

Decision 25-03-021 March 13, 2025

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Revisit Net Energy
Metering Tariffs Pursuant to Decision D.16-01-044, and to
Address Other Issues Related to Net Energy Metering.

Rulemaking 20-08-020
(Filed August 27, 2020)

**DECISION GRANTING COMPENSATION TO SMALL BUSINESS UTILITY
ADVOCATES FOR SUBSTANTIAL CONTRIBUTION
TO DECISION (D.) 23-22-068 AND D.24-07-036**

Intervenor: Small Business Utility Advocates	For contribution to Decision (D.) 23-11-068 and D. 24-07-036
Claimed: \$55,886	Awarded: \$48,289.00
Assigned Commissioner: Alice Reynolds	Assigned ALJ: Jack Chang ¹

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	<p>The <i>Decision Address Remaining Proceeding Issues</i> (D.23-11-068), resolved issues remaining from D.22-12-056, including revisions to virtual net energy metering (VNEM) and implementation of Assembly Bill (AB) 2143.</p> <p>The <i>Order Modifying Decision 23-11-068 and Denying Rehearing of the Decision, as Modified</i> (D.24-07-036) responded to SBUA's application for rehearing and modified the D.23-11-068's discussion of grid charging substantially as SBUA requested.</p>
--	--

¹ R.20-08-020 was reassigned from ALJ Kelly Hymes to ALJ Jack Chang on December 3, 2024.

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812²:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	Nov. 2, 2020	Verified
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	Nov. 30, 2020	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.20-08-020	Verified
6. Date of ALJ ruling:	Dec. 23, 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.20-08-020	Verified
10. Date of ALJ ruling:	Dec. 23, 2020	Verified
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.24-07-036	Verified
14. Date of issuance of Final Order or Decision:	July 12, 2024	Verified
15. File date of compensation request:	September 10, 2024	Verified
16. Was the request for compensation timely?		Yes

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

C. Additional Comments on Part I:

#	Intervenor's Comment(s)	CPUC Discussion
B.9-10	SBUA also received a ruling on its customer status and showing of significant financial hardship earlier this year in A.23-10-001 on June 3, 2024.	The ruling granted in A.23-10-001 does not provide an eligible showing of customer status and significant financial hardship for this proceeding. We remind SBUA to include relevant customer status and significant financial hardship findings in their future requests for compensation.

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>1. <u>Improving Grid Charging Options and Paired Storage</u></p> <p>In this phase of the proceeding, SBUA played an important role in advocating for small business customers by promoting grid charging options tied to batteries and paired storage, challenging restrictive statutory interpretations, and securing important modifications to the Commission's decisions on grid-charging policies.</p> <p>SBUA strongly advocated for commercial customers to obtain greater value from batteries by enabling grid charging both in routine conditions, for time-of-use arbitrage, and for added resiliency by 'topping off' prior to a planned outage. (See, SBUA Opening Comments on VNEM and NEMA Questions at 2-4 (March 21, 2023); SBUA Reply Comments on VNEM and NEMA Questions at 4-5 (April 4, 2023).) At the February 28, 2024, workshop SBUA obtained confirmation that utilities do not allow grid-based charging for</p>	<p>SBUA and CALSSA recommended that "storage should be able to charge from the grid prior to a planned outage." (Decision at 58.) The Decision then implemented SBUA's recommendation and directed utilities to hold a workshop and file a Tier 2 advice letter to find a way to "allow a virtual net billing tariff customer to charge their storage device from the grid prior to a planned Public Safety Power Shutoff for the purpose of resiliency." (<i>Id.</i> at 59). <i>See also</i> Findings of Fact (FOF) No. 88 ("[t]he current VNEM tariff limits the charging of storage devices to come solely from the Generation Facility"); FOF No. 89 ("a technical solution could exist to enable storage in a virtual arrangement to charge from the grid prior to planned outages"); Conclusions of Law (COL) No. 24 and 27 ("The Commission should require Utilities to lead a process to find a consensus</p>	<p>Verified</p>

