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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Concerning
Energy Efficiency Rolling Portfolios, Policies,
Programs, Evaluation, and Related Issues.

Rulemaking 13-11-005

**DECISION GRANTING COMPENSATION TO
THE UTILITY REFORM NETWORK FOR SUBSTANTIAL CONTRIBUTION TO
DECISIONS 20-11-013, 21-01-004, 21-05-031, 21-09-002, 21-09-037, AND 22-11-031**

Intervenor: The Utility Reform Network (TURN)	For contribution to Decision (D.) 20-11-013, D.21-01-004, D.21-05-031, D.21-09-002, D.21-09-037, and D.22-11-031
Claimed: \$215,075.63	Awarded: \$212,520.00
Assigned Commissioner: Alice Reynolds	Assigned ALJ: Julie A. Fitch and Valerie U. Kao

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	<p>In D.20-11-013, <i>Decision Imposing Moratorium on Efficiency Savings and Performance Incentive Program</i>, the Commission imposed a moratorium on award payments under the Efficiency Savings and Performance Incentive Mechanism (ESPI) beginning with program year 2021.</p> <p>In D.21-01-004, <i>Decision Providing Directions for Implementation of School Energy Efficiency Stimulus Program</i>, the Commission provided authorization and directions to the large investor owned utilities for accounting, seeking recovery, and reporting of funds for the School Energy Efficiency Stimulus Program enacted by the California Legislature in Assembly Bill 841.</p> <p>In D.21-05-031, <i>Assessment of Energy Efficiency Potential and Goals and Modification of Portfolio Approval and Oversight Process</i>, the Commission addressed policy issues</p>
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	<p>related to the establishment of energy efficiency potential and goals for program administrators to achieve in the design and implementation of energy efficiency programs, including the adoption of a new Total System Benefit metric, a new portfolio segmentation approach, and changes to the rolling portfolio framework and processes. The Commission also addressed the interaction between energy efficiency budgets and the requirements of Assembly Bill 841.</p> <p>In D.21-09-002, <i>Adoption of Settlement Agreement on San Diego Gas & Electric Company's Upstream Lighting Program 2017-2019</i>, the Commission approved a settlement agreement between San Diego Gas & Electric Company (SDG&E), the Public Advocates Office, and TURN related to SDG&E's administration of the Energy Efficiency Upstream Lighting Program. The settlement agreement required SDG&E to refund to ratepayers \$45.44 million in Energy Efficiency Upstream Lighting Program funding and \$6.162 million in shareholder incentives awarded through the Efficiency Savings and Performance Incentive (ESPI) mechanism; pay a \$5.5 million fine to the State's General Fund for knowingly submitting inaccurate information to the Commission; credit ratepayers with a portion of any proceeds recovered from manufacturers participating in the program; and conduct whistleblower training at shareholder expense.</p> <p>In D.21-09-037, <i>Decision Adopting Energy Efficiency Goals for 2022-2032</i>, the Commission adopted energy savings goals for ratepayer funded energy efficiency program portfolios for 2022-2032 and provided updated guidance to program administrators for the upcoming 2022-2023 EE budget advice letters and 2024-2027 EE applications.</p> <p>In D.22-11-031, <i>Decision Ordering Remedies for Southern California Edison Company's Mismanagement of the 2017-2019 Energy Efficiency Upstream Lighting Program</i>, the Commission ordered SCE to refund to ratepayers \$76.1 million in Energy Efficiency Upstream Lighting Program funding and \$6.8 million in shareholder incentives awarded through the Efficiency Savings and Performance Incentive (ESPI) mechanism. The Commission also ordered SCE to pay a \$19.06 million fine to the State's General Fund for violations of Rule 1.1 of the Commission's Rules of Practice and Procedure.</p>
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812¹:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	December 11, 2013	Verified
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	January 10, 2014	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:	A.12-11-009	Verified
6. Date of ALJ ruling:	Sept. 6, 2013	Verified
7. Based on another CPUC determination (specify):	N/A	
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:	A.12-11-009	Verified
10. Date of ALJ ruling:	Sept. 6, 2013	Verified
11. Based on another CPUC determination (specify):	N/A	
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.25-01-006	Verified
14. Date of issuance of Final Order or Decision:	1/22/25	Verified
15. File date of compensation request:	3/24/25	Verified
16. Was the request for compensation timely?		Yes

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

<p>(c) The Commission also agreed with TURN that ex ante quality control improvements, even if influenced by ESPI initially, will likely persist without ESPI and do not justify retaining ESPI.</p>	<p>Justify Continuing ESPI Awards</p> <ul style="list-style-type: none"> • TURN Reply Cmts on ESPI Ruling, 5-15-20, pp. 4-5 • D.20-11-013, pp. 24-25 	
<p>2. TURN contributed to the Commission's determination that the moratorium on ESPI awards should apply to advice letter claims made during the 2021 program year.</p>	<ul style="list-style-type: none"> • TURN Reply Cmts on ESPI Ruling, 5-15-20, p. 17 • D.20-11-013, pp. 33-34 (pointing to TURN's comments defending a timeline with the moratorium taking effect in the same year in which the decision was issued) 	<p>Verified</p>
<p>D.21-01-004 (AB 841 Implementation)</p> <p>TURN contributed to the Commission's implementation of the AB 841 School Energy Efficiency Stimulus Program (Stimulus Program).</p> <p>1. TURN urged the Commission to promote transparency by acknowledging that AB 841 would increase rates. TURN noted that PG&E, SCE, and SDG&E requested less funding for 2021 than permitted by D.18-05-041, but AB 841 would increase funding by a portion of the amount not requested by each utility. Also, TURN pointed out that the unspent and uncommitted EE funds that would have offset future revenue collection would now be used for the AB 841</p>	<p>D.21-01-004 (AB 841 Implementation)</p> <ul style="list-style-type: none"> • TURN Reply Cmts on AB 841 Implementation – Budget Development and Implementation Questions, 10-23-20, pp. 4-5 • D.21-01-004, p. 5; Findings of Fact 3-4 	<p>Verified</p>

Stimulus Program. The Commission incorporated both of these points in explaining why AB 841 requires the Commission to authorize incremental funding.		
2. The Commission agreed with TURN's analysis of how to reconcile the AB 841 Stimulus Program budgets with the budget caps adopted in D.18-05-041. TURN provided additional analysis showing why PG&E's and SCE's proposal should be adopted to avoid increasing EE budgets overall beyond the D.18-05-041 caps.	<ul style="list-style-type: none"> • TURN Reply Cmts on AB 841 Implementation – Budget Development and Implementation Questions, 10-23-20, pp. 3-5 • D.21-01-004, p. 11 	Verified
3. The Commission adopted TURN's proposed approach to returning any unspent Stimulus Program funds to ratepayers as immediately as possible.	<ul style="list-style-type: none"> • TURN Cmts on PD, 1-4-21, pp. 4-5 • D.21-01-004, p. 15 	Verified
4. TURN recommended that the Commission treat the Stimulus Program budget in a manner that avoids diluting or nullifying the third-party contracting requirements adopted in D.16-08-019. TURN provided unique analysis showing the detrimental impacts of counting the Stimulus Program budgets towards the third-party contracting requirements. When the Proposed Decision was silent on how the Stimulus Program	<ul style="list-style-type: none"> • TURN Cmts on AB 841 -- Programmatic Implementation, 10-30-20, pp. 1-5 • TURN Reply Cmts on AB 841 - - Programmatic Implementation, 11-6-20, pp. 1-3 • TURN Reply Cmts on PD, 1-8-21, pp. 1-2 • D.21-01-004, pp. 17-18 	Verified

