

Decision 24-05-024 May 09, 2024

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

Order Instituting Rulemaking to Establish Policies, Processes, and Rules to Ensure Reliable Electric Service in California in the Event of an Extreme Weather Event in 2021.	Rulemaking 20-11-003 Filed November 19, 2020
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**DECISION GRANTING COMPENSATION TO SIERRA CLUB FOR SUBSTANTIAL CONTRIBUTION TO (D.) 21-12-015**

<b>Intervenor: Sierra Club</b>	<b>For contribution to Decision (D.) D.21-12-015</b> (as modified by D.21-12-069.)
<b>Claimed: \$89,585.00</b>	<b>Awarded: \$68,371.50</b>
<b>Assigned Commissioner:</b> Alice Reynolds <sup>1</sup>	<b>Assigned ALJ: Zita Kline<sup>2</sup></b>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	D.21-12-015 adopted several supply- and demand-side requirements to ensure there is adequate electric power in the event of extreme weather during times of greatest need in summers 2022 and 2023 and closed the proceeding. D.21-12-069 corrects errors identified in D.21-12-015.
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<sup>1</sup> Rulemaking 20-11-003 was reassigned from Commissioner Marybel Batjer to Commissioner Alice Reynolds as of 2/14/2022.

<sup>2</sup> Rulemaking 20-11-003 has been reassigned from ALJ Brian Stevens to ALJ Zita Kline as of 4/4/2024.

**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812<sup>3</sup>:**

	<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:	12/15/2020	Verified
2. Other specified date for NOI:		
Date NOI filed:	01/14/2021	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:	A.20-08-002	Verified
6. Date of ALJ ruling:	12/09/2020	Verified
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:	A.20-08-002	Verified
10. Date of ALJ ruling:	12/09/2020	Verified
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.21-12-015	Verified
14. Date of issuance of Final Order or Decision:	12/0620/21	Verified
15. File date of compensation request:	02/04/2022	Verified
16. Was the request for compensation timely?		Yes

<sup>3</sup> All statutory references are to California Public Utilities Code unless indicated otherwise.

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

#	Intervenor’s Comment(s)	CPUC Discussion
	Sierra Club (“the Club” or “SC”) is a grassroots, non-profit environmental organization interested in implementing measures to reduce greenhouse gas (“GHG”) emissions and increase reliance on renewable energy sources. The Club’s interest in this proceeding is not related to any business interest. The Club receives funding for environmental advocacy from many sources, including philanthropic donations, member contributions, and other sources.	Noted

**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>Issue A: Prohibited Resources</b></p> <p>Sierra Club (SC) provided detailed opening and reply testimony by Mr. Sahn White on prohibited resources and the methods for ensuring that they are only used as a last resort.</p> <p>SC urged the Commission to limit and eventually phase out reliance on prohibited resources by including a dispatch order and other protections, including protections specifically for disadvantaged communities. SC also urged the Commission not to exempt biofuels from the definition of prohibited resources due to their impact on air quality and local communities.</p>	<p>D.21-12-015, p. 42 (prohibiting the use of prohibited resources in disadvantaged communities).</p> <p>D.21-12-015, p. 42 (describing how the modification to prohibit the operation of prohibited resources during an ELRP event “is made in consideration of the totality of comments from many parties, including PG&amp;E and CEJA”).</p> <p>D.21-12-015, p. 42 (ordering “messaging discouraging use of BUGs that use prohibited resources in the Residential ELRP”).</p> <p>D.21-12-015, p. 74 (“The campaign should also discourage use of BUGs using prohibited resources for Residential ELRP customers.”).</p> <p>D.21-12-015, p. 132 (“We eliminate the direction regarding BUGs dispatch sequence. We replace that language with direction regarding the disallowance of BUGs as an ELRP resource for non-residential participants in Disadvantaged Communities.”).</p>	Verified