<p>VNEM customers. (SBUA Opening Comments at 2.) SBUA argued for “charging batteries from the grid during low-utilization periods and then using that power during high TOU-charge periods to even out demand and maximize bill savings.” (<i>Id.</i> at 2-3.) SBUA similarly provided analysis demonstrating the importance and feasibility of pre-planned outage charging. (<i>Id.</i>)</p> <p>In addition, SBUA highlighted the flawed statutory interpretation in the Proposed Decision, emphasizing that clear and careful statutory interpretation is critical to maintaining regulatory flexibility in future programs. The Proposed Decision enabled pre-planned outage charging but asserted that routine charging violated the Public Utilities Code. (Proposed Decision at 50-51.) No party had previously made such a legal contention. SBUA filed comments objecting to the prohibition on policy and legal grounds. (SBUA Opening Comments on PD at 5-11 (Aug. 23, 2023); SBUA Reply Comments on PD at 5 (Aug. 28, 2023).) SBUA strongly challenged the restrictive statutory interpretation, explaining that the “distinction between statutory interpretation and discretionary policy is critical because, as drafted, the Proposed Decision would tie the Commission’s hands in way that will impact a range of programs not explored by the Proposed Decision or considered in this record.” (SBUA Opening Comments on PD at 10.) To explain SBUA’s concerns regarding the Proposed Decision’s statutory interpretation, SBUA presented a slideshow to Commission Staff in an <i>ex parte</i> meeting on August 15, 2023. (SBUA Report on <i>Ex Parte</i></p>	<p>approach to allow a virtual net billing tariff customer to charge their storage device from the grid prior to a planned Public Safety Power Shutoff for the purpose of resiliency”); Ordering Paragraph (OP) No. 4.).</p> <p>SBUA also recommended that the Commission “revise the tariff to permit grid charging of onsite batteries both to encourage the adoption of storage and to function as a microgrid during public safety shut-offs.” (<i>Id.</i> at 57-58). The Decision considered and discussed SBUA’s arguments for allowing routine grid charging but ultimately declined to adopt that request. (<i>Id.</i> at 57-58.) SBUA submits that this is worthwhile advocacy for the Commission to examine and enriched the record of consideration. <i>See, e.g.</i>, D.08-04-004 at 5 (“[I]f a customer provided a unique perspective that enriched the Commission’s deliberations and the record, the Commission could find that the customer made a substantial contribution.”).</p> <p>The <i>Order Modifying Decision 23-11-068 and Denying Rehearing of the Decision, as Modified</i> (D.24-07-036) analyzed SBUA’s contentions regarding routine charging. (<i>See pp.</i> 23-25.) The Commission agreed to “modify the Decision to more clearly and narrowly reflect this point” that the denial of SBUA’s request to allow routine grid-charging of batteries was a policy decision but not necessarily prohibited by statute. (D.24-07-036 at 25.) Ordering</p>	
--	---	--

