-027 April 18, 2024

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric
Company for Approval of its Electric
Vehicle Charge 2 Program. (U39E.)

Application 21-10-010

**DECISION GRANTING COMPENSATION TO THE
GREEN POWER INSTITUTE FOR SUBSTANTIAL
CONTRIBUTION TO DECISION 22-12-054**

Intervenor: Green Power Institute	For contribution to Decision D.22-12-054
Claimed: \$ 107,508	Awarded: \$47,651.13
Assigned Commissioner: John Reynolds ¹	Assigned ALJ: Colin Rizzo ²

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	Decision D.22-12-054 authorizes Pacific Gas and Electric Company's electric vehicle Charge 2 program.
--	---

¹ This proceeding was reassigned to Commissioner John Reynolds on January 30, 2023.

² This proceeding was reassigned to ALJ Colin Rizzo on February 15, 2023.

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812³:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	December 1, 2021	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	December 27, 2021	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.20-05-002	Verified
6. Date of ALJ ruling:	November 20, 2020	Verified
7. Based on another CPUC determination (specify):		
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.20-05-002	Verified
10. Date of ALJ ruling:	November 20, 2020	Verified
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes

³ All statutory references are to California Public Utilities Code unless indicated otherwise.

	Intervenor	CPUC Verification
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.22-12-054	Verified
14. Date of issuance of Final Order or Decision:	December 19, 2022	
15. File date of compensation request:	Jan. 27, 2023	Verified. Also, on May 11, 2023 Green Power Institute (GPI) filed an amended compensation request, adding previously unbilled hours and changing the requested amount.
16. Was the request for compensation timely?		Yes

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
	(Please note that Attachment 2 includes a list of issue areas, and of GPI Pleadings relevant to this Claim.)	
1. Support for Program. The GPI has consistently supported this PG&E Application from our initial response to the Application to our support for the Proposed Decision (PD). We argued for a number of adjustments to the proposal, but consistently provided overall support for the Application	Decision D.22-12-054 This decision approves \$52,248,000 in funding for Pacific Gas and Electric Company (PG&E) to implement phase 1 of its Electric Vehicle Charge 2 program, from January 1, 2023, to December 31, 2026, and support the installation of approximately 2,822 Level 2 and Direct Current Fast Charger ports at multi-family housing, workplace, and public destination sites	Verified in part. GPI's pleadings do not consistently tie their opinions to the issues scoped within this proceeding. Absent arguments substantiating that proposed actions are just and reasonable