<p>The Commission agreed with SC to limit the dispatch of prohibited resources and prohibited them from being used in disadvantaged communities. The Commission also removed language that would have exempted biofuels from the prohibited resource requirements.</p>	<p>D.21-12-015, p. 132 (describing how the Flex Alert should discourage “the use of BUGs using prohibited resources for Residential ELRP”).</p> <p>D.21-12-015, p. 133 (“We remove the modification to Commission Resolution E-4906 that was initiated in the proposed decision.”).</p> <p>D.21-12-015, p. 154, COL 26.</p> <p>D.21-12-015, pp. 154-155, COL 33.</p> <p>D.21-12-015, p. 161, OP 4.</p> <p>August 6, 2021 CEJA/SC/DOW/UCS Comments on Phase 2 Scope, pp. 2-5. Exh. CEJA 01, Opening Phase 1 Prepared Testimony of Dan Sakaguchi, pp. 5-6.</p> <p>Exh. CEJA 06, Reply Phase 2 Testimony of Dan Sakaguchi, p. 10 (Sept. 10, 2021).</p> <p>Nov. 10, 2021 CEJA/SC Opening Comments on Phase 2 PD, pp. 5-6, 10-11. Nov. 16, 2021 CEJA/SC Reply Comments on Phase 2 PD, pp. 1-3.</p> <p><i>See also</i> CEJA/SC/UCS April 23, 2021 Request for Rehearing (requesting limitations on the operation of prohibited resources).</p> <p><i>See also</i> CEJA/SC/UCS June 8, 2021 Comments on PD (arguing for limitations related to prohibited resources).</p> <p>Opening Testimony of Sahm White, (Sept. 1, 2021) (explaining the impacts of prohibited resources and ways to ensure they are only used as a last resort in dispatch during extreme weather events)</p> <p>Reply Testimony of Sahm White (Sept. 10, 2021) (response to other parties’ testimony on the use of prohibited resources).</p>	
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<p><b>Issue B: Supply Side Resources</b></p> <p>SC provided detailed testimony from Cara Bottorff on the negative impacts of gas plants, their forced outage rates during extreme weather events, and their safety risks.</p> <p>With relation to need, SC argued that the Commission should rely on a probabilistic analysis, and if it relies on a stack analysis, it should update the CEC analysis to reflect more recent procurement. SC also argued that the Commission should not change the PRM in this proceeding as it is scoped for the IRP and the RA proceedings. SC further argued that the Commission should prioritize contracting with preferred resources consistent with GHG and air quality goals and requirements. SC also argued that if additional supply resources were needed, the Commission should fill needs with preferred resources like energy storage.</p> <p>The Commission updated the CEC’s analysis to reflect more recent data and agreed that the PRM should be decided in the IRP and RA proceedings. The Commission required the Central Procurement Entity to specifically contract with preferred resources, consistent with CEJA’s request. The Commission also limited fossil fuel contracts to only efficiency improvements.</p>	<p>D.21-12-015, p. 12 (“We are not changing the PRM applicable to IRP or RA obligations, which are being addressed in those proceedings....”).</p> <p>D.21-12-015, p. 26-28 (noting that “the CEC uses conservative assumptions for available supply and expected demand” and that “[t]he analysis assumes that Redondo Beach...will retire in 2021”).</p> <p>D.21-12-015, p. 29 (adding 1,000 MW of resources to the stack analysis because the MW were “redundant” with the resources authorized in this proceeding).</p> <p>D.21-12-015, p. 107 (allowing procurement of energy storage and stating that “[w]e encourage siting these resources in locations where they will also provide benefits to local reliability and Disadvantaged Communities.”).</p> <p>D.21-12-015, p. 111 (requiring the CPE “to limit this procurement to storage and preferred resources.”).</p> <p>D.21-12-015, p. 141, FOFs 45-46 (describing how California typically relies on a probabilistic analysis).</p> <p>D.21-12-015, p. 141, FOFs 48-49 (related to Redondo Beach assumption).</p> <p>D.21-12-015, p. 142, FOFs 54-55 (related to import and procurement assumptions).</p> <p>D.21-12-015, pp. 184-185, OPs 77-78. (authorization to procure energy storage).</p> <p>D.21-12-015, p. 186, OP 81 (authorizing CPE procurement and stating that “[s]uch resources shall be limited to energy storage and preferred resources”).</p> <p>August 6, 2021 CEJA/SC/DOW/UCS Comments on Phase 2 Scope, p. 8.</p> <p>Sept. 20, 2021 CEJA/SC Phase 2 Opening Br., pp. 3-7, 20-25.</p>	<p>Verified</p>
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	<p>Sept. 27, 2021 CEJA/SC Phase 2 Reply Br., pp. 3-5, 11-18. Nov. 16, 2021 CEJA/SC Reply Comments on Phase 2 PD, p. 3.</p> <p>Opening Testimony of Cara Bottorff (Sept. 1, 2021) (detailing the impacts of gas plants, their forced outages during extreme weather events and safety concerns)</p> <p>Reply Testimony of Cara Bottorff (Sept. 10, 2021) (responding to other parties’ testimony on gas plants as well as party testimony on RNG and hydrogen).</p>	
<p><b>Issue C: Demand Response &amp; the Just Rewards Program</b></p> <p>1. Just Rewards Program SC supported CEJA’s detailed proposal for a new residential demand response program to address extreme weather events in 2021 and 2022. CEJA’s proposal included automatic opt-in for residential customers, a \$2/kWh payment, targeted outreach to DACs and low-income households, and enhanced messaging and targeting associated with flex alerts.</p> <p>The Commission approved a residential ELPR program that included all the key aspects of CEJA’s recommendation, which Sierra Club supported.</p>	<p>D.21-12-015, pp. 48-49 (describing the key components of CEJA’s proposed residential ELRP program).</p> <p>D.21-12-015, p. 55 (describing CEJA’s “detailed proposal for outreach” for low-income customers, residential customers in Disadvantaged Communities, and customers eligible for the CARE and Energy Savings Assistance (ESA) programs).</p> <p>D.21-12-015, p. 56 (“Expanding ELRP to residential customers will provide CARE customers and customers in Disadvantaged Communities an additional pathway to reduce their energy bills.”).</p> <p>D.21-12-015, p. 57 (authorizing a four-year Residential ELRP pilot).</p> <p>D.21-12-015, pp. 58-59 (agreement “that disenrollment should be easy for customers” and providing direction to ensure that it is easy).</p> <p>D.21-12-015, pp. 59-60 (requiring the IOUs to auto-enroll CARE and FERA customers).</p> <p>D.21-12-015, p. 60 (“the IOUs shall incorporate elements of CEJA’s Just Flex Rewards proposal including both in-language accessibility, and specific outreach for CARE, ESA, FERA, and Disadvantaged Community customers”).</p> <p>D.21-12-015, p. 60 (requiring the use of day-ahead flex or grid alerts).</p>	<p>Verified</p>