<p>Communication at 1-9 (Aug. 15, 2023).) When the final decision did not correct the unnecessarily restrictive statutory interpretation that could hamper future Commission discretion to enable routine grid charging, SBUA filed an Application for Rehearing primarily arguing that the Decision should be revised to (a) reflect that distinguishing between grid-based and solar-generated energy discharged to the grid is feasible and (b) avoid imposing a statutory interpretation that restricts future policy changes. (SBUA Application for Rehearing at 1-11 (Dec. 22, 2023).) SBUA successfully achieved its key objective from the AFR. Specifically, as a direct result of SBUA's advocacy, the Commission revised the Decision to clarify that the refusal to permit routine grid charging was a policy decision but not prohibited by the Public Utilities Code, and removing language stating that distinguishing renewable power would be difficult to measure accurately.</p> <p>On July 12, 2024, SBUA submitted a Rule 16.5 letter to the Commission Executive Director requesting a corrective clarification to the AFR Decision. (See Attachment 3.) The letter appears to be under review at this time.</p>	<p>Paragraph 5 of D.24-07-035³ revised Decision Finding of Fact No. 25 to remove the statement that the statutory definition of an eligible generation facility “does not include stand-alone batteries.” It similarly removed the language in the Decision interpreting the statutory definition of an eligible generation facility to “not include stand-alone batteries” and also, in accordance with SBUA's arguments, deleted the statement that it is “challenging to accurately measure and provide generation credits since the net generation output meter is not permitted to be bidirectional.” (Ordering Para. No. 2.)</p>	
<p>2. <u>Supporting Small Businesses Participating in VNEM</u></p> <p>SBUA focused specifically on small business interests and provided a critical viewpoint on how the VNEM program impacts small commercial customers. SBUA argued in the workshop and in comments for a VNEM program that is responsive to the barriers faced by commercial tenants, attractive to operators of commercial complexes and</p>	<p>“SBUA also supports property-level netting and agrees with SEIA that ‘onsite generation that serves customer load has a higher value to customers because it offsets the need to purchase as much energy from the utility at a retail basis.’” (Decision at 34-35.)</p> <p>SBUA's comments provided an evidentiary basis and support for the</p>	<p>Verified</p>

³ The correct decision number is D.24-07-036.

<p>does not incentivize landlords to simply sell power directly to tenants.</p> <p>For example, SBUA’s comments shed light on the challenges faced by small businesses as tenants in multi-meter properties and advocated for policies to expand their access to renewable energy. (SBUA Opening Comments at 1-2.) SBUA took a nuanced position on property-level netting, recognizing both its benefits for maximizing value to tenants and the need to avoid costs shifts. (SBUA Reply Comments at 2-3; SBUA Opening Comments on PD at 4; SBUA Reply Comments on PD at 2-4.) SBUA agreed that VNEM export rates should be reduced to avoid cost shift to other customers, in accordance with the policy in D.22-12-056, while advocating for recognition that site-generated power, in practice, is used on by tenants, and the inclusion of a resiliency Avoided Cost Calculator (ACC) Plus Adder to support adoption by small business complexes. (SBUA Reply Comments at 3-4; SBUA Opening Comments on PD at 5; SBUA Reply Comments on PD at 4.) SBUA was the only party to propose extending the ACC Plus adder to landlords of small commercial customers. While not adopted in this decision, SBUA’s proposal highlighted an important equity consideration that may inform future policy discussions.</p> <p>Further, SBUA explained in detail why it disagreed with Cal Advocates that VNEM duplicates that Green Access Program (GAP) tariff and should be delayed until after a decision was issued in the GAP proceeding. (SBUA Reply Comments at 1-2.)</p>	<p>Decision’s rejection of Cal Advocates arguments regarding the GAP Tariff. (<i>Id.</i> at 18-19.) “The VNEM tariff and the NEMA subtariff are distinct options from the Green Access Programs.” (<i>Id.</i>, FOF No. 1.) “There is no justification for delaying a determination on either the VNEM tariff or the NEMA subtariff while the Commission considers the Green Access Programs in another proceeding.” (<i>Id.</i>, FOF No. 2.)</p>	
<p>3. <u>AB 2143 Implementation</u></p>	<p>The Commission adopted SBUA’s requested effective date for the new</p>	<p>Verified</p>