<p>budget should impact the existing compliance requirements related to third-party contracting, TURN (and other parties) urged the Commission to modify the Proposed Decision to avoid harm. In response, the Commission stated that it shared TURN's (and other parties') concern over potential adverse impacts resulting from counting Stimulus Program funding towards the third-party contracting compliance requirements and conveyed its intention "to provide further guidance on this and other implementation details, if and as necessary, in a future decision." In the meantime, the Commission clarified that the IOUs should continue with their third party program solicitation schedules, unaffected by AB 841. <i>See also</i> related outcome in D.21-05-031 below.</p>		
<p>5. TURN, along with SCE and PG&E, recommended that the Commission direct the IOUs to report Stimulus Program expenditures and energy savings (costs and benefits) separately from IOU EE portfolio programs in CEDARS and other existing reporting mechanisms like EE Annual Reports. The Commission adopted this recommendation. <i>See also</i></p>	<ul style="list-style-type: none"> • TURN Reply Cmts on AB 841 Implementation – Budget Development and Implementation Questions, 10-23-20, pp 5-6 (supporting recommendations of SCE and PG&E) • TURN Cmts on AB 841 -- Programmatic Implementation, 10-30-20, pp. 6-7 • D.21-01-004, p. 16; Ordering Paragraphs 5-6 	<p>Verified</p>
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[illegible]

<p>negative and positive energy savings from the Stimulus Program should be tracked. TURN had noted that accounting for both positive and negative energy savings was important and consistent with Commission policy.</p>	<ul style="list-style-type: none"> • TURN Reply Cmts on AB 841 - Programmatic Implementation, 11-6-20, p. 10 • D.21-05-031, p. 56 	
<p>2. TURN contributed to the Commission's conclusions that (a) a new metric for EE should be adopted because the current structure of EE goals does not capture all of the policy goals and benefits of EE, particularly energy system needs, and (b) that this new metric should be incorporated into the potential study-based goal setting process, which should still be used to set EE goals, at least for the time being.</p> <p>TURN explained why the existing purpose of EE – to provide cost-effective energy savings – is less than ideal and can actually increase costs for ratepayers and GHG emissions because it does not consider energy system needs. TURN stated the ideal purpose for electric EE specifically would be supporting the efficient management of the electric system as California transitions to a GHG-free grid. TURN cautioned against adopting GHG emissions reductions as the primary objective of EE, although very important,</p>	<ul style="list-style-type: none"> • TURN Cmts on P&G Policy Questions, 5-22-20, pp. 2-6 (addressing primary objective for EE) • TURN Cmts on P&G Policy Questions, 5-22-20, pp. 7-8 (addressing how goals should be set) • TURN Reply Cmts on P&G Policy Questions, 6-5-20, pp. 2-3 (addressing primary objective for EE) • TURN Reply Cmts on P&G Policy Questions, 6-5-20, pp. 3-6 (addressing NRDC's proposed new metric capturing total lifetime economic benefits) • D.21-05-031, pp. 8-10, 17 • TURN Reply Cmts on P&G Policy Questions PD, 5-11-21, p. 5 • D.21-05-031, p. 66 (deferring to the resolution of the pending Potential and Goals study before further clarifying the TSB metric definition) 	<p>Verified</p> <p>Verified</p> <p>Verified</p> <p>Verified</p>

<p>because of accounting complexities.</p> <p>TURN recommended that the Commission continue to use the potential study approach to set EE goals, including kWh, kW, and therm goals, at least until the Integrated Resource Planning (IRP) Process matures and can inform EE optimization.</p> <p>The Commission agreed with those parties, including TURN, that advocated for better reflecting energy system needs in EE goal-setting. With TURN's support, the Commission adopted a variation of the proposal offered by NRDC for a new metric that captures lifetime energy savings, system needs, and GHG reduction values. The Commission called this new metric Total System Benefit (TSB) and explained the intent to use TSB to understand the total net system benefits from an EE resource.</p> <p>The Commission also concluded that the potential and goals study would add TSB while also continuing to develop goals in the traditional kWh, kW, and therm format, so as to encourage EE portfolios that are better optimized to capture all of the benefits of EE. However, like TURN</p>		
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<p>(and others), the Commission recognized that certain EE programs might be further optimized by being analyzed within the IRP modeling process in the future, to the benefit of ratepayers.</p> <p>Finally, when NRDC proposed modifications to the Proposed Decision to clarify how TSB would be calculated for goal-setting and reporting, the Commission adopted the approach advocated by TURN of first resolving the methodology for setting TSB goals in the Potential and Goals Study, which was separately under consideration at that time.</p>		
<p>3. TURN contributed to the Commission’s definition of the Equity portfolio segment to avoid overlap with the Energy Savings Assistance (ESA) Program.</p> <p>TURN recommended that the Commission modify the definition of the new “Equity” portfolio segment to avoid confusion and overlap with the ESA Program. TURN also suggested that the Commission clarify that programs in the Equity segment should “provide EE benefits that are incremental to those provided by the ESA Program, either because they serve different customer segments or provide</p>	<ul style="list-style-type: none"> • TURN Cmts on P&G Policy Questions PD, 5-6-21, pp. 9-10 (proposing revisions to the PD’s definition of Equity) • Proposed Decision of ALJs Fitch and Kao (Rev. 1 – Redline), pp. 14-15 (adopting TURN’s recommended changes) • D.21-05-031, pp. 14-15 (definition of the Equity segment) • TURN Reply Cmts on P&G Policy Questions PD, 5-11-21, pp. 2-3 (recommending additional changes to the Equity segment classification to avoid duplication with ESA) 	<p>Verified</p> <p>Verified</p>

<p>complementary but distinct services.”</p> <p>The Commission adopted the revisions TURN proposed to the definition of the “Equity” segment. The Commission also provided further clarifications consistent with the recommendations of TURN (and others) to prevent duplication with the ESA Program.</p>	<ul style="list-style-type: none"> Proposed Decision of ALJs Fitch and Kao (Rev. 1 – Redline), p. 15 (adding, “We also clarify that the “equity” category is distinct from our separate low-income energy efficiency Energy Savings Assistance (ESA) programs, which have separate goals and regulatory treatment. While there is some overlap in customers within the target segments, the “equity” category is intended to be defined within the energy efficiency programs covered in this rulemaking that are not specifically targeting low-income populations with program offerings that low-income populations could receive at no cost from the ESA program.”) D.21-05-031, p. 15 (clarification that Equity segment is distinct from the ESA program) 	<p>Verified</p>
<p>4. TURN contributed to the Commission’s adoption of a process to establish standards for accountability of programs not subject to portfolio cost-effectiveness requirements.</p> <p>TURN argued that the PD should be modified to provide a process for developing clear criteria that the Commission would apply to assess the reasonableness of EE programs not subject to cost-</p>	<ul style="list-style-type: none"> TURN Cmts on P&G Policy Questions PD, 5-6-21, pp. 5-6 TURN Reply Cmts on P&G Policy Questions PD, 5-11-21, pp. 1-2 D.21-05-031, Ordering Paragraph 14 	<p>Verified</p>