	<p>D.21-12-015, p. 62 (“the IOUs shall evaluate the baseline methodology after the first program year, as CEJA/Sierra Club suggest.”).</p> <p>D.21-12-015, p. 73 (describing how CEJA/SC “recommended that the Flex Alert marketing include CEJA’s Just Flex Rewards program, which mirrors the Residential ELRP this decision orders.”).</p> <p>D.21-12-015, p. 73 (requiring the IOUs to “expand the campaign to include the Residential ELRP campaign”).</p> <p>D.21-12-015, p. 132 (“We clarify that for Residential ELRP, IOUs are to automatically enroll CARE and FERA customers (which are a good proxy for ESA customers); note that such customers are eligible to exit the program at any time; and allow the IOUs discretion in which baseline they use to count load reductions and calculate payments to customers, with a joint evaluation of the baseline due no later than January 15, 2023”).</p> <p>D.21-12-015, p. 132 (“We expand the Flex Alert paid media campaign to cover the ELRP Residential program triggers.”).</p> <p>D.21-12-015, pp. 142-143, FOFs 57, 58, 59, 60.</p> <p>D.21-12-015, p. 143, FOFs 67-71.</p> <p>D.21-12-015, p. 152, COL 12, 13.</p> <p>D.21-12-015, p. 155, COL 35.</p> <p>D.21-12-015, pp. 161-164, OPs 4, 6, 7, 8.</p> <p>D.21-12-015, pp. 166-167, OP 21.</p> <p>D.21-12-015, pp. 169-173, OPs 28-40.</p> <p>Sept. 20, 2021 CEJA/SC Phase 2 Opening Br., pp. 8-15.</p>	
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<p>2. Additional Demand Side Programs – Smart Thermostat and EV/BTM Programs</p> <p>Sierra Club supported the inclusion of a smart thermostat program that targeted low-income households in all climate-zones. SC requested that the program include both CARE and ESA customers, and that customers have the option of receiving incentives for enrollment in a DR Program. SC also supported broader inclusion of electric vehicles in the ELRP and demand-side programs.</p> <p>The Commission authorized all three IOUs to implement a smart thermostat program that enrolls CARE and ESA customers in all climate zones. The program subsidizes the cost of the smart thermostat and provides CARE and ESA households with the option of enrolling in a demand response program</p> <p>The Commission authorized a pilot to include vehicle to grid loads in the ELRP.</p>	<p>D.21-12-015, p. 75 (“the climate limitations do not apply to smart thermostats installed under the ESA program.”).</p> <p>D.21-12-015, p. 79 (adopting a smart thermostat program and describing how “[t]he program will subsidize the smart thermostat devices and require that a customer, including an ESA or CARE-eligible customer choosing to receive a smart thermostat through this program...”)</p> <p>D.21-12-015, p. 83 (describing how if a customer requests a smart thermostat through the ESA program, the IOU “shall promote but not require enrollment in a market-integrated supply-side DR program.”).</p> <p>D.21-12-015, p. 39 (adopting an EV/VGI pilot and noting that “[t]echnology capable of bi-directional EV charging is relatively new to the market and public uptake and awareness are low. Understanding this resource will be critical in the coming years to ensure EVs can enhance reliability and provide flexibility to the grid. A pilot program could help highlight the technology’s potential, while contributing some support to the grid at net peak.”).</p> <p>D.21-12-015, p. 143, FOFs 61, 62, 64 (related to EV, VGI pilot).</p> <p>D.21-12-015, pp. 144-145, FOFs 75-78 (related to smart thermostats).</p> <p>D.21-12-015, p. 152, COL 15.</p> <p>D.21-12-015, p. 153, COL 19-21.</p> <p>D.21-12-015, p. 165-166, OPs 16-17 (smart thermostat programs).</p> <p>D.21-12-015, pp. 168-169, OPs 24-27 (EV and VGI pilot, as corrected by D.21-12-069).</p> <p>D.21-12-015, p. 173-174, OPs 41-43 (as corrected by D.21-12-069.)</p> <p>D.21-12-015, p. 176, OP 48.</p>	<p>Verified</p>
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	<p>Sept. 20, 2021 CEJA/SC Phase 2 Opening Br., pp. 15-19.</p> <p>Nov. 10, 2021 CEJA/SC Opening Comments on Phase 2 PD, pp. 12-13.</p> <p>Nov. 16, 2021 CEJA/SC Reply Comments on Phase 2 PD, p. 5.</p>	
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**B. Duplication of Effort (§ 1801.3(f) and § 1802.5):**