<p>To protect unsophisticated customers, including small business customers, from unfair penalties resulting from wage violations by contractors, SBUA recommended a set of safeguards be incorporated into the implementation of AB 2143. These recommendations included: 1) applying the legislation prospectively, 2) adopting a conservative definition of willful violations, and 3) establishing a pathway to restore tariff access. (<i>See</i> SBUA Reply Comments on AB 2143 at 1-3 (May 4, 2023); SBUA Opening Comments on PD at 12-14.) The Decision reflects and adopts several of SBUA’s, and other aligned parties’, recommendations.</p>	<p>prevailing wage rules. (Decision at 175-76.) “CALSSA, GRID, PowerFlex, SEIA, SBUA, and Utilities agree that the legislation should apply prospectively and that contracts signed before the effective date could not be reasonably expected to adjust wages to meet the new requirements.” (<i>Id.</i> at 174.)</p> <p>The Decision also reflects SBUA’s other positions that sought to protect customers:</p> <p>“GRID and SBUA contend this restorative process would be a balanced approach and avoid inappropriately penalizing the customer.” (<i>Id.</i> at 185.)</p> <p>“CALSSA, as well as SBUA, recommend the Commission have its own parallel process and ‘use a very conservative definition of willful violation.’” (<i>Id.</i> at 186.)</p> <p>The Commission recognized the important values reflected in SBUA’s positions. “The Commission is concerned about the imbalance of incentives for compliance with the statute.” (<i>Id.</i>) As SBUA recommended, the Decision establishes a restorative process:</p> <p>“Additionally, it is fair to the customer to allow tariff access to be restored if a willful wage violation is reversed or nullified by the determining body and the generation account holder or customer/property owner provides documentation to the</p>	
---	--	--

	utility. In this case, the Commission will allow restoration of tariff access.” (<i>Id.</i> at 189.)	
--	---	--

4. 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?	Yes.	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Yes.	Verified
c. If so, provide name of other parties:		Ivy Energy, CALSSA, SEIA
d. Intervenor’s claim of non-duplication: SBUA focused narrowly on issues of particular relevance to small commercial customers. As a result, SBUA proposed a distinct set of positions to represent an often-underrepresented customer class. One of SBUA’s primary focus was on grid charging to increase the value provided to customers for paired battery storage, in which California Solar and Storage Association (CALSSA) concurred. SBUA agreed with various parties, such as Ivy Energy, CALSSA and Solar Energy Industries Association (SEIA) concerning property-level netting, but had mixed agreement with CALSSA, GRID Alternatives, PowerFlex and SEIA regarding implementation of AB 2143. Where positions aligned, SBUA’s analysis and policy recommendations were tailored to the interests of small commercial customers. In addition to presenting unique positions, SBUA’s “participation materially supplemented, complemented, or contributed to the presentation of any other party with similar interests[.]” (Rule 17.4(f).) SBUA disagreed with Cal Advocates that the VNEM program duplicates the GAP tariff program.		Noted

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
a. Intervenor’s claim of cost reasonableness:	Noted; However, simply participating

	CPUC Discussion
<p>SBUA seeks compensation for actively participating in this proceeding by attending NEM and VNEM/NEMA workshops, commenting on implementation of AB 2143, submitting opening and reply comments in response to the ALJ's ruling soliciting responses to VNEM/NEMA questions, engaging in an <i>ex parte</i> meeting with Commission staff focused on grid charging issues, submitting opening and reply comments on the proposed decision, filing an application for rehearing, and submitting a Rule 16.5 correction letter.</p> <p>SBUA's involvement significantly improved the record and outcome of the proceeding by, among other contributions as described in Part II above, bringing attention to a needs of small business customers who are frequently renters and face barriers to taking advantage of rooftop solar, implementing customer protections in connection with AB 2143, enabling pre-emergency battery charging and ensuring clarity regarding the potential for the Commission to enable routine battery charging in paired systems. SBUA's comments on technical issues like grid charging and split-incentives for tenants, helped ensure the Commission had a complete record reflecting small business perspectives. This input was vital for developing a VNEM successor tariff that balances the interests of all customer classes.</p> <p>As a participant in the proceeding, it was reasonable for SBUA to provide a small-business specific perspective on issues covered also by other parties, such as property-level netting and small business-specific ACC Plus Adder. (See D.08-04-004 at 5-6, noting that providing a unique perspective can constitute a substantial contribution by intervenors.)</p> <p>The fact that the Commission agreed to revise the Decision to "more clearly and narrowly reflect" the scope of its decision demonstrates the complexity of applying the Public Utilities Code to routine grid charging, which justified SBUA engaging in an <i>ex parte</i> on this issue and filing the AFR. Ex parte meetings played a significant role in this proceeding, allowing parties like SBUA to directly engage with decision-makers on complex technical and legal issues.</p> <p>SBUA took a judicious approach to this proceeding, leaving many cross-cutting issues to be addressed by the competent comments of other intervenors, and focusing narrowly on issues of particular interest to small commercial customers and where SBUA had developed expertise through research and analysis in the NEM 2.0 phase of this proceeding. The total benefit of SBUA's participation is difficult to quantify financially. SBUA's compensation request seeks an award of <u>\$55,886 for 82.14 hours</u>. This amount is reasonable in light of the importance and complexity of this proceeding. SBUA's contribution was substantial and clearly justified</p>	<p>does not equate to substantial contribution. Hours eligible for compensation are those that directly influence the outcome of the final decision.</p>