<p>effectiveness requirements. TURN explained that having standards in place before the next EE applications – rather than directing the Program Administrators to propose these standards with their applications -- was a critical ratepayer protection in the absence of the Commission’s long-standing cost-effectiveness requirements. In reply comments on the PD, TURN supported the specific process proposed by Cal Advocates, NRDC, and other parties, which would utilize the California Energy Efficiency Coordinating Committee (CAEECC) to develop goals, metrics, and/or standards for such programs, followed by a public comment process and Commission disposition.</p> <p>The Commission partially adopted this recommendation. The Commission requested that CAEECC form a working group to develop and vet new reporting metrics for the Market Support and Equity portfolio segments, with resulting metrics filed either as part of the next EE portfolio applications or as a motion, depending on timing. While the Commission did not mandate that Commission-adopted standards be in place before the next EE applications, TURN submits that its participation contributed to</p>		
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<p>the Commission’s adoption of a process that would collaboratively develop accountability measures for these new portfolio segments – rather than leave this process entirely up to the Program Administrators proposing Market Support and Equity programs. This outcome advanced accountability.</p>		
<p>5. TURN contributed to the Commission’s deliberations over the treatment of the budgets for Regional Energy Network (REN) activities in the new segmented portfolio approach.</p> <p>TURN argued that the Commission should account for the REN budgets in calculating each utility Portfolio Administrator’s 30% cost cap on portfolio segments not subject to cost-effectiveness requirements. TURN explained that the PD’s exclusion of the REN budgets from this cap would mean that ratepayers would not be assured that 70% of EE budgets are spent on cost-effective EE, contrary to the PD’s stated intent; that percentage could be much lower.</p> <p>Although the Commission declined to adopt TURN’s recommendation (and that of Cal Advocates’), the</p>	<ul style="list-style-type: none"> • TURN Cmts on P&G Policy Questions PD, 5-6-21, pp. 6-7 • D.21-05-013, p. 69 	<p>Verified</p>

<p>Commission saw value in it, stating: “Conceptually we see this point, and there is reasonable logic to this suggestion. ... But ... it is not clear, administratively, how we would effectuate this proposal ... Thus, more design work would be necessary to implement this suggestion, but we will keep in mind as we look at the portfolio segmentation proposals submitted in the new few years and refine our approach.” TURN submits that this proposal contributed to the Commission’s deliberative process over how to implement the segmentation approach with cost caps in a manner that protects ratepayers from unjust costs.</p>		
<p>D.21-09-037 (2021 P&G Study - 2022-2023 EE Goals)</p> <p>1. TURN contributed to the Commission’s conclusions regarding the use of the 2021 Avoided Cost Calculator (ACC) to set EE goals and for the preparation of the forthcoming 2024-2027 EE portfolio applications.</p> <p>TURN argued that the benefits of updating the 2021 Potential and Goals (P&G) Study results with the recently released 2021 update to the Avoided Cost Calculator (ACC) outweighed</p>	<p>D.21-09-037 (2021 P&G Study - 2022-2023 EE Goals)</p> <ul style="list-style-type: none"> • TURN Cmts on P&G Study, 5-21-21, p. 7 • TURN Reply Cmts on P&G Study, 5-28-21, pp. 1-2 (updating P&G Study), 2-3 (updating guidance for EE applications) • D.21-09-037, pp. 9, 14-15, 21-22 	<p>Verified</p> <p>Verified</p>

<p>the adverse impacts of undertaking this effort. TURN noted that if the EE Program Administrators (PAs) will be using the 2021 ACC to prepare their 2024-2027 portfolio applications, EE goals based on the 2020 ACC will not be “realistic and achievable.” TURN recommended that the Commission avoid creating this material misalignment by updating the 2021 P&G Study now. Many other parties were aligned with TURN on the value of updating the 2021 P&G Study to incorporate the 2021 ACC.</p> <p>TURN also recommended that the Commission update the guidance provided in D.21-05-031 and instruct the PAs to use the 2021 ACC, instead of the 2020 ACC, in preparing their next EE applications.</p> <p>The Commission partially adopted the recommendation of TURN (and others) to use the 2021 ACC to set goals for 2022-2032. The Commission set goals for 2022-2023 based on the 2020 ACC due to practical considerations, while using the 2021 ACC to set goals for the remaining period, 2024-2032.</p> <p>As TURN recommended, the Commission also updated the guidance provided in D.21-05-031 to require the</p>		
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<p>PAs to use the 2021 ACC in developing their 2024-2027 applications.</p>		
<p>2. TURN contributed to the Commission’s definition of Total System Benefit (TSB).</p> <p>TURN agreed with the P&G Study’s conceptual definition of TSB and proposed calculation methodology, but TURN recommended that the Commission clarify the P&G Study’s summary of the new TSB metric, particularly the meaning of “net benefits”. TURN provided two alternative ways of expressing TSB’s capture of both positive and negative system benefits (which are “netted”) while avoiding any confusion.</p> <p>TURN further recommended against adding “gross” to the definition of TSB -- referring to the inclusion of savings from freeriders -- because TSB can be used to measure gross or net EE portfolio impacts. TURN noted that the Commission can establish “net” TSB goals (net of freeriders), as is current policy regarding energy savings goals, or “gross” TSB goals (including freeriders); this policy determination should not change the definition of TSB.</p> <p>The Commission agreed with TURN (and others) that the articulation of TSB in the</p>	<ul style="list-style-type: none"> • TURN Cmts on P&G Study, 5-21-21, p. 5 • TURN Reply Cmts on P&G Study, 5-28-21, pp. 3-4 (clarifying “net benefits”), 4-5 (not prejudging whether TSB captures lifecycle savings that are gross or net of freeriders) • TURN Rep Cmts on 2021 P&G Study PD, 9/14/21, p. 3 • D.21-09-037, pp. 22-23 	<p>Verified</p> <p>Verified</p>

<p>P&G Study should be modified to eliminate reference to “net benefits,” which could be conflated with the separate EE concept of the netting benefits from freeriders.</p> <p>Consistent with TURN’s recommendation, the Commission also declined to specify that TSB reflects "gross" savings. The Commission clarified that savings attribution issues are not within the scope of this decision.</p>		
<p>3. TURN contributed to the Commission’s treatment of potential and goals for the low-income customer sector.</p> <p>TURN recommended that the Commission provide additional instruction regarding the development of low-income customer potential in the next P&G study. Similar to the approach taken in the (then-pending) proposed decision in A.19-11-003 et al., TURN said the Commission should also commit to an improved study process, with specific focus and stakeholder engagement on the low-income sector study, in this proceeding.</p> <p>Then in comments on the Proposed Decision, TURN urged modifications to more accurately capture the</p>	<ul style="list-style-type: none"> • TURN Reply Cmts on P&G Study, 5-28-21, pp. 6-7 • TURN Cmts on 2021 P&G Study PD, 9/9/21, pp. 2-3 • Proposed Decision of ALJs Kao and Fitch (Rev. 1 – Redline), p. 19 (incorporating all of TURN’s recommended modifications) • D.21-09-037, pp. 18-19 (alignment with D.21-06-015), 19 (which goals are being adopted for 2027-2032) 	<p>Verified</p> <p>Verified</p>