	<b>Intervenor’s Assertion</b>	<b>CPUC Discussion</b>
<b>a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?</b>	Yes	Verified
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	On some issues.	Noted
<b>c. If so, provide name of other parties:</b> CEJA, Defenders of Wildlife; Grid Alternatives; Protect Our Communities Foundation (“PCF”); Union of Concerned Scientists (“UCS”); The Utility Reform Network (“TURN”); Californians for Renewable Energy (“CARE”).		Noted
<p><b>d. Intervenor’s claim of non-duplication:</b></p> <p>Throughout the proceeding, CEJA and Sierra Club (“CEJA/SC”) extensively coordinated their efforts to avoid duplication. CEJA and Sierra Club drafted and filed joint comments on all matters when their positions were aligned, which was for nearly every set of comments in the proceeding. CEJA and Sierra Club also coordinated with other environmental organizations, including UCS, and filed joint comments when our positions were aligned.</p> <p>CEJA and Sierra Club communicated to coordinate strategy, share resources, divide testimony subjects, and complete filings in the proceeding. Collaborating significantly minimized time spent drafting, researching, and analyzing issues. The coordinated efforts of CEJA and Sierra Club also avoided the potential for duplication.</p> <p>CEJA/Sierra Club’s comments provided analysis, research and data which highlighted their own arguments from the perspectives of an alliance of environmental justice and environmental organizations. These varying perspectives avoided duplication by creating complementary and supplemental positions and approaches to the issues that helped the Commission more thoroughly evaluate the issues.</p>		Noted

**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>SC participated in all major aspects of this time-intensive, complicated proceeding, including filing multiple comments related to the procurement issues described above.</p> <p>SC’s filings reflected detailed substantive analysis, including legal, policy, and technical research on the many topics raised by the Commission’s rulings, workshops, and decision as well as filings by dozens of parties. SC’s participation and filings ensured the Commission had sufficient information to make a determination from the record.</p> <p>Core positions of SC were adopted in the Final Decision. Sierra Club advocated for clean and reliable alternatives to harmful, polluting gas plants and prohibited resources, for demand response programs that directly benefit disadvantaged communities, and for a planning reserve margin that does not unduly burden ratepayers. The core considerations related to procurement and planning are hard to quantify monetarily, but they will significantly impact ratepayers throughout the State who breathe the air and have a desire to participate in energy decisions made in their community. The Decision adopts many of Sierra Club’s positions and proposals, and meeting these requirements will benefit ratepayers by avoiding new investments in polluting resources that will become stranded assets.</p> <p>SC’s request for fees and costs is likely to be a very small portion of the benefits that utility customers are likely to ultimately realize due to the improvements in planning and procurement</p>	<p>Noted</p>
<p><b>b. Reasonableness of hours claimed:</b></p> <p>As mentioned above, SC participated in all major aspects of the proceeding, including filing multiple comments, participating in ex parte meetings, and coordinating with multiple parties. SC’s total filings are reflected in many pages of detailed substantive analysis. SC often had to analyze dozens and dozens of filings to develop comments and critiques of other parties. The amount of time SC spent on this portion of the proceeding is reasonable considering SC’s extensive participation in and contribution to a wide range of outcomes. Furthermore, SC’s hours are likely very low considering the number of filings, meetings, wide range of issues, and parties in this proceedings.</p> <p>SC submitted significant legal, policy, and technical research on the topics raised by the Commission’s ultimate decision.</p>	<p>Noted</p>