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>and its rapid enactment. GPI made a substantial contribution to D.22-12-054 by constructively supporting the Application with helpful suggestions for improvements.</p>	<p>in PG&E's service territory. [D.22-12-054, pg. 1.]</p> <p>Pleadings</p> <p>GPI is supportive of PG&E's EV Charge 2 application, requested budget and proposed focus areas, and agrees it should receive an expedited schedule. We are happy to see PG&E's previous DCFC pilot, which GPI criticized as far too small, being expanded with this new application in an expedited manner. [Comments, 11/29/21, pg. 2.]</p> <p>We are happy to see PG&E's previous DCFC pilot, which GPI criticized as far too small, being expanded with this new application, in an expedited manner. PG&E's momentum with EVCN, which focused on L2 chargers and was quickly fully subscribed and achieved 200-300 new charger port installs a month "toward the end of the program," weighs strongly in favor of not losing this momentum with a multi-year pause between EVCN and EVC2. [Testimony, 3/2/22, pg. 3.]</p> <p>GPI remains strongly supportive of PG&E's EV Charge 2 Application, including its requested budget (with adjustments below) and proposed focus areas. We believe the Application should be approved on an expedited schedule, as requested by PG&E, in order to maintain continuity with PG&E's first-round charger installation program (EVCN). [Brief, 8/24/22, pg. 1.]</p> <p>GPI does not support the bifurcation of EVC2 because PG&E, the state's largest utility, stands alone in having no currently active EV rebate program</p>	<p>or otherwise within scope, this input does not contribute to the final decision.</p> <p>Noting that there is a need for an active EV rebate program does not provide a rationale for why <i>this program design</i> should be supported.</p> <p>GPI's consistent support, in and of itself, did not comprise a substantive contribution to the final decision and did not materially supplement, complement, or contribute to the presentation of another party. (See §§ 1801.3 and 1802.5)</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<p>and the proposed new 2-year “phase 1” (2023-2025) is inadequate to the scale required for the EV revolution that is already underway. [Comments, 11/28/22, pg. 2.]</p> <p>GPI agrees with PG&E and numerous other party comments that call for the PD to align with the FC0 grace period established in D.22.11-040, to allow applications to be accepted through December 31, 2026. EVC2 should align with the grace period established in the TEF. This will give more certainty to program participants, reduce the likelihood of program gaps, allow for post-energization ME&O, which is critical to increasing utilization, and make for an overall more efficient program. [Reply, 12/5/22, pg. 1.]</p>	
<p>2. Load Management.</p> <p>As California moves forward with its aggressive vehicle electrification efforts EVs are becoming an increasing fraction of total load on the grid. Properly managed the EV load can contribute positively to overall grid stability, but ill managed it could exacerbate the afternoon ramp and the evening peak. GPI made substantial contributions to</p>	<p>Decision D.22-12-054</p> <p>GPI supports PG&E’s proposal, arguing that the EVCN program’s utilization of ALM resulted in cost savings ranging from \$30,000 to \$200,000. [D.22-12-054, pg. 53.]</p> <p>Resolving Issue 15 in the Scoping Memo, we adopt PG&E’s proposal to utilize ALM, which will help lower program costs and promote efficient use of electric grid infrastructure. We also adopt PG&E’s proposed TOU or real-time rate default requirement,</p>	<p>Verified in part.</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>D.22-12-054 by arguing strongly for the imposition of rules that mandate the application of time-of-use rates at charges funded by the CR2 program, by offerings of low rates during off-peak times in order to allow for affordable charging in DACs, and other measures designed to promote grid operability and stability.</p>	<p>with the ability to opt out if a participant submits a load management plan. We find that passing through applicable rate price signals as the default arrangement—with an option to opt out—aligns with D.20-08-054⁴ and D.20-12-029. We also find the proposal would encourage EV load management, improve utilization of the electric grid, deliver fuel cost savings to customers, and preserve flexibility for site hosts. Finally, we clarify that PG&E should not prohibit the use of BTM storage or other hardware as acceptable ALM or load management solutions, as this is an unnecessary constraint. [D.22-12-054, pg. 54.]</p> <p>Pleadings</p> <p>Both DCFC and workplace/MFH chargers funded through EVC2 should require pass through of TOU rates that allow inexpensive off-peak charging for at least 10-19 hours per day and night. For Level 2 chargers, rates of under 20 cents/kWh (roughly equivalent to \$2/gallon) should be targeted for daytime and nighttime off-peak charging, so users accessing the EVC2 funded network can have rate equity with single family homeowners. Rates during the 4-9 PM peak time could be set at double these prices or higher. [Testimony, 3/2/22, pgs. 20-21.]</p> <p>We highlight also that affordable charging access, particularly at off-peak times, is important and should be contractually required at all EVC2-</p>	

⁴ Decision number in the claim has been corrected here from D.20-08-045 to D.20-08-054.