<p>Commission's treatment of low-income energy savings goals in D.21-06-015, issued in A.19-11-003 et al. TURN recommended that the Commission acknowledge that the low-income goals adopted in D.21-06-015 for 2021-2026 may be revised in light of the 2023 P&G Study, and also commit to an improved study process, with specific focus and stakeholder engagement on the low-income sector study.</p> <p>TURN additionally recommended modifications to the PD to clarify which goals in the Low Income Potential Study were being adopted for 2027-2032. TURN pointed to the (1) need to clarify which scenario - Base, High, Double the Base - is being used to set goals for 2027-2032; the (2) need for clarity that goals established are based on achievable potential, not technical potential; and (3) the appropriateness of explicitly adopting the "constrained Base scenario, while acknowledging that the program constraints ultimately in place in 2027 and beyond should inform the updated goals that for that time period."</p> <p>The Commission adopted all of TURN's proposed changes to the PD.</p>		
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<p>4. TURN contributed to the Commission’s deliberations over which scenario in the 2021 P&G Study to use in setting the EE goals for 2022-2032.</p> <p>TURN recommended that the Commission use Scenario 1, which applies a TRC screen of 1.0 and assumes a business-as usual level of adoption. TURN argued that this scenario would produce “realistic but achievable” goals, which has been the Commission’s stated policy objective in setting EE goals. TURN noted that Scenario 1 would help ensure that the PAs can design and actually implement resource program portfolios that comply with the Commission’s cost-effectiveness requirements because a 1.0 TRC screen would guard against performance risk and reductions in TRC results driven by future ACC updates.</p> <p>TURN (like others) also provided analysis explaining why the Commission should not adopt the IRP Optimization Scenario, pending the resolution of certain weaknesses, including (1) the inability to model natural gas measures, fuel substitution, and incorporate avoided distribution costs, and (2) the difference between certain value streams</p>	<ul style="list-style-type: none"> • TURN Cmts on P&G Study, 5-21-21, pp. 1-3 (discussing Scenario 1), 4 (IRP optimization) • D.21-09-037, p. 5 (discussion of party positions on the IRP scenario), 16-17 (reasoning for selecting Scenario 2) 	<p>Verified</p> <p>Verified</p>
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<p>used in the ACC (and applied to EE goals and portfolio planning) and the relevant value streams in the IRP RESOLVE model, including energy, generation capacity, and GHG values. TURN explained that better alignment of these values across the ACC and IRP optimization would improve resource selection on an apples-to-apples basis across proceedings.</p> <p>The Commission agreed with TURN and others that IRP Optimization should not be used to set EE goals at this time. Instead, the Commission adopted one of the traditional scenarios, Scenario 2, which uses a lower TRC screen of 0.85. The Commission found that Scenario 2 “best reflects the Commission’s intent for program administrators to aggressively pursue all energy savings opportunities,” particularly from fuel substitution measures. The Commission also acknowledged uncertainty in the achievability of the fuel substitution potential reflected in Scenario 2, but noted that the EE goals would be updated in two years when more program data will be available to better estimate fuel substitution savings potential.</p>		
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<p>Ultimately, the Commission decided the EE goals should be more aggressive, and thus reflect more performance risk, than recommended by TURN and others. Despite that the Commission disagreed with TURN's recommended approach, TURN submits that its analysis of the right TRC screen to use to promote realistically achievable goals contributed to the Commission's deliberative process.</p>		
<p>Upstream Lighting Program Investigation</p> <p>In January 2020, the Commission issued an ALJ Ruling seeking input on the results of the 2017 Upstream Lighting Program Impact Evaluation, which concluded that roughly 15 million CFL and LED lamps discounted by SDG&E's and SCE's 2017 program could not be tracked by the Commission's evaluators. SDG&E and SCE responded on January 31, 2020, asking for more time to conduct internal investigations of what went wrong with their Upstream Lighting (UL) Program.</p> <p>TURN (and Cal Advocates) filed comments on February 14, 2020 reacting to the utilities' comments. TURN recommended that the Commission order both utilities to at least refund to their ratepayers all incentives paid for the unaccounted for bulbs in</p>	<ul style="list-style-type: none"> • TURN Cmts on Upstream Lighting Program 2017 Impact Evaluation, 2-14-20, pp. 5-7 (SCE remedies), 9-10 (SDG&E remedies), 10-11 (additional remedies for both utilities), 13 (independent investigation vs. utility self-evaluation) 	<p>Verified</p>

<p>2017 and potentially also in 2018-2019; potentially also refund program administration costs and a portion of ESPI awards; and potentially order other corrective actions and penalties, while improving the Commission's oversight of upstream programs. TURN did not oppose SCE's and SDG&E's request for more time to conduct internal investigations, but TURN urged the Commission to ensure that an independent investigation is also conducted and to only give due weight to the utilities' self-evaluations. TURN requested an additional opportunity to present recommended remedies following these further investigations.</p> <p>Thereafter the Commission expanded the investigation to include the 2018 UL Program Impact Evaluation and provided SDG&E and SCE until June 8, 2020 to report on their investigations and respond to the ALJ's questions. After this point, the investigation into SDG&E's and SCE's UL Programs diverged. TURN, in close coordination with Cal Advocates, contributed to the outcomes adopted for both utilities in D.21-09-002 (SDG&E) and D.22-11-031 (SCE). TURN's contributions to both decisions are discussed below.</p>		
D.21-09-002 (SDG&E UL	D.21-09-002 (SDG&E UL	

<p>Program Remedies)</p> <p>In comments filed on June 8, 2020, SDG&E reported on the findings of the independent investigation it commissioned. SDG&E acknowledged that it imprudently managed the UL Program and proposed a refund of \$11.267 million in ESPI awards. Shortly thereafter, TURN and Cal Advocates entered into settlement negotiations with SDG&E that proved successful, resulting in D.21-09-002.</p> <p>TURN, Cal Advocates, and SDG&E commenced settlement negotiations in June 2020 and filed a joint motion for approval of the resultant settlement agreement on December 9, 2020. That settlement agreement provided several remedies, including the following actions by SDG&E: (1) returning to ratepayers \$45.440 million for UL Program expenditures on lightbulbs in 2017-2019; (2) returning to ratepayers \$6.162 million for ESPI awards received or forthcoming for 2017, 2018, and 2019; (3) payment of a \$5.5 million fine to the CA General Fund for knowingly submitting inaccurate information to the Commission in SDG&E's 2017 and 2018 EE Annual Reports; (4) bearing the \$1.5 million cost of hiring the outside investigator; (5) passing along to ratepayers 33% of any litigation recovery from manufacturers for wrongdoing; and (6) taking</p>	<p>Program Remedies)</p> <ul style="list-style-type: none"> • Joint Motion of Settling Parties for Adoption of Settlement Agreement, 12/9/20, pp. 9-14 (summarizing settlement agreement terms) • Joint Reply Comments of Settling Parties for Commission Adoption of Settlement Agreement, 1-25-21, pp. 3-4 • D.21-09-002, Ordering Paragraphs 1-4 	<p>Verified</p> <p>Verified</p>
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<p>actions to encourage timely and effective employee whistleblower reporting, including conducting whistleblower training within 1 year at shareholder's expense.</p> <p>Following submission of the proposed settlement agreement, TURN, Cal Advocates, and SDG&E reconvened to consider proposed settlement modifications suggested by Small Business Utility Advocates (SBUA) in comments. These discussions resulted in a minor modification to the proposed settlement agreement regarding the process for distributing to customers any litigation recovery from manufacturers.</p> <p>In D.21-09-002, the Commission adopted the settlement agreement in full, including the minor modification presented in reply to SBUA's comments on the settlement agreement.</p>		
<p>D.22-11-031 (SCE UL Program Remedies)</p> <p>Consistent with the urging of TURN and Cal Advocates, SCE hired Deloitte and Touche LLP (D&T) to investigate SCE's administration of the UL Program in 2017-2019. SCE submitted the results of this investigation and SCE's recommendations for remedies to the Commission on November 30, 2020. SCE proposed a total remedy of \$19.4 million,</p>	<p>D.22-11-031 (SCE UL Program Remedies)</p> <ul style="list-style-type: none"> • TURN Cmts Responding to SCE's UL Program Investigation and Addressing Appropriate Remedies for the Utility's Conduct, 1-20-21, pp. 3-23 (analysis supporting a finding of imprudence); pp. 23-25 (SCE's conduct in response to the D&T report); 26-29 (appropriate remedies) 	<p>Verified</p>