	<b>CPUC Discussion</b>
<p>SC was conscious of limiting hours and time spent on the proceeding. Working together, Ms. Robertson and Ms. Ramsey avoided duplication. Ms. Robertson and Ms. Ramsey’s CPUC experience and leadership reduced the number of hours required to develop briefs and comments for their own work. They performed a thorough and detailed review of hours to ensure there is no unnecessary duplication or excessiveness.</p> <p>Sierra Club’s participation in this proceeding contributed to ratepayer savings and important policy outcomes that exceed the cost of their participation. Sierra Club participated in this proceeding to advocate for clean and reliable alternatives to harmful, polluting combustion. The Decision adopts many of Sierra Club’s positions, and meeting these requirements will benefit ratepayers by avoiding new investments in polluting resources that will become stranded assets.</p> <p>It is difficult to overstate the harm that air pollution causes both to public health and to increased mortality from the COVID-19 crisis. Sierra Club’s participation resulted in cleaner resource procurement. This will ultimately improve public health and reduce ratepayer burden.</p>	
<p><b>c. Allocation of hours by issue:</b>            SC has allocated all its attorney and expert time by issue area or activity, as evident by the attached timesheets. The following issues allocate hours by specific substantive issues and activity areas addressed by SC. SC 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>Issue A: Prohibited Resources, 42.7%</p> <p>Work on this issue included time spent preparing testimony by Sahm White about the impacts of prohibited resources including diesel backup generators on air quality, especially in disadvantaged communities, and ways to ensure that they are deployed as a last resort. The work also entailed researching legal and factual issues related to diesel backup generation, reviewing relevant testimony, discussions with other groups, research of other agencies’ findings about diesel pollution, analyzing the Commission’s prior decision on demand response and prohibited resources, drafting technical and legal comments, and responding to critiques raised by other parties.</p> <p>Issue B: Gas Plants/Fossil Fuel Procurement, 39.8%</p> <p>Work on this issue entailed preparing testimony by Cara Bottorff about the impacts of gas plants on the climate and on air quality, especially in disadvantaged communities, researching legal and factual issues, discussions with other groups, research of other agencies’ findings and documents, analyzing modeling, drafting technical and legal comments, and responding to critiques raised by other parties.</p>	<p>Noted, totals 100%</p>

	<b>CPUC Discussion</b>
<p>Issue C: Demand-Side Programs, 6.3% Work on this issue entailed reviewing demand response proposals and testimony, drafting technical and legal comments, and responding to critiques raised by other parties.</p> <p>Issue D: General Participation, 11.2% General participation work is work that is essential to participation in the proceeding that typically spans multiple issues and/or is necessary for participating in the proceeding. This includes reviewing the initial Commission rulings, initial review of proposals by Staff, ex parte meetings, and work coordinating with other parties on general issues. If discussions with other parties were focused on a particular issue, those hours are allocated under that issue.</p> <p>Issue D: Intervenor Compensation: 11 hours Work preparing this request for compensation and analyzing the Commission decisions related to compensation. This required more preparation to comply with the mandate to aggregate hours per filing set out in ALJ Stevens’s May 25, 2021 email ruling.</p> <p>SC submits that given the broad and extensive nature of this proceeding, this information should suffice to address the allocation requirement under the Commission’s rules. If the Commission wishes to see additional or different information at this point, SC requests that the Commission inform it and provide a reasonable opportunity to supplement this showing accordingly.</p>	