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<p>funded chargers. This will allow equitable access to lower-cost off-peak EV charging for PG&E customers who can't access single family home EV rates. [Brief, 8/24/22, pg. 1.]</p> <p>GPI also agrees with NRDC that "the Commission should require time-varying price signals be passed through to drivers by default." Requiring TOU pricing as a default arrangement is critical to ensuring EVs help rather than hinder the grid. GPI does not, however, support NRDC's proposal to allow site hosts to opt-out and implement their own custom pricing arrangements. While we realize this is a harder-line position than many environmental NGOs and business interests take, TOU pricing is a key tool to ensure California's environmental goals are met and EV charging provides downward pressure on rates more generally. [Reply Brief, 9/16/22, pg. 3.]</p> <p>SB 350 goals to ensure EVs help and don't hinder the grid, as well as integrate renewable electricity efficiently, are important considerations for IOU transportation electrification programs. Passing along default TOU pricing is an easy way for EV drivers to be incentivized to charge at times that don't stress the grid and when renewable energy is plentiful. [Reply, 12/5/22, pg. 5.]</p>	Noted. See Part III (D).
<p>3. Cost of High kW Chargers.</p> <p>The GPI has long been an advocate for the installation of more high-speed chargers</p>	<p>Decision D.22-12-054</p> <p>GPI argues that "[w]hile requiring faster chargers may be advantageous to Electrify America's business model of providing 150 kW and 350 kW</p>	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>in utility buildout programs, and indeed criticized the initial phase of the charge ready program for its inadequate inclusion of high-speed chargers. That notwithstanding, there is a broad range of technologies available for high-speed charging, and when pushing for the fastest charging possible costs increase disproportionately. In A.21-10-010 some parties argued for the inclusion in the CR2 program of 100 MW and greater interconnections. GPI made a substantial contribution to D.22-12-054 by opposing pushing the high-speed charging component of the program too far into areas of unreasonable cost, and the Decision adopted our position.</p>	<p>chargers, these chargers are also much more expensive to construct than slower chargers, including more substantial grid upgrades, and more expensive to operate due to demand charges.” [D.22-12-054, pg. 50.]</p> <p>We recognize the transition to higher DCFC minimum charging capacities, but we decline to adopt Electrify America’s and EVgo’s proposals. We find PG&E should support higher DCFC charging capacities (i.e., 100 kW and higher) but also have the discretion to support lower charging capacities (i.e., below 100 kW) when reasonable. [D.22-12-054, pg. 51.]</p> <p>Pleadings</p> <p>Electrify America and GPI are both supportive of the DCFC portion of EVC 2. However, GPI is concerned about Electrify America’s suggestion to not require passing through of TOU pricing, and to require 150 kW or higher power DCFCs. [Reply Brief, 9/16/22, pg. 13.]</p>	
<p>4. Market Education and Outreach (ME&O).</p> <p>The GPI has long championed the need for strong ME&O in fostering the transition to electrified transportation, and we continued that effort during the deliberations of A.21-10-010 leading to the Proposed Decision that is the subject of this Claim. GPI made substantial contributions to Decision D.22-12-054 by advocating</p>	<p>Decision D.22-12-054</p> <p>GPI recommends increasing the ME&O budget to 10 percent of the total EVC2 budget “with the entire increase going to provide basic ME&O at all EVC2 sites, enhanced ME&O at MFH and underserved communities sites, and retroactively supporting ME&O for all EVCN sites.” GPI supports additional post-energization ME&O efforts, arguing PG&E’s EVCN data shows that “sites that received post-energization ME&O had three times the utilization</p>	<p>Verified</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>for more funding for ME&O, specifically for funding ME&O at the level of 10 percent of program costs, and for performing ME&O both pre- and post-opening of charging stations that are funded by the CR2 program. The Commission did not adopt our 10 percent minimum funding level, but it did acknowledge the need for more robust ME&O, including after charging stations are commissioned. Although all of our positions on ME&O were not adopted in the Decision, where not adopted we made a substantial contribution by enriching the record underlying the Decision.</p>	<p>on average than sites that did not have targeted ME&O.” GPI argues that this funding would complement existing, less-targeted ME&O efforts that Electrify America, Veloz, and others are undertaking. [D.22-12-054, pg. 48.]</p> <p>We recognize that ME&O is an essential component of TE programs, and we do not adopt in its entirety Cal Advocates’ recommendation to decrease the ME&O budget by 54 percent. We also recognize the utilization benefits from post-energization ME&O activities, but PG&E can perform this work under the approved ME&O and equity budgets. [D.22-12-054, pg. 48.]</p> <p>Pleadings</p> <p>GPI was gratified to see PG&E’s data showing utilization was up to three times higher at sites that had Marketing, Education and Outreach (ME&O) after energization. GPI has on many occasions called for increased ME&O to boost utilization of EV chargers, which will provide much better return on ratepayer investments. [Comments, 11/29/21, pg. 3.]</p> <p>GPI recommends that after energization, all sites that are part of this new program, and also the EVCN program, be the targets of significant ME&O to increase utilization, and AB 841 prioritized communities should receive additional targeted ME&O, which PG&E has already demonstrated can be highly effective in boosting charger utilization. [Testimony, 3/2/22, pg. 4.]</p>	