	CPUC Discussion
<p>SBUA's hours on behalf of an underrepresented class of ratepayers. For these reasons, the Commission should find that SBUA's efforts have been valuable and approve the request for fees.</p>	
<p>b. Reasonableness of hours claimed: SBUA relied on two experienced attorneys and one expert for its advocacy related to this compensation request. SBUA assigned primary responsibility to mid/senior-level attorney, Ariel Strauss, who was intimately familiar with the relevant issue from participation in the prior phase of this proceeding leading to D.22-12-056. Mr. Strauss has represented SBUA in energy-related proceedings since 2019 and handled review, analysis, comments, the ex parte meeting, and the AFR.</p> <p>Ted Howard is SBUA's Senior Energy Policy Analyst. Mr. Howard participated in a joint investor-owned utility workshop on electric vehicle submetering for NEM customers, as noticed and invited to stakeholders in R.20-08-020, to provide a small business perspective. Mr. Howard has over 40 years of professional experience in the energy field, including as an Economist for the Massachusetts Department of Public Utilities, an Analyst for the CPUC and a consultant for PG&E on small business-related distributed energy resource issues.</p> <p>SBUA's General Counsel, James Birkelund, provided high-level strategic direction and critical feedback, leveraging his expertise to refine SBUA's litigation positions while managing work efforts, monitoring AFRs, and tracking ex parte engagements of other parties to ensure SBUA remained informed and responsive to evolving positions. His oversight ensured that SBUA's involvement was focused, impactful, and aligned with the organization's mission to advocate for small business interests.</p> <p>The coordinated approach between professionals enabled SBUA to submit high quality work product while maintaining a cost-effective and efficient legal strategy.</p>	Noted
<p>c. Allocation of hours by issue: SBUA has assigned the following issue codes:</p> <ol style="list-style-type: none"> 1. Improving Grid Charging Options and Paired Storage (37.5 hours; 45.8%) 2. Supporting Small Businesses Participating in VNEM (17.3 hours; 21.1%) 3. Implementation of AB 2143 (6.55 hours; 8.0%) 4. Workshops (7 hours; 8.5%) 5. General Participation (13.7 hours; 16.7%) 	Noted; totals 100.10%.

	CPUC Discussion
Issues 1 and 2 correlate with Issue 6 of the <i>Assigned Commissioner's Amended Scoping Memo and Statutory Deadline Extension</i> issued March 22, 2023 (Amended Scoping Memo) and issue 3 correlates with Amended Scoping Memo Issue 8.	

B. Specific Claim: *

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Ariel Strauss	2023	39.6	\$510	D.24-08-056	\$20,642 ⁴	37.20 [3]	\$510.00 [1]	\$18,972.00
Ariel Strauss	2024	2.2	\$530	As above, escalated by 4.07% for 2024.	\$1,166	1.10 [4]	\$530.00 [1]	\$583.00
Ted Howard	2023	2.5	\$460	D.24-03-070	\$1,150	2.50	\$460.00	\$1,150.00
James Birkelund	2023	34.6	\$770	D.24-08-056	\$26,642	27.60 [5]	\$770.00 [2]	\$21,252.00
James Birkelund	2024	3.25	\$800	As above, escalated by 4.07% for 2024.	\$2,600	2.75 [6]	\$800.00 [2]	\$2,200.00
Subtotal: \$51,754.00						Subtotal: \$44,157.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
James Birkelund	2024	4.5	\$400	50% of 2024 rate	\$1800	4.5	\$400.00 [2]	\$1,800.00
Ariel Strauss	2024	8.8	\$265	50% of 2024 rate	\$2,332	8.8	\$265.00 [1]	\$2,332.00
Subtotal: \$4,132						Subtotal: \$4,132.00		
TOTAL REQUEST: \$55,886						TOTAL AWARD: \$48,289.00		