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Nina Robertson	2021	62.2	\$480	See Comment 1	\$29,856.00	60.20 [5]	\$380.00 [1]	\$22,876.00
Katherine Ramsey	2021	76.9	\$470	See Comment 2	\$36,143.00	74.90 [6]	\$470.00 [2]	\$35,203.00

CLAIMED						CPUC AWARD		
Cara Bottorff	2 0 2 1	11.3	\$270	See Comment 3	\$3,051.00	11.00 [7]	\$235.00 [3]	\$2,585.00
Sahm White	2 0 2 1	27.3	\$650	See Comment 4	\$17,745.00	27.00 [8]	\$200.00 [4]	\$5,400.00
<b>Subtotal: \$86,795.00</b>						<b>Subtotal: \$66,064.00</b>		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Nina Robertson	2 0 2 2	8	\$255	½ of \$510 See Comment 1	\$2,040.00	8.00	\$197.50 [1]	\$1,580.00
Katherine Ramsey	2 0 2 2	3	\$250	½ of \$500 See Comment 2	\$750.00	3.00	\$242.50 [2]	\$727.50
<b>Subtotal: \$2,790.00</b>						<b>Subtotal: \$2,307.50</b>		
<b>TOTAL REQUEST: \$89,585.00</b>						<b>TOTAL AWARD: \$68,371.50</b>		
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate</p>								

CLAIMED			CPUC AWARD
ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR <sup>4</sup>	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Nina Robertson	2010	276079	No
Katherine Ramsey	2015	302532	No

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

Attachment or Comment #	Description/Comment
Attach 1	Certificate of Service
Attach 2	Hourly Timekeeping
Attach 3	Resume of Nina Robertson
Attach 4	Resume of Katherine Ramsey
Attach 5	Resume of Cara Bottorff
Attach 6	Resume of Sahm White
Comment 1	<p>Nina Robertson is an attorney with 11 years of experience in environmental and energy law and has practiced before the Commission for 5 years. Ms. Robertson's resume is included as Attachment 3. The \$480 rate requested for work performed in 2021 and the \$510 rate for worked performed in 2022 is in the middle range for attorney's with 10–15 years of experience pursuant to Resolution ALJ-393 and the Level IV Ventures hourly rate look up tool on the Commission's IComp website.</p> <p>Ms. Robertson has been awarded Intervenor Compensation in previous decisions, including recently in D.21-03-037. Ms. Robertson's resume is included as Attachment 3.</p>
Comment 2	<p>Katherine Ramsey is an attorney with 10 years of experience in environmental and energy law and has practiced before the Commission for 6 years. Sierra Club has calculated hourly rates using the new Intervenor Compensation Hourly Rate Chart. We request a 2020 hourly rate of \$450 (just below the high range for Level III, 5-10 years of experience). For Ms. Ramsey's 2021 work, we request an hourly rate of \$470 pursuant to</p>

<sup>4</sup> This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>

<b>Attachment or Comment #</b>	<b>Description/Comment</b>
	<p>Resolution ALJ-393 and based on Level IV, 10-15 experience for attorneys. Ms. Ramsey requests a rate of \$500 for work performed in 2022 which is also based on the Hourly Rate Chart for an Attorney at Level IV.</p> <p>Ms. Ramsey has been awarded Intervenor Compensation in previous decisions, including recently D.21-09-013 where her 2021 hourly rate of \$470 was approved. Ms. Ramsey's resume is included as Attachment 4.</p>
Comment 3	<p>Sierra Club requests that the Commission adopt new hourly rates for first-time expert Cara Bottorff, Senior Electric Sector Analyst for Sierra Club at \$270 per hour for 2021.</p> <p>The 2021 hourly rate of \$270 for Ms. Bottorff is in the middle range for economists with over 7 years of experience pursuant to Resolution ALJ-393 and the Level V hourly rate look-up tool on the Commission's IComp website.</p> <p>As noted in D.08-04-010, intervenor representatives who have not previously appeared before the Commission must make a showing in the compensation request to justify their proposed hourly rate. Cara Bottorff is the senior analyst for Sierra Club's work on gas plants. She has worked on electric sector and gas development issues for over seven years, primarily with a focus on the climate, environmental, and equity impacts of gas generation resources, pipelines, and associated infrastructure. Prior to joining Sierra Club, Ms. Bottorff worked at Key Log Economics as a Co-Owner and Policy Analyst, providing ecological economic analysis on gas pipeline development impacts for submittal to the Federal Energy Regulatory Commission. Ms. Bottorff has a master's degree in Public Policy and Leadership from the University of Virginia, which she earned in 2015. Ms. Bottorff's resume is included as Attachment 5.</p>
Comment 4	<p>Sierra Club requests that the Commission adopt new hourly rates for expert Sahn White an Expert Regulatory Consultant for Sierra Club at \$650 per hour for 2021. Mr. White has been awarded intervenor compensation by the Commission multiple times, but has not requested an hourly rate using the Commission's new hourly rate look-up tool.</p> <p>The 2021 hourly rate of \$650 per hour is in the middle range of the Level V hourly rate for public policy analysts pursuant to Resolution ALJ-393 and according to the look-up tool on the Commission's IComp website.</p> <p>As noted in D.08-04-010, intervenor representatives who have not previously appeared before the Commission must make a showing in the compensation</p>