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
	<p>GPI has on many occasions called for increased ME&O to boost utilization of EV chargers, which will provide significantly better return on ratepayer investments as well as higher EV adoption. GPI recommends that after energization, all sites that are part of this new program and the predecessor EVCN program be the targets of significant ME&O to increase utilization. [Brief, 8/24/22, pg. 1.]</p> <p>GPI strongly opposes the 50 percent reduction of the ME&O budget since it is precisely targeted post-energization ME&O in underserved communities that is required to ensure that the large sums of ratepayer funds that the Commission is authorizing for these communities is not wasted through under-utilization or non-utilization of chargers. [Comments, 11/28/22, pg. 2.]</p> <p>GPI strongly agrees with PG&E that the PD should be modified to allow for an increased ME&O budget and allow post-energization ME&O funding beyond the time of EV infrastructure installment. [Reply, 12/5/22, pg. 2.]</p>	<p>PD comments and reply comments regarding ME&O are duplicative of earlier GPI pleadings. See Part III (D).</p>

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

	Intervenor's Assertion	CPUC Discussion
a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?⁵	Yes	Noted
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Noted
c. If so, provide name of other parties: TURN, ChargePoint, NRDC, Electrify America, SBUA, and PG&E.		Verified
d. Intervenor's claim of non-duplication: This proceeding covers a variety of topics related to PG&E's transportation electrification efforts. The Green Power Institute has been an active participant in the Commission's clean energy proceedings and is continuing these efforts in the current EV proceeding (R.18-12-006). As part of these efforts we have been an active participant in this Application (A.21-10-010). The Green Power Institute coordinated its efforts in this proceeding with other parties in order to avoid duplication of effort, and added significantly to the outcome of the Commission's deliberations through our own unique perspective. Some amount of duplication has occurred in this proceeding on all sides of contentious issues, but Green Power avoided duplication to the extent possible, and tried to minimize it where it was unavoidable.		Noted

PART III: REASONABLENESS OF REQUESTED COMPENSATION**A. General Claim of Reasonableness (§ 1801 and § 1806):**

	CPUC Discussion
<p>a. Intervenor's claim of cost reasonableness:</p> <p>The GPI is providing, in Attachment 2, a listing of all of the pleadings we provided in this Proceeding, A.21-10-010, that are relevant to matters covered by this Claim, and in Attachment 3 a detailed breakdown of GPI staff time spent for work performed that was directly related to our substantial contributions to Decision D.22-12-054.</p>	Noted, however, see Part III.D CPUC Disallowances and Adjustments.

⁵ 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.

	CPUC Discussion
<p>The hours claimed herein in support of Decision D.22-12-054 are reasonable given the scope of the Proceeding, and the strong participation by the GPI. GPI staff maintained detailed contemporaneous time records indicating the number of hours devoted to the matters settled by these Decisions in this case. In preparing Attachment 3, Dr. Morris reviewed all of the recorded hours devoted to this proceeding, and included only those that were reasonable and contributory to the underlying tasks. As a result, the GPI submits that all of the hours included in the attachment are reasonable and should be compensated in full.</p> <p>Dr. Morris is a renewable energy analyst and consultant with more than 35 years of diversified experience and accomplishments in the energy and environmental fields. He is a nationally recognized expert on biomass and renewable energy, climate change and greenhouse-gas emissions analysis, integrated resources planning, and analysis of the environmental impacts of electric power generation. Dr. Morris holds a BA in Natural Science from the University of Pennsylvania, an MSc in Biochemistry from the University of Toronto, and a PhD in Energy and Resources from the University of California, Berkeley.</p> <p>Dr. Morris has been actively involved in electric utility restructuring in California throughout the past two decades. He served as editor and facilitator for the Renewables Working Group to the California Public Utilities Commission in 1996 during the original restructuring effort, consultant to the CEC Renewables Program Committee, consultant to the Governor's Office of Planning and Research on renewable energy policy during the energy crisis years, and has provided expert testimony in a variety of regulatory and legislative proceedings, as well as in civil litigation.</p> <p>Mr. Hunt is a renewable energy law and policy expert with substantial experience in California, in local energy planning and in state energy-policy development. He has worked with local governments throughout Southern California, in his current role with Community Renewable Solutions LLC and in his previous role as Energy Program Director for the Community Environmental Council, a well-known non-profit organization based in Santa Barbara. Mr. Hunt was the lead author of the Community Environmental Council's A New Energy Direction, a blueprint for</p>	