<p>including previous reductions to ESPI related to the UL 2017 and 2018 Impact Evaluations and an additional ESPI refund of \$6.1 million.</p>	<ul style="list-style-type: none"> • Joint Reply of Cal Advocates and TURN re OSC, 7-18-22, pp. 9-17 (UL program refunds); pp. 17-18 (ESPI refunds); pp. 18-35 (fines). 	<p>Verified</p>
<p>TURN responded in comments filed on January 20, 2021. Based on TURN's extensive analysis of the D&T report, TURN urged the Commission to conclude that SCE imprudently managed the UL Program in 2017, 2018, and at least part of 2019. TURN recommended remedies including: (1) a refund of program expenditures, including all Program administration costs and those implementation costs associated with the parts of the program with unaccounted for bulbs; (2) a refund of ESPI awards; (3) a fine for misleading the Commission by reporting UL Program energy savings that SCE knew or should have known were unreliable; and (4) requiring SCE to conduct whistleblower training at shareholder expense and adopt other measures to encourage employees to be effective stewards of ratepayer funds. TURN also highlighted SCE's conduct in response to the D&T report in discussing remedies, including SCE minimizing its own culpability and overstating the significance of its voluntary remedial actions in 2019. As TURN noted there, TURN coordinated with Cal Advocates in preparing those recommendations. TURN focused on the factual, legal, and policy basis for proposed</p>	<ul style="list-style-type: none"> • Joint Response of Cal Advocates and TURN to SCE's Appeal of POD, 10-25-22, pp. 3-12 (Program refunds); pp. 12-26 (Rule 1.1 violation fines) • D.22-11-031, pp. 16-17 (adopting TURN and Cal Advocates' alternative recommendation for Program refunds); p. 20 (agreeing with TURN and Cal Advocates that fines are warranted); pp. 21-28 (incorporating the analysis of TURN and Cal Advocates in determining the amount of the fine, albeit adopting a lower fine amount) • D.22-11-031, Section 6 (addressing SCE's appeal of the POD); pp. 30-32 (agreeing with TURN and Cal Advocates that the POD's treatment of Program refunds is reasonable); pp. 33-35 (agreeing with TURN and Cal Advocates that the POD's treatment of Rule 1.1 violations fines is reasonable) 	<p>Verified</p> <p>Verified</p> <p>Verified</p>

<p>remedies, while referring the Commission to the comments of Cal Advocates for the appropriate amount of Program and ESPI refunds and fines.</p> <p>On May 24, 2022, the Commission issued an Order to Show Cause (OSC) directing SCE to address why it should not be required to refund funding for the portion of the UL Program budget associated with unaccounted for bulbs; refund ESPI awards associated with the unaccounted for bulbs; and pay penalties for misrepresenting program progress to the Commission. In response, SCE offered to pay additional remedies of \$13.1 million for a fraction of UL Program costs (beyond the ESPI refund it previously offered), but opposed any fine. SCE also offered to conduct additional audits and training in response to the non-financial recommendations of TURN and Cal Advocates.</p> <p>TURN and Cal Advocates prepared a joint reply to SCE's response to the OSC. TURN and Cal Advocates argued that SCE's proposed remedies did not sufficiently address SCE's mismanagement and false reporting of program impacts, or its attempts to undermine the investigation, all of which harmed ratepayers and impeded the advancement of the state's EE and GHG reduction policies and goals. TURN and Cal Advocates proposed remedies</p>		
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<p>including the following: (1) a refund of all program administrative costs and either all implementation costs or implementation costs associated with unaccounted for bulbs (either \$91.9 million or \$76.1 million); (2) a refund of all ESPI awards for program years 2017-2019 or at least all ESPI awards for the UL Program (\$32.7 million or \$21.1 million); and \$98 million in fines for violation Commission Rule 1.1 and the Public Utilities Code.</p> <p>On September 9, 2022, the Commission issued the Presiding Officer's Decision (POD). The POD agreed with TURN and Cal Advocates that SCE mismanaged the UL Program in 2017, 2018, and 2019. The POD further agreed that Program refunds, ESPI refunds, and fines were warranted. The POD ordered a Program refund of \$76.1 million (the lower alternative recommended by TURN and Cal Advocates); an ESPI refund of \$6.8 million (SCE's position); and a fine of \$19.06 million for SCE's violation of Rule 1.1.</p> <p>SCE appealed the POD on October 10, 2022, arguing in pertinent part that the record did not support the POD's Program refund or Rule 1.1 penalty. TURN and Cal Advocates filed a joint response to SCE's appeal of the POD on October 25, 2022, defending the POD's treatment of Program refunds and fines.</p>		
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In D.22-11-031, the Commission adopted the remedies set forth in the POD. The Commission agreed with each of the arguments presented by TURN and Cal Advocates in response to SCE's appeal of the POD's Program Refund and declined to make changes to the POD. The Commission further agreed with TURN and Cal Advocates' that the POD's fine is fully justified.		
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?	Yes	Yes
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Yes
c. If so, provide name of other parties: To varying extents, TURN's positions were at least somewhat similar to those of Cal Advocates, the Natural Resources Defense Council (NRDC), the utilities (SDG&E, SCE, PG&E), the CA Energy + Demand Management Council, the Joint Committee on Energy and Environmental Policy (JCEEP), the Joint RENs, the Joint CCAs, Recurve, and Oracle.		Noted
d. Intervenor's claim of non-duplication: For the work covered by this compensation request, TURN coordinated with other intervenors with interests similar to, or potentially overlapping with, TURN's. As a general matter, TURN stayed in regular contact with Cal Advocates to compare positions, discuss strategy, and generally keep Cal Advocates abreast of the direction TURN was heading in with regard to the underlying issues. TURN's timesheets reflect these periodic coordination conversations with Cal Advocates which permitted TURN to focus its advocacy in a manner that complemented Cal Advocates' work where feasible, for instance, in addressing AB 841 implementation and reacting to P&G Policy changes recommended by parties and presented in the proposed decision. Furthermore, TURN and Cal Advocates were the only parties to address SCE's and SDG&E's Upstream Lighting Program impact evaluations.		Noted

	Intervenor's Assertion	CPUC Discussion
<p>TURN coordinated closely with Cal Advocates from the beginning of this work. TURN and Cal Advocates met to discuss initial comments in response to the ALJ Ruling on the 2017 Impact Evaluation, which the parties filed separately. Then TURN and Cal Advocates worked in tandem throughout settlement negotiations with SDG&E leading to D.21-09-002. Further, TURN and Cal Advocates coordinated on separately filed comments following SCE's D&T report, with Cal Advocates presenting a numerical recommendation for remedies cited by TURN. TURN and Cal Advocates then prepared joint comments addressing SCE's response to the OSC and appeal of the POD. For those joint comments, TURN and Cal Advocates divided up issue coverage. TURN took primary responsibility for researching and drafting all arguments related to UL Program refunds and ESPI refunds, while Cal Advocates took the lead on arguments related to fines for Rule 1.1 violations. Both parties then provided feedback to ensure the joint pleadings presented the strongest arguments possible. This coordination was efficient and effective, as demonstrated by TURN's and Cal Advocates' success reflected in D.21-09-002 and D.22-11-031.</p> <p>TURN also coordinated with NRDC around issues of common interest, including the new TSB metric for measuring EE portfolio impacts and modification of the ESPI mechanism. TURN prepared reply comments on the ESPI ruling, which allowed TURN to complement and supplement the analysis provided by NRDC in opening comments supporting the suspension of ESPI. TURN also offered unique analysis in comments on the PD/APD.</p> <p>Although the time period for preparing comments on some issues (e.g., AB 841 implementation) was quite narrow, making coordination difficult, TURN strove to ensure that our work supplemented and complemented that of ORA and the other parties who worked on the same issues addressed by TURN. In a proceeding such as this where many stakeholder groups are encouraged to participate, some degree of duplication may be practically unavoidable.² TURN at times advanced recommendations that overlapped</p>		