Attachment or Comment #	Description/Comment
	<p>request to justify their proposed hourly rate. Mr. Sahm White is an expert on emissions, air quality and energy issues. He has worked on these topics for over 25 years. For the past twelve years, Mr. White has been primarily engaged on policy matters related to transmission, distribution, and electric generation resources, and the intersection of the electric sector with climate, environmental, and equity issues. Prior to consulting for Sierra Club, Mr. White worked at the Clean Coalition as Director of Policy and Economic Analysis, where he developed regulatory and legislative analysis and proposals across a dozen states and an equal number of municipal utility jurisdictions, with a primary focus on California regulatory issues. Additionally, Mr. White has been the lead analyst for several U.S. Department of Energy, New York State Energy Research and Development Authority and the California Energy Commission Electric Program Investment Charge studies.</p> <p>Mr. White has a Bachelor of Science from the University of Michigan, two years of graduate level social studies of science and technology at the Massachusetts Institute of Technology, and an additional two years in Environmental Science at San Jose State University. Mr. White’s resume is included at Attachment 6.</p>

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

Item	Reason
<p>[1] Nina Robertson (Robertson) 2021 &amp; 2022 Hourly Rates</p>	<p>D.22-06-043 approved the 2021 hourly rate of \$380 for Robertson. D.23-08-044 approved the 2022 hourly rate of \$395 for Robertson.</p>
<p>[2] Katherine Ramsey (Ramsey) 2021 &amp; 2022 Hourly Rates</p>	<p>D.24-01-051 approved the 2021 hourly rate of \$470 and the 2022 hourly rate of \$485 for Ramsey.</p>
<p>[3] Cara Bottorff (Bottorff) 2021 Hourly Rate</p>	<p>Sierra Club requests an hourly rate of \$270 for Bottorff in 2021 in the role of Expert – Economist – Level V. While Sierra Club requests a rate for Bottorff in the role of Expert – Economist – Level V, the Commission finds it more appropriate to adopt an hourly rate for Bottorff in the role of Expert – Energy &amp; Resources Expert – Level II. In 2021, Bottorff had 5 years of work experience as an expert, working in the electric</p>



Item	Reason
	<p>sector and on gas development issues, analyzing climate, environmental, and equity impacts of gas generation resources, pipelines, and associated infrastructure.</p> <p>For 2021, Resolution ALJ-393 lists a range of \$106.86 - \$238.56 for Expert – Energy &amp; Resources Expert – Level II with 2-5 years’ experience, with the median range being \$152.48. An hourly rate of \$235 for 2021 is found to be reasonable and is adopted.</p>
<p>[4] Sahn White (White) 2021 Hourly Rate</p>	<p>Sierra Club requests an hourly rate of \$650 for White in 2021 in the role of Expert – Public Policy Analyst - V. Consultant rates are awarded at the fees paid to the consultant. In addition, rates claimed for consultants must be the same rates paid to consultants for work performed in the proceeding pursuant to Resolution ALJ-235 at 4. Submitted invoices reflect a consultant fee of \$200.00 paid to White for work performed in 2021, and we therefore adopt an hourly rate of \$200.00 here.</p>
<p>[5] Robertson 2021 Hours</p>	<p>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 Robertson’s 2021 hours because they are deemed to be unproductive/excessive hours claimed:</p> <ul style="list-style-type: none"> <li>• 11/2-11/3/21, 11/8-10/21, 16.20 hours, “Drafting comments on Phase 2 PD.” Robertson claimed a total of 16.20 hours in these entries. Time spent drafting these Phase 2 comments are excessive for the work produced, as these draft comments were filed jointly with another intervenor participating in this proceeding (CEJA) who aided in work on this issue. In addition, another attorney (Ramsey) also claimed hours in their timesheet for work done on these draft comments. 2.00 hours are disallowed.</li> </ul> <p>We note that the 2021 timesheet entries for Robertson reflect 62.20 hours. Minus the disallowance of 2.00 hours, Robertson’s hours now total 60.20.</p>
<p>[6] Ramsey 2021 Hours</p>	<p>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>