	CPUC Discussion
<p>Santa Barbara County to wean itself from fossil fuels by 2030. Mr. Hunt also contributes substantially to state policy, in Sacramento at the Legislature, and in San Francisco at the California Public Utilities Commission, in various proceedings related to renewable energy, energy efficiency, community-scale energy projects, and climate change policy. Mr. Hunt is also a Lecturer in Climate Change Law and Policy at UC Santa Barbara's Bren School of Environmental Science & Management (a graduate-level program) from 2007-2014. He received his law degree from the UCLA School of Law in 2001, where he was chief managing director of the Journal for International Law and Foreign Affairs. Mr. Hunt is a regular columnist at GreenTechMedia.com.</p> <p>Mr. Chiacos is the Director of Climate Policy at Community Environmental Council and is a clean energy and electric vehicle expert and consultant with more than 20 years of experience and accomplishments in the electric vehicle and clean energy fields. In 2010, he founded ElectricDrive805, which is the official EV Readiness group for the Central Coast region of Ventura, Santa Barbara, and San Luis Obispo counties. Mr. Chiacos has led development of multiple regional EV Readiness Plans, funded by the California Energy Commission, and has worked with dozens of local businesses and governments to develop EV friendly policies and install charging stations. Mr. Chiacos has also led dozens of consumer facing EV education events annually such as National Drive Electric Week and the Santa Barbara Green Car Show, which attracts 35,000 people as part of Earth Day and features over 40 EVs and a Ride and Drive. Mr. Chiacos also has extensive lived experience with plug-in vehicles, having driven them since 2012.</p>	
<p>b. Reasonableness of hours claimed:</p> <p>The GPI made Significant Contributions to Decision D.22-12-054 by actively participating in evidentiary hearings, and providing a series of Commission filings on the various topics that were under consideration in the Proceeding and are covered by this Claim. Attachment 3 provides a detailed breakdown of the hours that were expended in making our Contributions. The hourly rates and costs claimed are reasonable and consistent with awards to other intervenors with comparable experience and expertise. The Commission should grant the GPI's claim in its entirety.</p>	<p>Noted, however, see Part III.D CPUC Disallowances and Adjustments.</p> <p>Evidentiary hearing transcripts show no indication of GPI's active participation. As such, we disallow compensation for claimed participation</p>

		CPUC Discussion
		<p>and claimed preparation for these hearings.</p> <p>Further, GPI claims significant hours for the preparation and review of their testimony and opening brief. Given that these documents are nearly identical to their initial response to the application, and the minimal edits do not contribute to D.22-12-054, we disallow compensation for these hours.</p> <p>Finally, the opening brief differs substantively from the initial response only in the inclusion of discovery results. These discovery results do not provide a substantive contribution to D.22-12-054. The compensation for the discovery effort is accordingly disallowed.</p>
c. Allocation of hours by issue:		Noted, however, see Part III.D CPUC Disallowances and Adjustments
1. Support for Program	35%	
2. Load Management	30%	
3. Cost of High kW Chargers	5%	
4. Market Education and Outreach	30%	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total
G. Morris	2021	1.50	\$450	D.22-06-041	\$675	1.50	450[1]	\$675.00
G. Morris	2022	62.00	\$465	See comment 1	\$28,830	15.50 [2], [3]	465[1]	\$7,207.50
T. Hunt	2021	16.50	\$585	D.22-06-041	\$9,653	15.00 [3],[5]	585 [4]	\$8,775.00
T. Hunt	2022	70.50	\$605	See comment 2	\$42,653	24.63 [4]	605[4]	\$14,901.15
M. Chiacos	2021	18.75	\$300	See comment 3	\$5,625	17.50 [3]	280[6]	\$4,900.00
M. Chiacos	2022	52.75	\$310	See comment 3	\$16,353	28.00 [3], [7]	290[6]	\$8,120.00
Subtotal: \$103,788						Subtotal: \$44,578.65		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total
G. Morris	2022 [8]	16.00 [8]	\$232.5	½ 2022 rate	\$3,720	12.67 [9]	\$242.50 [8]	\$3,072.48
Subtotal: \$3,720						Subtotal: \$3,072.48		
TOTAL REQUEST: \$107,508						TOTAL AWARD: \$47,651.13		
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. 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.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer’s normal hourly rate.</p>								

CLAIMED			CPUC AWARD
ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR ⁶	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Tamlyn Hunt	November 2001	218673	No

C. Attachments Documenting Specific Claim and Comments on Part III:
(Intervenor completes; attachments not attached to final Decision)

