

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298

August 15, 2024

Agenda ID #22835

Ratesetting

~~TO PARTIES OF RECORD IN APPLICATION 21-10-010:~~

~~This is the proposed decision of Administrative Law Judge Colin Rizzo. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's September 26, 2024 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.~~

~~Parties to the proceeding may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure. Electronic copies of comments should also be sent to the Intervenor Compensation Program at icompcordinator@cpuc.ca.gov.~~

~~/s/ MICHELLE COOKE~~

~~Michelle Cooke~~

~~Chief Administrative Law Judge~~

~~MLC:avs~~

~~Attachment~~

Decision PROPOSED DECISION OF ALJ RIZZO (Mailed 8/15/2024)

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 DENYING INTERVENOR COMPENSATION
CLAIM OF GREEN POWER INSTITUTE FOR SUBSTANTIAL
CONTRIBUTIONS TO DECISION 23-09-005**

Intervenor: Green Power Institute	For contribution to Decision (D.) 23-09-005
Claimed: \$26,694	Awarded: \$0.00
Assigned Commissioner: John Reynolds	Assigned ALJ: Colin Rizzo

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	Decision 23-09-005 grants PG&E's PFM to close the electric vehicle Charge 2 program.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:¹

	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):	D.22-06-041	D.22-06-041 awarded compensation to GPI in R.19-09-009 and does not establish a determination or ruling establishing a showing of customer status. As noted above, rebuttable presumption from 11/20/2020 ruling in R.20-05-002 verified customer status.
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):	D.22-06-041	D.22-06-041 awarded compensation to GPI in R.19-09-009 and does not establish a

¹ All statutory references are to California Public Utilities Code unless indicated otherwise.

		determination or ruling establishing a showing of significant financial hardship. As noted above, rebuttable presumption from 11/20/2020 ruling in R.20-05-002 verified significant financial hardship.
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.23-09-005	Verified
14. Date of issuance of Final Order or Decision:	September 26, 2022	September 26, 2023
15. File date of compensation request:	Nov. 3, 2023	Verified
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.)	Noted. GPI’s Opening Comments on the Proposed Decision do not appear in the Docket.
<p>1. Whether to Approve the PFM and End the PG&E Charge 2 Program.</p> <p>GPI consistently supported the PG&E EVC2 Application, from our initial response to the Application to our support for the Proposed Decision authorizing a limited phase 1 program. When PG&E announced that the authorized phase 1 program was too</p>	<p>Decision 23-09-005</p> <p>This decision modifies D.22-12-054, which approved funding for Pacific Gas and Electric Company (PG&E) to implement phase 1 of its Electric Vehicle Charge 2 program (EVC2). This Decision endorses PG&E’s PFM to end the EV Charge 2 program, rather than going forward with the limited phase 1 program approved in D.22-12-054.</p>	<p>Verified. However, GPI did not support the Decision and instead recommended that the Commission “revive the program in the form that PG&E proposed – or even to expand the program beyond the original proposal.” The</p>

<p>limited to move forward with, we renewed our support for authorizing the full, originally proposed program. The Commission did not adopt our proposal to return to the originally proposed program, but we made a substantial contribution to the Decision by enriching the record on which the Decision is based by describing the need for and feasibility of performing the originally proposed EVC2 program.</p>	<p>Pleadings</p> <p>GPI’s Comments and Reply Comments on the Proposed Decision pointed out that EV sales are well ahead of the projections that the original Application was based on, leading to an even greater demand for chargers, and that PG&E was the only IOU in California that did not already have a comparable program. For these reasons, and the fact that PG&E asserts that the limited phase 1 program approved in D.22-12-054 is too limited to move forward with, GPI proposed that rather than end the EVC2 program, the Commission should return to the originally proposed full program and authorize the entire thing.</p>	<p>Decision declines to adopt GPI’s recommendation, and GPI does not point to any language in the Decision indicating that its participation constitutes a substantial contribution to the Decision. GPI’s contribution is not compensable.</p>
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor’s Assertion	CPUC Discussion
<p>a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?</p>	<p>Yes</p>	<p>Verified</p>
<p>b. Were there other parties to the proceeding with positions similar to yours?</p>	<p>Yes</p>	<p>Verified</p>
<p>c. If so, provide name of other parties: TURN, ChargePoint, NRDC, Electrify America, SBUA, and PG&E.</p>		<p>Noted, however, Electrify America did not provide a filing on the Petition to Modify that led to that Decision.</p>
<p>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</p>		<p>Noted, however, this intervenor compensation claim is limited to GPI’s claimed contributions to D.23-09-005 and</p>

<p>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.</p>	<p>we remind GPI to limit the citations to the scope of the contributing decision. Furthermore, of the other parties identified by GPI, only Charge Point opposed the Petition.</p>
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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.23-09-005.</p> <p>The hours claimed herein in support of Decision D.23-09-005 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 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,</p>	<p>We deny all hours for failure to demonstrate a substantial contribution to D. 23-09-005 and therefore find all associated hours unreasonable. <i>See</i> Part III.D CPUC Comments, Disallowances and Adjustments.</p>

<p>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 consumers 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.23-09-005 by 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 GPI’s claim in its entirety.</p>	<p>We deny all hours for failure to demonstrate a substantial contribution to D. 23-09-005 and therefore find all associated hours unreasonable. <i>See</i> Part III.D CPUC Comments, Disallowances and Adjustments.</p>		
<p>c. Allocation of hours by issue:</p> <table border="0"> <tr> <td data-bbox="232 1507 998 1581">1. Whether to Approve the PFM and End the PG&E Charge 2 Program</td> <td data-bbox="998 1507 1214 1581">100%</td> </tr> </table>	1. Whether to Approve the PFM and End the PG&E Charge 2 Program	100%	<p>Noted</p>
1. Whether to Approve the PFM and End the PG&E Charge 2 Program	100%		