⁴ The correct total requested is \$20,196.00.

*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

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

ATTORNEY INFORMATION

Attorney	Date Admitted to CA BAR ⁵	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
James M. Birkelund	March 2000	206328	No
Ariel S. Strauss	March 2012	282230	No

C. Attachments Documenting Specific Claim and Comments on Part III⁶:

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service (<i>see</i> attachment under separate cover)
Attachment 2	Time Sheet Records with Allocation of Hours by Issue
Attachment 3	SBUA Rule 16.5 Letter Regarding Decision 24-07-036 (July 12, 2024)

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] Strauss' 2023 and 2024 Hourly Rates	<p>Upon further review, we note that SBUA failed to identify Strauss as a consultant, instead of a full-time staff member of SBUA.</p> <p>Pursuant to Commission policy, the rate requested by an intervenor must not exceed the rate billed to that intervenor by any outside consultant it hires, even if the consultant's billed rate is below the floor for a given experience level.⁷ Per the IComp Program Guide at 24, the Commission may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§ 1804(d)).</p>

⁵ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

⁶ Attachments not included in final Decision.

⁷ D.07-01-009, D.08-04-010, and ALJ Resolution ALJ 235.

Item	Reason
	<p>The Commission requested that supplemental documentation be submitted by SBUA to confirm the agreement and rates requested by Strauss. SBUA has confirmed that Strauss services SBUA on a contingency and deferral basis through E&E Law Corp. where Strauss has agreed to defer its consulting fee contingent upon receipt of this Intervenor Compensation award. Given this contingency, we utilize the reasonable rates established by Resolution ALJ-393 based on Strauss' experience.</p> <p>Given the 2023 Attorney III rate range is \$342.53 to \$552.25, we find the requested 2023 hourly rate of \$510.00 to be reasonable and we apply it here. Given the 2024 Attorney III rate range is \$360.71 to \$570.43, we find the requested 2024 hourly rate of \$530.00 to be reasonable and we apply it here.</p> <p>The award determined herein for the consultant's contribution in this proceeding shall be paid in full to the consultant, and no portion of this part of the award shall be kept by the intervenor. Additionally, the rates approved here are specific to work in this proceeding and the contract terms between the consultant and intervenor, as they are established in accordance with the Commission's policy on consultant compensation, and the understanding that the consultant has not billed or collected compensation for the work performed until final award is given.</p> <p>We reiterate that it is the responsibility of the intervenor to be forthcoming about engaging consultants, to adhere to the Commission's policy on compensation for consultant fees, and to provide the appropriate documentation with the initial claim to ensure efficient processing, and thus avoid the need for the Commission to request supplemental documentation. In this instance, SBUA did not provide all the documentation pertaining to the contract terms between SBUA and Strauss in the initial claim and waited until the Commission requested supplemental documentation, which delays the processing of the claim.</p>
[2] Birkelund's 2023 and 2024 Hourly Rates	<p>Upon further review, we note that SBUA failed to identify Birkelund as a consultant, instead of a full-time staff member of SBUA.</p> <p>The Commission requested that supplemental documentation be submitted by SBUA to confirm the agreement and rates requested by Birkelund. SBUA provides that as of 2023, Birkelund services SBUA on a contingency and deferral basis through E&E Law Corp. where Birkelund has agreed to defer its consulting fee contingent upon receipt of this Intervenor Compensation award. Given this contingency, we utilize the reasonable rates established by Resolution ALJ-393 based on Birkelund's experience.</p> <p>Given the 2023 Legal Director IV rate range is \$518.55 to \$832.67, we find the requested 2023 hourly rate of \$770.00 to be reasonable and we apply it here. Given the 2024 Legal Director IV rate range is \$545.91 to \$860.03, we find the requested 2024 hourly rate of \$800.00 to be reasonable and we apply it here.</p>