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	Allocation of effort by issue, list of pleadings, travel receipts
Attachment 3	Breakdown of hourly efforts by issue category
Attachment 4	Resume for Michael Chiacos
Comment 1	The Commission has adopted a 3.31 percent adjustment for rates in the Market Rate Study for converting the 2021 values in the study to 2022 values. This value can be found on the Escalation tab of the Hourly Rate Chart spreadsheet on the Commission’s web site. We apply the 3.31 percent escalator to the approved 2021 hourly rate for Morris and round to the nearest 5 per regular Commission practice, which produces a 2022 rate of \$465/hr.
Comment 2	The Commission has adopted a 3.31 percent adjustment for rates in the Market Rate Study for converting the 2021 values in the study to 2022 values. This value can be found on the Escalation tab of the Hourly Rate Chart spreadsheet on the Commission’s web site. We apply the 3.31 percent escalator to the approved 2021 hourly rate for Hunt, and round to the nearest 5 per regular Commission practice, which produces a 2022 rate of \$605/hr.
Comment 3	Energy and Resources Expert Michael Chiacos qualifies as Level V in the Commission’s 2021 hourly rate chart, with more than 20 years of experience (see attachment 4, Chiacos resume). Energy and Resources Specialist Level V has an hourly rate range of \$169-357, with a median rate of \$241. Mr. Chiacos has an approved 2020 rate of \$280. We are asking for an hourly rate for Mr. Chicos for 2021 of \$300, which is well within the bounds of the Commission’s adopted market rate study for practitioners with Mr. Chiacos’ expertise and experience. We apply the 3.31 percent escalator to the requested 2021 hourly rate for Chiacos and round to the nearest 5 per regular Commission practice, which produces a 2022 rate of \$310/hr.

⁶ This information may be obtained through the State Bar of California’s website at:
<http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] G. Morris 2021 and 2022 Rate	D.22-06-041 and D.23-11-036 verified a 2021 and 2022 rate of \$450.00 and \$465.00. We apply the same rates here.
[2] G. Morris 2022 Hours - Disallowance for motions and lack of contribution to decision making process.	Submitted timesheets reflect 6 hours spent on July 20 and 25, and on August 9, 2022 preparing motions and correspondence that would not have been necessary if GPI had submitted their exhibits in accordance with established processes. The hours awarded for the preparation of these motions are disallowed. Finally, activities such as, for example, conference calls with PG&E that did not make a substantial contribution to the D.22-12-054 are disallowed. ⁷ The total reduction due to these disallowances is 9.5 hours, all in 2022.
[3] All Party – Disallowance for lack of contribution to the decision making process	<p>As noted in 3.A.b. above, three of the pleadings in this proceeding were very similar in content. Where differences occurred between these documents, they were slightly altered wording in the first sentence of paragraphs, added bolding, numerical changes that aligned GPI’s position with other intervenors, and citation to discovery efforts. None of these alterations provided additional substantive contributions.</p> <p>Despite the modest changes in content, the level of effort claimed for the preparation and review of the subsequent documents is substantial. These efforts are disallowed as (1) they do not contribute to the decision and (2) the quantity of hours indicate unproductive or excessive effort. This disallowance results in the following reduction in hours, all occurring in 2022.</p> <p>G. Morris: 7.5 T. Hunt: 14.75 M. Chiacos: 2.5</p> <p>Further, there is no indication in the record that GPI provided substantive contribution through preparation or active participation in the evidentiary hearing, or that their discovery provided the basis for any such contribution. With respect to the hearing, given the limited value of GPI’s preparation and follow up, and the fact that its testimony before the evidentiary hearing and its opening brief after it were not materially different, we do not credit any activities outside of the attendance. We do allow all of Morris’s attendance at the hearing. As such, the request for compensation for these efforts is in part disallowed.</p> <p>G. Morris (2022): 29 T. Hunt (2021): 1.5</p>

⁷ Hours that fail to make a substantive contribution are disallowed pursuant to D.16-03-023, D.15-11-018, D.15-11-019, and D.10-04-024.