² See, i.e. D.96-08-040 (67 CPUC 2d 562, 575-576.X)("[B]ecause of the extraordinary level of participation required of both parties and intervenors throughout these proceedings, we find that a reduction in the amount awarded to intervenors based on duplication of effort is unwarranted. Section 1803(b) requires that the awarding of fees to intervenors "be administered in a manner that encourages the effective and efficient participation of all groups that have a stake in the public utility regulation process." Each of the intervenor groups clearly has a stake in the process of restructuring California's electrical services industry and we are grateful for their participation in these proceedings. Moreover, we rely on them to continue their effective and efficient participation in our proceedings as we move forward with the many implementation tasks ahead. [footnote omitted][¶] In a broad, multi-issue proceeding such as this, we expect to see some duplication of contribution. This duplication does not diminish the value of that contribution to the Commission. In our view, to deduct from an award of

	Intervenor's Assertion	CPUC Discussion
<p>with the positions of other parties, including parties with whom TURN's interests are quite distinct (such as the utilities). Nonetheless, TURN submits that its compensation in this proceeding should not be reduced for duplication of the showings of other parties. Rather, the Commission should find that there was no undue duplication, as any duplication served to materially supplement, complement or contribute to the showing of another party and, therefore, is fully compensable under PU Code Section 1802.5.</p> <p>For all of these reasons, TURN submits that there was no undue duplication between TURN's participation and that of Cal Advocates and the other parties with whom TURN shared some positions.</p>		

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>TURN's request for intervenor compensation seeks an award of approximately \$215,000 as the reasonable cost of our participation in the portion of this proceeding covered herein. TURN submits that these costs are reasonable in light of the importance of the issues TURN addressed and the benefits to customers.</p> <p>TURN's advocacy reflected in D.20-11-013, which adopted a moratorium on ESPI awards, resulted in direct financial benefits to ratepayers who have avoided paying for ESPI awards since 2021. While TURN does not know the level of annual ESPI payments that ratepayers would have otherwise been responsible for without D.20-11-013, TURN notes that the Commission approved more than \$50 million in ESPI awards for the four major energy utilities combined in Resolution E-5007, which covered program year 2017 and a true-up for program year 2016 (prior to the partial refunds ordered as a result of the SDG&E and SCE Upstream Lighting Program investigations).</p> <p>TURN's advocacy reflected in the Upstream Lighting Program Investigation decisions, D.21-09-002 and D.22-11-031, resulted in even</p>	Noted

reasonable fees in this case would not encourage the effective and efficient participation of all stakeholders in the spirit of § 1801.3(b).")

	CPUC Discussion
<p>larger direct financial benefits to ratepayers. As explained above, SDG&E refunded \$51.6 million to its ratepayers as a result of D.21-09-002, and SCE refunded \$82.9 million to its ratepayers as a result of D.22-11-031.</p> <p>TURN's advocacy reflected in the remaining three decisions covered in this claim (D.21-01-004, D.21-05-031, and D.21-09-037) addressed policy matters related to the EE portfolios, rather than specific rates or disputes over particular dollar amounts. For these issue areas, TURN cannot easily identify precise monetary benefits to ratepayers from our work in this proceeding, given the nature of the issues presented. For this reason, the Commission should treat this compensation request as it has treated similar past requests with regard to the difficulty of establishing specific monetary benefits associated with TURN's participation. (<i>See i.e.</i> D.20-05-016 and D.18-05-017 (awarding TURN intervenor compensation for earlier EE policy work in this proceeding); D.07-12-040, p. 21 (awarding TURN intervenor compensation for energy efficiency policy work in A.05-06-004 et al.); D.13-06-019 (awarding TURN intervenor compensation for EE policy work in R.09-11-014).³ Even where direct financial benefits cannot be identified, TURN submits that our contributions to this proceeding will afford the ratepayers of PG&E, SCE, SDG&E and SoCalGas significant benefits, as the establishment of energy efficiency policies has a direct and lasting impact on customer rates. These policies will yield demand side resources designed to displace supply side resource procurement. As the energy crisis demonstrated, procurement costs can be a major driver of utility outlays and retail rates. The astronomical rate increases of 2001 can be linked to the extraordinary costs of wholesale electricity. In the future, procurement expenditures may represent the least predictable component of utility costs. Therefore, appropriate energy efficiency (and integrated resource planning) policies</p>	

³ See also D.99-12-005, pp. 6-7 (Compensation Decision in 1995 Storm Phase of PG&E GRC, A.97-12-020) and D.00-04-006, pp. 9-10 (Compensation Decision in Edison PBR Midterm Review, A.99-03-020) (recognizing the overall benefit of TURN's participation where that participation assisted the Commission in developing a record on which to assess the reasonableness of the utility's operations, and particularly its preparedness and performance in the future); D.00-05-022 (Compensation Decision in the Emergency Standards Proceeding) (awarding TURN \$92,000 in D.00-10-014 for our substantial contribution to the earlier decision, despite TURN's inability to assign a dollar value to the benefit of our participation in order to demonstrate "productivity." Interestingly, the Commission awarded compensation even though the emergency restoration standards may never come into play in the future, since they come into play only after a "major outage," which is defined as impacting more than 10% of a utility's customers. The contingent nature of the future standards did not cause the Commission to hesitate in awarding TURN compensation.).

	CPUC Discussion
<p>and prudent planning practices will be essential to maintaining both low and stable rates. TURN's contributions to this proceeding will assist the Commission in achieving its energy efficiency goals, as well as the mandates of AB 32 and SB 350. Moreover, TURN's contributions will promote long-term rate stability, reduce risks to ratepayers and contribute to resource diversity that should help to mitigate the impact of future market dysfunction.</p> <p>For all of these reasons, the Commission should find that TURN's efforts have been productive.</p>	
<p>b. Reasonableness of hours claimed:</p> <p>This Request for Compensation includes 445.75 hours for TURN's attorney and expert consultant time. This time includes TURN's preparation of 23 formally filed pleadings between 2020 and 2022 related to the issues resolved in the six decisions covered by this claim.</p> <p>Hayley Goodson served as TURN's attorney in this proceeding. Ms. Goodson has extensive experience on EE issues, making her an efficient staffing choice. This request includes approximately 415 hours of Ms. Goodson's time from 2020 through 2022 plus the preparation of this request in 2025.</p> <p>Ms. Goodson also received assistance from TURN colleagues and expert consultants on discrete issues.</p> <p>Ms. Goodson retained outside expert consultant Cynthia Mitchell of Energy Economics Inc. in 2020 to assist with initial analysis related to the Upstream Lighting Program Impact Evaluation and the ALJ Ruling. Ms. Mitchell has consulted for TURN for decades on EE issues. This claim includes 16.5 hours of her time.</p> <p>Ms. Goodson enlisted the assistance of TURN attorneys Matthew Freedman and Marcel Hawiger, as well as outside expert consultant Kevin Woodruff, in evaluating and responding to the questions set forth in the Commission's 3/12/20 P&G Policy ruling, particularly questions regarding moving towards using IRP Optimization for EE goals. Mr. Hawiger, Mr. Freedman, and Mr. Woodruff had significantly more experience than Ms. Goodson with IRP and the RESOLVE model, making their input instrumental in helping TURN formulate its positions. This claim includes 1.5 hours of Mr. Freedman's time, 0.5 hours of Mr. Hawiger's time, and 5.75 hours of Mr. Woodruff's time related to these comments.</p>	Noted