Item	Reason
	<p>The award determined herein for the consultant's contribution in this proceeding shall be paid in full to the consultant, and no portion of this part of the award shall be kept by the intervenor. Additionally, the rates approved here are specific to work in this proceeding and the contract terms between the consultant and intervenor, as they are established in accordance with the Commission's policy on consultant compensation, and the understanding that the consultant has not billed or collected compensation for the work performed until final award is given.</p> <p>We reiterate that it is the responsibility of the intervenor to be forthcoming about engaging consultants, to adhere to the Commission's policy on compensation for consultant fees, and to provide the appropriate documentation with the initial claim to ensure efficient processing, and thus avoid the need for the Commission to request supplemental documentation. In this instance, SBUA did not provide all the documentation pertaining to the contract terms between SBUA and Birkelund in the initial claim and waited until the Commission requested supplemental documentation, which delays the processing of the claim.</p>
<p>[3] Strauss' 2023 Disallowances</p>	<p>Strauss' 2023 hours are reduced by 2.40 hours for the activities below:</p> <p><u>No Contribution to Decision Making Process (0.50):</u> Hours eligible for compensation are those that directly influence the outcome through substantive contributions. The following activities did not contribute to the decision-making process and are therefore disallowed:</p> <ul style="list-style-type: none"> • 5/9/2023: Confer with JB re case status • 8/15/2023: Draft post-ex parte report • 9/13/2023: Review various party ex parte communications • 9/20/2023: Review ex parte notices <p><u>Vagueness (1.90):</u> SBUA failed to provide an adequate description for the following time entries, leaving it unclear how this time contributed to the decision-making process. It is the responsibility of the intervenor to provide adequate descriptions that clearly support how their time led to a decision. See rule 17.4 of the Rules of Practice and Procedure, and D.10-02-010, Part III.D. Therefore, the following hours are disallowed:</p> <ul style="list-style-type: none"> • 8/15/2023: Prepare for ex parte
<p>[4] Strauss' 2024 Disallowance</p>	<p>Strauss' 2024 hours are reduced by 1.10 hours for the activities below:</p> <p><u>No Contribution to Decision Making Process (1.10):</u> Hours eligible for compensation are those that directly influence the outcome through substantive contributions. The following activities did not contribute to the decision-making process and are therefore disallowed:</p>