Item	Reason
	<p>T. Hunt (2022): 19 M. Chiacos (2021): 1.25 M. Chiacos (2022): 18.75</p> <p>Finally, several sections of GPI’s opening comments do not connect their professed opinions to the scope of this proceeding. We remind GPI that mere advocacy does not constitute a substantive contribution and adjust the hours eligible for compensation by 50%. This adjustment results in the following reduction in hours, all occurring in 2022.</p> <p>G. Morris: 0.5 T. Hunt: 6.13</p>
[4] T. Hunt rate	D.22-06-041 and D.23-11-036 verified a 2021 and 2022 rate of \$585.00 and \$605.00 for T. Hunt. We apply the same rates here.
[5] T. Hunt 2022 Hours – Disallowance due to inefficient preparation, duplicate effort, and lack of contribution to decision making process.	<p>T. Hunt’s 2022 hours are reduced in consideration of duplicate efforts on external calls and meetings (e.g. settlement, meet and confer, PD review with PG&E, etc.) where more senior GPI staff were present.⁸ This results in a reduction of 2.5 hours in 2022.</p> <p>Finally, submitted timesheets reflect two hours spent to “attend PG&E webinar on charge ready 2 application,” on 3/2/2022. The content of this webinar is duplicative of information within A.21-10-010. Additionally, the Commission has established that participation in a meeting intended for public rather than party participation is not compensable.⁹ With regards to the public participation portion of this meeting, the Commission has found that while “information obtained at such meetings may assist the intervenor in its participation in our proceedings, its connection is too attenuated to be considered ‘preparation’ for them”.¹⁰ For the above reasons, we find that this effort did not make a substantial contribution to D.22-12-054 and disallow the associated hours.</p>
[6] M. Chiacos 2021 and 2022 Rate	<p>M. Chiacos’ 2020 hourly rate of \$280 approved in D.21-12-047 is based upon 14 years of relevant experience. M. Chiacos’ 15 years of relevant experience in 2022 qualifies him for the Expert – Energy & Resources Expert – V range with a 2022 rate range of \$177.02 - \$365.14. Based on Chiacos’ relevant experience, we find a 2021 rate of \$280.00 reasonable, putting his rate above the median of \$249.38.</p> <p>Based on the approved 2021 rate of \$280.00 above, using our calculation methodology and including the 3.31% escalation factor and rounding to the nearest \$5 increment:</p>

⁸ Internal duplication of effort is disallowed pursuant to D.17-01-017, D.12-03-024, and D.07-12-007.

⁹ Time attending these types of meetings is disallowed pursuant to D.10-04-024, D.04-09-050, and D.04-08-091.

¹⁰ D.96-08-040.

Item	Reason
	<p>2021: \$280.00</p> <p>2022: \$280.00 x 1.0331 = \$290.00</p> <p>We find a 2022 rate of \$290.00 reasonable and adopt it here.</p>
[7] M. Chiacos 2022 hours	M. Chiacos' hours are reduced by 2.25 due to duplicate efforts on external calls and meetings where more senior GPI staff were present. ¹¹
[8] G. Morris 2023 Rate and hours	<p>Submitted timesheets reflect Intervenor Compensation claim preparation was performed in 2023. G. Morris' approved hourly rate of \$465 from 2022 is escalated by the 4.46% rate to arrive at a 2023 rate of \$485. Half of this rate is \$242.50.</p> <p>D.23-11-036 verified a 2022 rate of \$465.00. Using our calculation methodology, based on the approved 2022 rate of \$465.00, the 4.46% 2023 escalation factor and rounding to the nearest \$5 increment:</p> <p>2023: \$465 x 1.0446 = \$485.00</p> <p>We find the 2023 rate of \$485.00 reasonable and adopt it here. Intervenor Compensation claim preparation is rated at ½ preparer's normal rate, bringing the claim preparation rate to \$242.50.</p> <p>Submitted timesheets also reflect 19 hours spent on this task rather than the 16 hours input by GPI into 3.B.</p>
[9] G. Morris 2023 – Disallowance for excessive claim preparation hours	GPI's intervenor compensation request preparation hours total 19, greater than any other party in this proceeding. This request includes line items such as attending webinars and having the full team attend meetings that could be efficiently addressed by the project lead. The number of hours is excessive given the diligence of the review by the intervenor of this claim and the level of contribution of this party. The total number of hours is adjusted downward by one third, reducing G. Morris' 2023 total hours to 12.67.

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))?	No

¹¹ Internal duplication of effort is disallowed pursuant to D.17-01-017, D.12-03-024, and D.07-12-007.