Item	Reason
	<p>Therefore, the following hours are disallowed from Robertson’s 2021 hours because they are deemed to be unproductive/excessive hours claimed:</p> <ul style="list-style-type: none"> <li>• 11/4/21, 5.50 hours, “Drafting opening comments on (Phase 2) PD.” Ramsey claimed a total of 5.50 hours in these entries. Time spent drafting these Phase 2 comments are excessive for the work produced, as these draft comments were filed jointly with another intervenor participating in this proceeding (CEJA) who aided in work on this issue. In addition, another attorney (Robertson) also claimed hours in their timesheet for work done on these draft comments. 2.00 hours are disallowed.</li> </ul> <p>We note that the 2021 timesheet entries for Ramsey reflect 76.90 hours. Minus the disallowance of 2.00 hours, Robertson’s hours now total 74.90.</p>
<p>[7] Bottorff 2021 Hours</p>	<p>Per the IComp program guide at 22, costs for clerical or administrative tasks are not compensated.</p> <p>Therefore, the following hours are disallowed from Bottorff’s 2021 hours because they are deemed to be assigned to tasks that are clerical/administrative:</p> <ul style="list-style-type: none"> <li>• 9/1/21, 0.30 hours, “Final signature to testimony.” Sierra Club claimed a total of 0.30 hours in this entry, and 0.30 hours are disallowed.</li> </ul> <p>We note that the 2021 timesheet entries for Bottorff reflect 11.30 hours. Minus the disallowance of 0.30 hours, Bottorff’s hours now total 11.00.</p>
<p>[8] White 2021 Hours</p>	<p>Per the IComp program guide at 22, costs for clerical or administrative tasks are not compensated.</p> <p>Therefore, the following hours are disallowed from White’s 2021 hours because they are deemed to be assigned to tasks that are clerical/administrative:</p> <ul style="list-style-type: none"> <li>• 9/1/21, 0.30 hours, “Final signature to testimony.” Sierra Club claimed a total of 0.30 hours in this entry, and 0.30 hours are disallowed.</li> </ul> <p>We note that the 2021 timesheet entries for White reflect 27.30 hours. Minus the disallowance of 0.30 hours, White’s hours now total 27.00.</p>

**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>Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?</b>	Yes
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**FINDINGS OF FACT**

1. Sierra Club has made a substantial contribution to D.21-12-015 (as modified by D.21-12-069.)
2. The requested hourly rates for Sierra Club’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 amount of reasonable compensation is \$68,371.50.

**CONCLUSION OF LAW**

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

**ORDER**

1. Sierra Club is awarded \$68,371.50.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, Bear Valley Electric Service, Inc., Liberty Utilities, and PacifiCorp shall pay Sierra Club their respective shares of the award, based on their California-jurisdictional electric and gas revenues for the 2021 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data is unavailable, the most recent electric and gas revenue data shall be used. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning April 20, 2022, the 75<sup>th</sup> day after the filing of Sierra Club’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 May 9, 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**

<b>Compensation Decision:</b>	D2405024	<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D2112015 (as modified by D2112069)		
<b>Proceeding(s):</b>	R2011003		
<b>Author:</b>	ALJ Zita Kline		
<b>Payer(s):</b>	Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, Bear Valley Electric Service, Inc., Liberty Utilities, and PacifiCorp		

**Intervenor Information**

<b>Intervenor</b>	<b>Date Claim Filed</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
Sierra Club	February 4, 2022	<b>\$89,585.00</b>	\$68,371.50	N/A	Unproductive/excessive hours, clerical/administrative tasks

**Hourly Fee Information**

<b>First Name</b>	<b>Last Name</b>	<b>Labor Role</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Nina	Robertson	Attorney	\$480	2021	\$380.00
Nina	Robertson	Attorney	\$510	2022	\$395.00
Katherine	Ramsey	Attorney	\$470	2021	\$470.00
Katherine	Ramsey	Attorney	\$500	2022	\$485.00
Cara	Bottroff	Expert	\$270	2021	\$235.00
Sahm	White	Expert	\$650	2021	\$200.00

**(END OF APPENDIX)**