	CPUC Discussion
<p>In October 2020, Ms. Goodson conferred briefly with TURN attorney Marcel Hawiger in preparing reply comments on the ESPI PD/APD, specifically on the issue of risk and cost of capital, because of his contemporary work on cost of capital proceedings. Mr. Hawiger devoted 0.5 hours to this work.</p> <p>Finally, in 2021, Ms. Goodson retained expert consultant Michele Chait to assist with the preparation of comments on the 2021 P&G Study given her extensive experience with utility resource planning, including modeling for distributed energy resources. This claim includes 6.25 hours of Ms. Chait's time in 2021.</p> <p>TURN notes that this request includes 37.5 hours devoted to claim preparation. While this might strike the Commission as unusually high, TURN submits that it accurately captures most of the time required to review TURN's 23 pleadings and the six covered decisions to demonstrate TURN's substantial contributions, review TURN's 2020-2022 timesheets in light of the Commission's <i>current</i> expectations for claims and ready the timesheets for filing, and otherwise to meet the Commission's requirements for presenting and supporting a claim for intervenor compensation. TURN has historically discounted claim preparation time, a practice that has created unrealistic expectations by the Commission for the time it takes to prepare a thorough, (hopefully) compliant claim. Here TURN is providing the Commission with transparency regarding the necessary claim preparation time and asking the Commission to find this time reasonable.</p> <p>In sum, given TURN's substantial contributions in this proceeding, the Commission should find that the number of hours claimed by TURN is reasonable. Should the Commission believe that more information is needed or that a different approach to discussing the reasonableness of the requested hours is warranted here, TURN requests the opportunity to supplement this section of the request.</p>	

				CPUC Discussion
c. Allocation of hours by issue: TURN has allocated its daily time entries by activity codes to better reflect the nature of the work reflected in each entry. TURN has used the following activity codes:				Noted
Code	Description	Allocation of Time	Hours	
AB841	Work in this category related to the implementation of the AB 841 School Energy Efficiency Stimulus Program.	13.89%	56.75	
ESPI	The work in this category related to the Commission's inquiry into whether to modify or eliminate ESPI.	10.95%	44.75	
P&G Policy-Goals	This work related to the Commission's March 12, 2020, ruling soliciting comments on whether to modify the approach to setting EE goals, such as by using an IRP optimization approach, the metrics used to set goals and measure performance, and related policy issues.	11.51%	47.00	
P&G Policy-Segment	This work related to the new EE portfolio segmentation approach presented in the Proposed Decision preceding D.21-05-031.	9.24%	37.75	
P&G Study	The work in this category related to the EE potential and goals study for 2021 and beyond and EE goals adopted by the Commission in D.21-09-037.	10.04%	41.00	

				CPUC Discussion
UL	The work in this category includes activities stemming from the ALJ ruling soliciting responses to the 2017 Upstream Lighting Program Impact Evaluation that were common to both SCE's and SDG&E's programs.	8.75%	35.75	
UL-SDG&E	The work in this category related to the settlement agreement adopted in D.21-09-002 regarding remedies for SDG&E's Upstream Lighting Program administration.	11.14%	45.50	
UL-SCE	The work in this category related to responding to the D&T report presented by SCE and SCE's recommended remedies, as well as participating in settlement negotiations with SCE and Cal Advocates that were ultimately unfruitful.	13.28%	54.25	
UL-SCE-OSC	The work in this category related to the Commission's OSC re remedies for SCE's Upstream Lighting Program administration.	6.00%	24.50	
UL-SCE-POD	The work in this category related to responding to SCE's appeal of the POD adopting remedies for SCE's Upstream Lighting Program administration.	5.20%	21.25	
SUBTOTAL	(excluding compensation-related time)	100.00%	408.50	
Comp	The work in this category was related to preparing this request for intervenor compensation.		37.25	
TOTAL			445.75	
If the Commission believes that a different approach to issue-specific allocation is warranted here, TURN requests the opportunity to supplement this section of the request.				

	CPUC Discussion

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Hayley Goodson, TURN Attorney	2020	157.00	\$455	D.20-09-032	\$71,435.00	157.00	\$455.00	\$71,435.00
Hayley Goodson, TURN Attorney	2021	174.50	\$550	D.21-12-046	\$95,975.00	174.50	\$550.00	\$95,975.00
Hayley Goodson, TURN Attorney	2022	46.00	\$570	D.23-01-015	\$26,220.00	46.00	\$570.00	\$26,220.00
Marcel Hawiger, TURN Attorney	2020	1.00	\$455	D.21-05-010	\$455.00	1.00	\$455.00 [1]	\$455.00
Matthew Freedman, TURN Attorney	2020	1.50	\$455	D.20-10-022	\$682.50	1.50	\$455.00	\$682.50
Cynthia Mitchell, Consultant	2020	16.50	\$250	D.20-05-016; Res. ALJ-387; Billed Rate (See Comment 1)	\$4,125.00	16.50	\$250.00 [2]	\$4,125.00
Kevin Woodruff, Consultant	2020	5.75	\$270	D.20-05-050; Billed Rate (See Comment 2)	\$1,552.50	5.75	\$270.00 [3]	\$1,552.50
Michele Chait, Consultant	2021	6.25	\$240	D.23-04-031; Billed Rate (See Comment 3)	\$1,500.00	6.25	\$240.00 [4]	\$1,500.00
Subtotal: \$201,945.00						Subtotal: \$201,945.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								

CLAIMED						CPUC AWARD		
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Hayley Goodson, TURN Attorney	2025	37.25	\$352.50	½ of Requested 2025 Rate; D.24-09-017 plus 2025 COLA (See Comment 4)	\$13,130.63	30.0 [6]	\$352.50 [5]	\$10,575.00
<i>Subtotal: \$13,130.63</i>						<i>Subtotal: \$8,988.75</i>		
TOTAL REQUEST: \$215,075.63						TOTAL AWARD: \$212,520.00		

*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 ⁴	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Hayley Goodson	December 2003	228535	No
Marcel Hawiger	January 1998	194244	No
Matthew Freedman	March 2001	214812	No

C. Attachments Documenting Specific Claim and Comments on Part III⁵:

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	Timesheets for TURN Attorneys and Consultants
Attachment 3	TURN Hours Allocated by Activity Code
Attachment 4	Documentation of Consultant Hourly Rates
Comment 1	Hourly Rate for TURN Consultant Cynthia Mitchell -- 2020

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

⁵ Attachments not attached to final Decision.