If not:

Party	Comment	CPUC Discussion
GPI	<p>GPI disagrees with the proposed decision's (PD) findings that "GPI's pleadings do not consistently tie their opinions to the issues scoped within this proceeding" and that "[a]bsent argument substantiating that proposed actions are just and reasonable or otherwise within scope, this input does not contribute to the final decision."</p> <p>Making a substantial contribution to a proceeding has not confined an intervenor to only performing tasks that are clearly defined in the scoping memo. Proceedings routinely engage in matters that are supporting of the activities included, in the scoping memo, but not explicitly included.</p>	<p>While matters supportive of the proceeding but not explicitly scoped can be compensable, those in GPI's pleadings did not contribute to the final decision. Compensation was provided for preparation of the pleadings to the extent that they addressed scoped issues and/or were utilized in the final decision. Reductions to claimed compensation reflect inefficiencies in preparation or lack of utilization of the contents of said pleadings.</p>
	<p>The PD incorrectly finds that consistent support, in and of itself, does not comprise a substantial contribution.</p>	<p>Generally supporting an existing program does not inform the questions of law and fact that are at issue in this proceeding. It also duplicates, but does not materially supplement, complement, or contribute to the presentations made by other parties that substantially contributed to the final decision (see §§ 1801.3(f), 1802.5).</p>
	<p>The PD incorrectly disallows activities such as conference calls with PG&E and other parties. Such activities are the mechanism by which GPI coordinates its activities with other parties, in order to avoid unproductive duplication of efforts.</p>	<p>Calls that are disallowed occurred after the publication of the Proposed Decision or were in support of efforts that did not substantially contribute to the decision. Other disallowed activity was participation in a public information webinar by PG&E that presented no new information and was not a part of the record. The content of these discussions did not inform the final decision.</p>
	<p>The PD inappropriately reduces the claim because GPI's pleadings duplicated its earlier filings.</p>	<p>The relevant wording of the decision was changed, to clarify these disallowances.</p>
	<p>The PD errs in disallowing hours of attending evidential hearing. Utility's representatives, for example, bring their lawyers most of whom do not actively participate; however, they presumably</p>	<p>The hours used for attendance of the evidentiary hearings by the principal attorney were allowed. The hours claimed in preparation were inefficient and disproportionate to any contribution to the</p>

	bring their observations from the hearing to the utility's subsequent briefs and other filings.	final decision and thusly disallowed.
	The PD errs in reducing the claim for having more than one staff person present at any event. Having junior staff present at the events represents a crucial part of their training, and absolutely should be compensated.	The comments provide no explanation as to why compensating a training of the intervenor's representatives is a reasonable or just use of ratepayer funds.
	The PD errs in disallowing the time allocated to the discovery requests. The discovery effort was stipulated by the parties to forego cross-examination of the parties' witnesses.	There was no substantial contribution to the final decision that resulted from this discovery. As such, it is not compensable.

FINDINGS OF FACT

1. Green Power Institute has made a substantial contribution to D.22-12-054.
2. The requested hourly rates for Green Power Institute'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 \$47,651.13.

CONCLUSION OF LAW

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

ORDER

1. Green Power Institute shall be awarded \$47,651.13.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay Green Power Institute the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial

paper as reported in Federal Reserve Statistical Release H.15, beginning July 25, 2023, the 75th day after the filing of Green Power Institute's request, and continuing until full payment is made.

3. The comment period for today's decision is not waived.

This decision is effective today.

Dated April 18, 2024, at Sacramento, California.

ALICE REYNOLDS

President

DARCIE L. HOUCK

JOHN REYNOLDS

KAREN DOUGLAS

Commissioners

Commissioner Matthew Baker recused himself from this agenda item and was not part of the quorum in its consideration.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:	D2404027	Modifies Decision?	No
Contribution Decision(s):	D2212054		
Proceeding(s):	A2110010		
Author:	ALJ Rizzo		
Payer(s):	Pacific Gas and Electric Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Green Power Institute	Jan. 27, 2023	\$107,508	\$47,651.13	N/A	See Part III.D, CPUC Comments, Disallowances, and Adjustments above.

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Gregg	Morris	Expert	450	2021	450
Gregg	Morris	Expert	465	2022	465
Gregg	Morris	Expert	-	2023	485
Tamlyn	Hunt	Attorney	585	2021	585
Tamlyn	Hunt	Attorney	605	2022	605
Michael	Chiacos	Expert	300	2021	280
Michael	Chiacos	Expert	310	2022	290

(END OF APPENDIX)