B. Specific Claim: *

CLAIMED	CPUC AWARD
ATTORNEY, EXPERT, AND ADVOCATE FEES	

Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
G. Morris	2023	5.50	485	See comment 1	\$2,668	0.00 [1]	N/A [2]	\$0.00
T. Hunt	2023	29.25	630	See comment 2	\$18,428	0.00 [1]	N/A [2]	\$0.00
M. Chiacos	2023	12.75	325	See comment 3	\$4,144	0.00[1]	N/A [2]	\$0.00
Subtotal: \$25,239						Subtotal: \$0.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
G. Morris	2023	6.00	242.5	½ 2023 rate	\$1,455	0.00 [1]	N/A [2]	\$0.00
Subtotal: \$1,455						Subtotal: \$0.00		
TOTAL REQUEST: \$26,694						TOTAL AWARD: \$0.00		
<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>								
ATTORNEY INFORMATION								
Attorney		Date Admitted to CA BAR ²		Member Number		Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation		
Tamlyn Hunt		November 2001		218673		No		

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

³ Attachments not attached to final Decision.

C. Attachments Documenting Specific Claim and Comments on Part III:³

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	Allocation of effort by issue, list of pleadings
Attachment 3	Breakdown of hourly efforts by issue category
Comment 1	<p>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, and 4.46 percent for converting 2022 values to 2023 values. These values can be found on the Escalation tab of the Hourly Rate Chart spreadsheet on the Commission’s web site. In D.23-11-036 the Commission adopted a rate of \$465 for Dr. Morris for 2022 based on the 3.31 percent adjustment from the 2021 approved level. Here we apply the 4.46 percent escalator to the approved 2022 hourly rate for Morris and round to the nearest 5 per regular Commission practice, which produces a 2023 rate of \$485/hr.</p>
Comment 2	<p>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, and 4.46 percent for converting 2022 values to 2023 values. These values can be found on the Escalation tab of the Hourly Rate Chart spreadsheet on the Commission’s web site. In D.23-11-036 the Commission adopted a rate of \$605 for Attorney Hunt for 2022 based on the 3.31 percent adjustment from the 2021 approved level. Here we apply the 4.46 percent escalator to the approved 2022 hourly rate for Hunt and round to the nearest 5 per regular Commission practice, which produces a 2023 rate of \$630/hr.</p>
Comment 3	<p>We have previously requested a 2021 rate for Energy and Resources Expert Michael Chiacos of \$300 in this Application (claim filed 1/27/23). Mr. Chiacos qualifies as Level V in the Commission’s 2021 hourly rate chart, with more than 20 years of experience. We have also previously requested a 2022 rate for Mr. Chiacos of \$310, based on applying the 3.31 percent escalator to the requested 2021 hourly rate and rounding to the nearest 5 per regular Commission practice, also in our 1/27/23 claim in this proceeding. Here we apply the 4.46 percent escalator to the requested 2022 hourly rate for Chiacos and round to the nearest 5 per regular Commission practice, which produces a 2023 rate of \$325/hr.</p>

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
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³ Attachments not attached to final Decision.

<p>[1] Gregg Morris, Tamlyn Hunt and Michael Chiacos Total Hours</p>	<p>As noted in Part II and Part III, Section A of this document, we conclude that GPI did not substantially contribute to D.23-09-005. Accordingly, any claim for compensation is inherently unreasonable. We therefore reduce Gregg Morris, Tamlyn Hunt and Michael Chiacos’ hours to zero.</p> <p>We note, per Public Utility Code §1802. (j), a substantial contribution means that “the customer’s presentation has substantially assisted the commission in the making of its order or decision...” and we find GPI’s claimed contributions did not assist or impact the determination made in D.23-09-005. Additionally, in Part III. (A). (b), GPI notes that “GPI made Significant Contributions to Decision D.23-09-005 by providing a series of Commission filings on the various topics that were under consideration in the Proceeding.” We further remind GPI, as noted above, a substantial contribution must have contributed in the order or decision making and providing filings, in and of themselves, does not necessitate a substantial contribution.</p>
<p>[2] Hourly Rates</p>	<p>Because we disallow all the hours claimed, we do not reach the issue of the reasonableness of the requested hourly rates.</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))

<p>A. Opposition: Did any party oppose the Claim?</p>	<p>No</p>
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<p>B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?</p>	<p>No</p>
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If not:

Party	Comment	CPUC Discussion
	<p>No Comments Filed.</p>	

FINDINGS OF FACT

1. Green Power Institute has not made a substantial contribution to D.23-09-005.
2. The total reasonable compensation is \$0.00.

CONCLUSION OF LAW

1. The Claim does not satisfy all the requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. Green Power Institute is awarded \$0.00.
2. The comment period for today's decision is not waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D2309005		
Proceeding(s):	A2110010		
Author:	ALJ Colin 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	Nov. 3, 2023	\$26,694	\$0.00	N/A	See CPUC Comments, Disallowances, and Adjustments section.

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Gregg	Morris	Expert	\$485	2023	N/A ⁴
Tamlyn	Hunt	Attorney	\$630	2023	N/A ⁴
Michael	Chiacos	Expert	\$325	2023	N/A ⁴

(END OF APPENDIX)

⁴ See Part III.D.2.

Document comparison by Workshare Compare on Tuesday, September 17, 2024 11:14:12 AM

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