Attachment or Comment #	Description/Comment
	<p>TURN requests an hourly rate of \$250 for the work performed by expert consultant Cynthia Mitchell in 2020 for TURN in this proceeding. The requested rate is equal to the rate previously found reasonable by the Commission in D.20-05-016 for Ms. Mitchell's work in 2019 (\$245), adjusted by the 2.55% COLA authorized by the Commission for 2020 in Resolution ALJ-387, and rounded to the nearest \$5 increment. [$\\$245 * 1.0255 = \\$251.25$]</p> <p>The requested rate is the same rate Ms. Mitchell's firm Energy Economics Inc. charged TURN for her services, as shown in the invoice from Energy Economics Inc. to TURN included in Attachment 4 to this claim.</p>
Comment 2	<p>Hourly Rate for TURN Consultant Kevin Woodruff -- 2020</p> <p>TURN requests an hourly rate of \$270 for the work performed by expert consultant Kevin Woodruff in 2020 for TURN in this proceeding. In D.20-05-050, the Commission previously found a rate of \$270 reasonable for Mr. Woodruff's work as a TURN consultant in 2019, the year before he performed the work for TURN included in this claim.</p> <p>The requested rate is the same rate Mr. Woodruff's firm Woodruff Expert Services charged TURN for his services, as shown in the invoice from Woodruff Expert Services to TURN included in Attachment 4 to this claim.</p>
Comment 3	<p>Hourly Rate for TURN Consultant Michele Chait -- 2021</p> <p>TURN requests an hourly rate of \$240 for the work performed by expert consultant Michele Chait in 2021 for TURN in this proceeding. The Commission previously found a rate of \$240 reasonable for Ms. Chait's work as a TURN consultant in 2021 in D.23-04-031.</p> <p>The requested rate is the same rate Ms. Chait charged TURN for her services, as shown in the retainer agreement between TURN and Michele Chait LLC included in Attachment 4 to this claim.</p>
Comment 4	<p>Hourly Rate for TURN Attorney Hayley Goodson -- 2025</p> <p>TURN requests a 2025 hourly rate of \$705 for work conducted by TURN Attorney Hayley Goodson. Because all of Ms. Goodson's work in 2025 included in this claim pertained to preparation of this Intervenor</p>

Attachment or Comment #	Description/Comment
	<p>Compensation Request, TURN has applied 50% of the requested rate -- \$352.50 – to Ms. Goodson’s hours in 2025.</p> <p>To calculate the full 2025 hourly rate for Ms. Goodson, TURN applied the 2025 escalation rate of 3.46% to her authorized 2024 rate of \$680 (D.24-09-017) and rounded the result to the nearest \$5 increment. [$\\$680 \times 1.035 = \\$703.53$].</p>

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] Marcel Hawiger 2020 Hourly Rate	D.21-05-010 verified a 2020 hourly rate of \$455.00 for Marcel Hawiger. We apply the same rate here.
[2] Cynthia Mitchell 2020 Hourly Rate	<p>TURN has confirmed that Cynthia Mitchell is a consultant and requested a 2020 hourly rate of \$250.00 for her services.</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. 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> <p>TURN has provided consultant invoices filed as Attachment 4, confirming that it paid Cynthia Mitchell, via Energy Economics Inc., \$250.00 per hour in 2020 for Cynthia Mitchell’s time. Given Cynthia Mitchell’s experience, we find the requested rate reasonable and apply it here.</p> <p>The award determined herein for Cynthia Mitchell’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 TURN. 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.</p>
[3] Kevin Woodruff 2020 Hourly Rate	<p>TURN has confirmed that Kevin Woodruff is a consultant and requested a 2020 hourly rate of \$270.00.</p> <p>TURN has provided consultant invoices filed as Attachment 4, confirming that it paid Kevin Woodruff, via E&E Law Corp., \$270.00 per hour in 2024</p>

Item	Reason
	<p>for Kevin Woodruff's time. Given Kevin Woodruff's experience, we find the requested rate reasonable and apply it here.</p> <p>The award determined herein for Kevin Woodruff'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 TURN. 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.</p>
[4] Michele Chait 2021 Hourly Rate	<p>TURN has confirmed that Michele Chait is a consultant and requested a 2021 hourly rate of \$240.00.</p> <p>TURN has provided a consultant agreement filed as Attachment 4, confirming that it paid Michele Chait, via Michele Chait LLC, \$240.00 per hour in 2021 for Michele Chait's time. Given Michele Chait's experience, we find the requested rate reasonable and apply it here.</p> <p>The award determined herein for Michele Chait'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 TURN. 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.</p>
[5] Hayley Goodson 2025 Hourly Rate	<p>D.24-09-017 verified a 2024 hourly rate of \$680.00,</p> <p>Using our calculation methodology, based on the approved 2024 rate of \$680.00, the 3.46% 2025 escalation factor and rounding to the nearest allowable \$5 increment: $2025: \\$680.00 \times 1.0346 = \\705.00</p> <p>We find the 2025 rate of \$705.00 reasonable and adopt it here. Intervenor Compensation Claim Preparation is compensated at $\frac{1}{2}$ preparer's normal rate, bringing the 2025 claim preparation rate to \$352.50.</p>
[6] Reduction of Hours for Intervenor Compensation Claim Preparation	<p>Review of the submitted timesheets found 37.25 hours associated with intervenor compensation claim preparation.</p> <p>In total, 10.25 hours were attributed to determining substantial contribution for ESPI, AB 841 and Goals Policy decisions, and 13.25 hours were attributed to P&G study decision (23.50 of a total 37.25 hours). While we appreciate the complexity of compiling time records and contributions spanning multiple years and decisions, we find these preparation hours excessive given the scope of issues and scale of the request. Hayley Goodson, an experienced</p>

Item	Reason
	<p>attorney, and the primary participant in the proceeding, completed the claim preparation, and we would expect greater efficiency. We also note that TURN did not provide a rationale for why this particular request—smaller in scale than some of TURN’s other claims—required this significant level of effort.</p> <p>Accordingly, we reduce 7.25 hours, bringing the awarded intervenor claim preparation hours to 30.00. The adjustment here better reflects the complexity and scale of this request.</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))

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. The Utility Reform Network has made a substantial contribution to D.20-11-013, D.21-01-004, D.21-05-031, D.21-09-002, D.21-09-037, and D.22-11-031.
2. The requested hourly rates for The Utility Reform Network’s representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$212,520.00.

CONCLUSION OF LAW

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

ORDER

1. The Utility Reform Network is awarded \$212,520.00.
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, and Southern California Gas Company shall pay The Utility Reform Network their respective shares of the award, based on their California-jurisdictional electric and gas revenues for the 2020 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 June 7, 2025, the 75th day after the filing of The Utility Reform Network's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated _____, at San Francisco, California

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D2011013, D2101004, D2105031, D2109002, D2109037, D2211031		
Proceeding(s):	R1311005		
Author:	ALJ Fitch, ALJ Kao		
Payer(s):	Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Utility Reform Network	3-24-25	\$215,075.63	\$212,520.00	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
Hayley	Goodson	Attorney	\$455	2020	\$455.00
Hayley	Goodson	Attorney	\$550	2021	\$550.00
Hayley	Goodson	Attorney	\$570	2022	\$570.00
Hayley	Goodson	Attorney	\$705	2025	\$705.00
Marcel	Hawiger	Attorney	\$455	2020	\$455.00
Matthew	Freedman	Attorney	\$455	2020	\$455.00
Cynthia	Mitchell	Expert ⁶	\$250	2020	\$250.00
Kevin	Woodruff	Expert ⁶	\$270	2020	\$270.00
Michele	Chait	Expert ⁶	\$240	2021	\$240.00

(END OF APPENDIX)

⁶ TURN identified this individual as a consultant.