Item	Reason
	<ul style="list-style-type: none"> • 1/8/2024: Review other party AFRs and responses to AFRs • 2/20/2024: Confer with JB re prevailing wage website
<p>[5] Birkelund's 2023 Disallowance</p>	<p>Birkelund's 2023 hours are reduced by 7.00 hours for the activities below:</p> <p><u>No Contribution to Decision Making Process (7.00):</u> Hours eligible for compensation are those that directly influence the outcome through substantive contributions. The following activities did not contribute to the decision-making process and are therefore disallowed:</p> <ul style="list-style-type: none"> • 1/25/2023: Read ALJ Cooke notice of Virtual WS. • 3/13/2023: Read SEIA's email re Request for Extension for Cmmt. • 3/16/2023: Read ABC Solar notice of filing in CA Court of Appeals. • 3/20/2023: Rev Petition for Writ of Mandate to Compel to Grant B. Bartz Party Status • 3/21/2023: Read ALJ ruling granting extension for reply cmmts. • 8/29/2023: Rev other parties reply cmmts. • 11/24/2023: Rev Final Decision on Remaining Issues. <p>SBUA has claimed 4.50 hours for reviewing other intervenors' ex-parte notices. Reading ex-parte notices from other parties does not constitute a substantial contribution to the final decision. Hours eligible for compensation are those that directly influence the outcome through substantive contributions. Therefore, we disallow the following hours:</p> <ul style="list-style-type: none"> • 3/16/2023: Read CBD, PCF, and EWG Notice of Written Ex Parte Communications. • 4/10/2023: Rev Sunpower notice of ex parte • 4/14/2023: Rev Ivy ex parte notice. • 4/27/2023: Rev various ex parte notices. • 5/2/2023: Rev PAO and Ivy ex parte notices, respectively. • 5/27/2023: Rev ENGIE North America Inc. Notice of Ex Parte Communication. • 6/1/2023: Rev Bloom Energy Notices of Ex Parte Communication • 6/6/2023: Rev several Notices of Ex Parte Notices (CALSSA, Bloom). • 7/22/2023: Rev various Notices of Ex Parte Communication Cmr. Douglas. • 8/6/2023: Rev CALSSA ex parte notice. • 8/9/2023: Read solar companies' notices of ex parte. • 8/9/2023: Addn crrspnd w B. Heavner re ex parte coordination. • 8/11/2023: Rev AG groups' notice of ex parte. • 8/16/2023: Read ENGIE North America 3-Day Advance Notice of Ex Parte

Item	Reason
	<ul style="list-style-type: none"> 8/29/2023: Rev CCSA's ex parte notice re Net Value Billing Tariff proposal 9/21/2023: Rev CEJA and CBD 3-day notice of ex parte. 10/18/2023: Rev IOUs' joint ex parte notices. 11/9/2023: Rev addn ex parte notices re property netting.
[6] Birkelund's 2024 Disallowance	<p>Birkelund's 2024 hours are reduced by 0.50 hours for the activities below:</p> <p><u>No Contribution to Decision Making Process (0.50):</u> Hours eligible for compensation are those that directly influence the outcome through substantive contributions. The following activities did not contribute to the decision-making process and are therefore disallowed:</p> <ul style="list-style-type: none"> 4/2/2024: Rev ALJ Ruling Denying Party Status to ABC Solar 7/12/2024: Rev Order denying Bloom Energy request for stay.

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 (<i>see</i> Rule 14.6(c)(6))?	Yes

FINDINGS OF FACT

1. Small Business Utility Advocates has made a substantial contribution to D.23-11-068 and D.24-07-036.
2. The requested hourly rates for Small Business Utility Advocates' representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services, and/or reflect the actual rates billed to, and paid by the intervenor, for consultant services rendered.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$48,289.00.

CONCLUSION OF LAW

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

ORDER

1. Small Business Utility Advocates is awarded \$48,289.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company shall pay Small Business Utility Advocates their respective shares of the award, based on their California-jurisdictional gas and electric revenues for the 2023 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data are unavailable, the most recent gas and electric revenue data shall be used. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning November 24, 2024, the 75th day after the filing of Small Business Utility Advocates' request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated March 13, 2025, at Santa Clara, 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:	D2503021	Modifies Decision?	No
Contribution Decision(s):	D2311068 & D2407036		
Proceeding(s):	R2008020		
Author:	ALJ Chang		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Small Business Utility Advocates	Sept. 10, 2024	\$55,886	\$48,289.00	N/A	See Part III.D CPUC Comments, Disallowances, and Adjustments.

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Ariel	Strauss	Attorney ⁸	\$510	2023	\$510.00
Ariel	Strauss	Attorney ⁸	\$535	2024	\$530.00
Ted	Howard	Expert ⁹	\$460	2023	\$460.00
James	Birkelund	General Counsel ¹⁰	\$770	2023	\$770.00
James	Birkelund	General Counsel ¹⁰	\$800	2024	\$800.00

(END OF APPENDIX)

⁸ Strauss serves SBUA as a consultant.

⁹ Howard is classified as a Public Policy Analyst IV.

¹⁰ Birkelund has served as a consultant to SBUA since 2023.